

Delegated Report

Planning Ref: 24/00577/HOU
Applicant: Mr Daniel Elkerton
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

**Site: 2 Kennel Cottages, