

Delegated Report

Planning Ref: 23/01111/HOU
Applicant: Mr And Mrs Blundred
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 17 Beryl Avenue Hinckley Leicestershire

Proposal: Side dormer (retrospective)

1. Recommendations

- 1.1. **Refuse retrospective planning permission** for the reasons at the end of this report.

2. Planning application description

- 2.1. This householder application seeks retrospective planning permission for the construction of a flat roof box dormer to the side roof elevation of a two storey side/rear extension to a dwelling, 17 Beryl Avenue, Hinckley.
- 2.2. The dormer has already been constructed on the side roof elevation of the two storey extension and has a width of 4.5 metres, a depth of 2.3 metres and a height of 2 metres which matches that of the ridge of the two storey extension and has been constructed with grey horizontal boarding at the time of the site visit rather than the two windows now proposed.
- 2.3. No proper stair access is indicated to the roof space on the submitted floor plans which also indicate that the dormer would be used to enable additional storage space within the roof, though with two large windows to serve it.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley on a residential estate. It is a two storey end terraced house within a block of four dwellings. It has a hipped main roof form to the front elevation and following construction of the two storey side/rear extension has double two storey gables to the rear elevation. It is constructed with white/black speckled rough rendered walls, grey plain concrete roof tiles and white uPVC windows. The rear/side garden is enclosed by 1.8 metres high close boarded timber fencing with access gates to the rear. There is vehicular access into the rear garden via a large rough surfaced shared open parking area at the rear.

4. Relevant planning history

21/00461/HOU

- 1.8 metre fence panels to the front of the property (Retrospective)
- Refused
- 02.08.2021

22/00686/HOU

- Two storey side/rear extension and single storey rear extension
- Permitted
- 12.09.2022

23/00906/HOU

- Two storey side/rear extension, single storey rear extension and front porch (amended scheme 22/00686/HOU)
- Permitted
- 08.11.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No responses have been received to the planning application as a result of public consultation.

6. Consultation

- 6.1. No other consultations are necessary or have been undertaken.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Extensions and alterations to existing dwellings within urban settlement boundaries are generally considered to be sustainable development in principle. The key Issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Design and impact upon the character of the area

- 8.2. Paragraph 131 of the National Planning Policy Framework (NPPF) (2023) states that: *'Good design is a key aspect of sustainable development' and 'Being clear about design expectations, and how these will be tested, is essential for achieving this.'* Paragraph 132 states that: *'Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.'* Paragraph 133 states: *'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes and which reflect local character and design preferences.'* Paragraph 134 states: *'Design guides and*

codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.' Paragraph 135 states: *'Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture.'* Paragraph 139 states: *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'*

- 8.3 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide Supplementary Planning Document (2020) provides further advice in respect of the siting and design of house extensions. This document has been subject to public consultation and has been formally adopted as a Supplementary Planning Document and therefore in accordance with paragraph 134 of the NPPF carries significant weight in decision making.

- 8.4 In respect of roof extensions, the adopted Good Design Guide SPD states that:

'Roof extensions are a well-used methodology for extending internal space but can be prominent over a wider area due to their higher scale compared with their neighbours. Some key guidelines are: • Wherever possible, locate roof extensions to the rear of properties to minimise potential impact on the street scene. • Rooflights that lie flush with the roof itself will typically be the easiest way of introducing natural light into a roof space without resulting in negative visual impact. • Dormer windows, which allow for additional headroom within roof spaces can be appropriate in certain situations, however these will be considered in the context of impact upon the character of the building and on neighbours' amenity and should reflect the window pattern of the dwelling. • Material selection, and scale of window opening and position within the roofscape is critical in the success of dormers. Dormers to fronts of properties will only be acceptable where this is a prevailing feature of the surrounding context.'

- 8.5 Dormer windows are not a characteristic of the surrounding residential estate in which the application dwelling is located. In this case, it is considered that by virtue of its siting, scale, height and design, with the proposed two large double windows at roof height exacerbating the visual prominence of the dormer, that it would appear as an over-dominant, uncharacteristic and incongruous form of development that would neither complement nor enhance the character or appearance of the application dwelling and would detract from the character and appearance of the surrounding area due to that visual prominence. The dormer is therefore considered to be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching design principles of the NPPF (2023).

- 8.6 It is considered that the side dormer would not be able to be constructed under permitted development rights as the cubic capacity of the original roof space has already been exceeded by more than 40 square metres as a result of the recently constructed two storey side/rear extension. This, along with the original roof, would already provide opportunity for roof storage. The large rear garden would also provide adequate space for the erection of a secure outbuilding for additional storage. Both of which would result in far less visual harm to the application dwelling and the surrounding area than the unnecessary dormer window proposed.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.8 The proposed dormer includes two relatively large double windows, on an otherwise largely blank elevation, to serve what is proposed to be roof storage space. These would face towards the rear gardens of neighbouring dwellings and in particular that of 15 Beryl Avenue. By virtue of their close proximity to the garden boundary (from 4 metres) it is considered that it would be reasonable and necessary in this case, were the application to be recommended for approval, to require that the windows be obscurely glazed and non-openable to protect the privacy and amenity of the neighbouring occupiers from overlooking.
- 8.9 By virtue of the siting, scale, design and separation distances, and subject to the use and permanent retention of obscure and fixed glazing, it is considered that the dormer would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. No objections have been received from any neighbouring properties in response to public consultation on the planning application.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal relates to an extension and alteration to an existing dwelling located within the urban settlement boundary of Hinckley where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. However, by virtue of its siting, scale, height and design, the proposed dormer would appear as an over-dominant, uncharacteristic and incongruous form of development

that would neither complement nor enhance the character or appearance of the application dwelling and would detract from the character and appearance of the surrounding area due to its visual prominence. It is considered that the proposal would therefore be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching design principles within Section 12 of the NPPF (2023) and is therefore recommended for refusal for these reasons.

11. Recommendation

11.1 Refuse retrospective planning permission for the following reasons:

11.2 Reasons

1. By virtue of its siting, scale, height, and design the proposed dormer would appear as an over-dominant, uncharacteristic and incongruous form of development that would neither complement nor enhance the character or appearance of the application dwelling and would detract from the character and appearance of the surrounding area due to its visual prominence. The proposal would therefore be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching principles within Section 12 of the NPPF (2023).

11.3 Notes to applicant

1. This application has been determined with assessment of the submitted Planning Application Form, Location Plan Drawing No. 1630/SL, Proposed Block Plan Drawing No. 1630/BP and Existing and Proposed Floor Plans, Roof Plans and Elevations Drawing No. 1630.