

Delegated Report

Planning Ref: 25/00056/HOU

Applicant: Mrs Charlotte Irving

Ward: Newbold Verdon with Desford & Peckleton

Site: 5 Desford Lane, Kirkby Mallory



Hinckley & Bosworth
Borough Council

Proposal: Two storey side and rear extension and single-storey front extension

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for the construction of a two storey extension to the side and rear of the existing dwelling and a single storey extension to the front of the existing dwelling at 5 Desford Lane, Kirkby Mallory.
- 2.2. The two storey side and rear extension involves the demolition of the existing single storey section of the dwelling on the northern elevation. The amendments to the ground floor also include the removal of a section of the existing kitchen wall, to provide open access to the proposed extension. The amendments on the first floor involve the conversion of an existing bedroom to a bathroom and the removal of an existing section of exterior bedroom wall, to facilitate a hallway into the extension.
- 2.3. The two storey side and rear extension would extend 4.4 metres from the northern side of the dwelling, with a depth of 7.48 metres. The proposed depth is 2.1 metres deeper toward the rear of the site than the current rear elevation of the existing dwelling. The height of the two storey side and rear extension is to match the eave and ridge heights of the existing dwelling.
- 2.4. The single storey front extension involves relocation of the dwelling's main entrance doors to the proposed dining room area within the existing dwelling, to the south of the proposed front extension. The front extension comprises an enclosed section accessible from externally or through the proposed side extension, and the roofline then continues on unenclosed over the proposed new entrance doors.
- 2.5. The single storey front extension would project by 2.5 metres from the existing front elevation. The enclosed section has a width of 4.45 metres and the open section has a width of 3.92 metres.
- 2.6. The proposed extensions are to be constructed in red brick and render, with tiled roof and white uPVC windows to match the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application site is located within the settlement boundary of Kirkby Mallory on the northern edge of the hamlet. Its immediate surrounds are residential, however the dwellings in this area form part of the transition toward the open countryside.
- 3.2. The residential surrounds of the application site are varied in character. The predominant form of dwelling in the area is two storey detached, however there are examples of bungalows and terraced dwellings.
- 3.3. The application dwelling is a two storey detached dwelling with a single storey section to the northern side. It has a grey/brown render finish with red brick chimney and a tiled roof. The windows of the dwelling are white uPVC. The dwelling has a

gable roof form with low level dormer to the front elevation and a projecting gable to the rear.

- 3.4. There is a hard surfaced driveway adjacent the northern boundary of the land. The driveway provides three car parking spaces when parked in tandem. At the end of the driveway is a brick garage building with tiled hip roof. Behind the garage is a further storage building of panel board and sheet metal construction, which is in poor repair.
- 3.5. The application dwelling is set well back from Desford Lane and has its primary garden space forward of the dwelling. There is a tall hedge along Desford Lane providing privacy to the large front garden area. A smaller garden is located to the rear of the dwelling, also surrounded by tall hedging.
- 3.6. To the south of the site is a driveway providing access to the rear of terraced dwellings fronting Main Street. The application dwelling has access onto this driveway via a pedestrian gate that intersects the southern boundary hedge. To the west of the site are a cluster of garages at the end of this driveway. The driveway and garages serve the terraced dwellings to the south.
- 3.7. To the north of the site is a two-storey detached dwelling of brick construction. The dwelling has been extended three times to the side, front and rear within the past twenty years.
- 3.8. To the east and further to the north and west is land within the designated open countryside.

4. Relevant planning history

- 4.1. Nil relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Kirkby Mallory, Peckleton and Stapleton Parish Council have no objections.

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Extensions and alterations to existing dwellings within 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
- Impact upon parking provision

Design and impact upon the character of the area

8.2 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

8.3 Paragraph 139 of the NPPF states that 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.

8.4 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.

8.5 The Council's adopted Good Design Guide provides further advice on the siting and design of dwelling extensions. The Good Design Guide states that side and rear extensions should be designed so as to appear subordinate to the main dwelling. This should be achieved by setting side extensions down from the ridge and back from the front elevation of the original dwelling by 0.5 metres. For rear extensions the proposal should be of appropriate height, width, depth and detailing to complement the original dwelling.

8.6 The Good Design Guide states that front extensions should generally not be two-storey and should not extend beyond the original elevation by more than 2 metres or cover more than 50% of the original front elevation.

8.7 The proposed two-storey side and rear extension would extend 4.4 metres to the northern side of the original dwelling, matching the width of the existing single storey element to be removed. It would be set in 8.7 metres from the northern side boundary. It would extend for a depth of 7.48 metres which is 3.35 metres beyond the depth of the existing single storey element to be removed and 2.1 metres deeper than the rear of the two-storey section of the original dwelling.

8.8 The side and rear extension would continue the existing gable roof form and have an eaves height and ridge height to match the existing dwelling. It would be constructed in red brick and render with tiled roof and white uPVC windows, to match the existing dwelling.

8.9 The two-storey side and rear extension is not set back from the original front elevation or set down from the original ridge height, though the side extension does feature a dormer on the front elevation that is of a smaller scale than the existing dormer on the original dwelling. The dwelling does not form part of a consistent streetscene where dwellings present uniformly, and there is significant variation in design style in the immediate surrounds. The dwelling is also not highly visible from

Desford Lane. It is considered that the setting back and down of the two-storey extension is not critical to maintaining the setting of the dwelling.

- 8.10 The proposed single storey front extension would project 2.5 metres forward of the original front elevation of the dwelling, and the enclosed portion of the extension has a width of 4.45 metres while the open section has a width of 3.92 metres. It has a lean-to roof form. It does project further forward from the original elevation than sought by the Good Design Guide, however the dwelling has a unique setting well back from Desford Lane and the additional 0.5 metres of projection is not considered likely to have any visual impact on the streetscene. The enclosed section of the front extension does not exceed 50% of the original width of the front elevation. The open section is uncharacteristic of the original dwelling design but draws appropriate distinction to the proposed new entrance doors.
- 8.11 The size, scale and volume of the proposed extensions are considered acceptable in the unique site context. The scheme utilises materials and details matching or complementary to the existing dwelling and the scale and appearance of the proposal respects the character of the existing dwelling and the surrounding area in accordance with the Good Design Guide and Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP states that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.13 The Council's Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.14 The Good Design Guide recommends that a principal window to a habitable room should be no less than 8 metres from the blank side of a single storey neighbouring property, rising to 14 metres for a two-storey property. In addition, the separation distance between two principal windows to habitable rooms should be a minimum of 21 metres. The exception to this is where amenity and overlooking are dealt with by good design. Notwithstanding this, every application is to be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.15 The setting of the existing dwelling and the proposed extensions is unique in that it is sited at an angle to the dwellings to the north, south, and south-west. There are no dwellings directly east or west of the line of the extensions.
- 8.16 The wall of the two-storey rear extension is sited 12 metres from the nearest habitable room window on a dwelling to the south. The upper-level window in the rear extension is sited 14 metres from the nearest habitable room window on a dwelling to the south. However, in both of these cases views from the neighbouring dwelling are at an angle and do not reflect a direct line of sight. A tall hedge and a portion of a garage building also sit between the proposed extension and the neighbouring dwellings.
- 8.17 The wall of the two-storey side extension is sited 8.3 metres from the habitable room windows on the ground floor of the neighbouring dwelling to the north. Given the angle of both the proposed extension and the dwelling to the north from the common boundaries, this distance gradually increases to 10.45 metres. Existing boundary treatments and the garage and storage building on the application site sit between the neighbouring dwelling windows and the proposed extension and would

reduce direct visual impact. The primary outdoor recreation areas for the neighbouring dwelling to the north appear to be north of the single storey element nearest the common boundary, and therefore are well separated visually from the proposed extension.

- 8.18 The Good Design Guide seeks that dwellings of three or more bedrooms provide a minimum of 80 square metres of outdoor amenity space with a minimum length of 7 metres.
- 8.19 Though outdoor amenity space is typically provided to the rear of the dwelling, the existing situation on the application site is that the functional outdoor amenity space is provided in the garden to the front of the dwelling. The rear garden in its current form does not provide a minimum length of 7 metres measured from the rear elevation, and its minimum length would be further reduced by the proposed rear extension. Nonetheless, the rear garden space does provide an area in excess of 80 square metres. The front garden meets the 7 metres minimum length and provides over 80 square metres of outdoor amenity space.
- 8.20 By virtue of these factors and the fact that there have been no objections to the scheme from neighbours, the proposal is not considered to result in any significant harm to the residential amenity of neighbours in accordance with the Good Design Guide and Policy DM10 of the SADMP.

Impact upon parking provision

- 8.21 Policy DM18 of the adopted SADMP requires that developments demonstrate an adequate level of off-street parking.
- 8.22 The LHDG seeks that three off-street car parking spaces be provided for a four bedroom dwelling. The minimum dimensions for off-street parking spaces is to be 2.4 metres by 5.5 metres. An additional 0.5 metres in width is required where the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side, increasing to 1 metre where the parking space is bounded on both sides. The LHDG states that where parking is proposed in a tandem arrangement each space should be 6 metres in length and only the first two spaces should be counted.
- 8.23 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 8.24 The proposal results in the creation of an additional bedroom which increases the car parking requirements on the site from two off-street parking spaces to three. The parking area is along the existing driveway and is bounded on one side by existing boundary treatments. As per the existing situation on site, the parking spaces are in a tandem arrangement. All proposed parking spaces have sufficient width. Only the first parking space has a length of 6 metres, the second and third have lengths of 5.5 metres.
- 8.25 Though not strictly in accordance with the LHDG for tandem parking arrangements, the parking arrangement as proposed is existing on the application site. The parking spaces meet the standard non-tandem length for parking spaces sought by the LHDG and are therefore not considered to be so undersized as to not be functional. No responses have been received suggesting any existing concern with highway impacts at the site.
- 8.26 Therefore, notwithstanding the tandem arrangement, it is considered that the proposal demonstrates reasonable capacity to park three cars off-street on the application site. It is considered that in these site-specific circumstances, the off-

street parking provision is acceptable and would not have an unacceptable impact on highway safety. The proposal is therefore considered to be in accordance with the Paragraph 116 of the NPPF and Policy DM18 and acceptable when considered against the LHDG.

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 is considered to be acceptable when assessed against the overarching principles of the NPPF, policies DM1, DM10 and DM18 of the SADMP, and the guidance of the Good Design Guide. It is therefore recommended that planning permission be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan (submitted: 27.01.2025)

- Proposed Block Plan (submitted: 26.03.2025)
- Proposed Plans (submitted: 27.01.2025)
- Proposed Elevations (submitted: 27.01.2025)
- Roof Plans (submitted: 27.01.2025)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension and alteration hereby permitted shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.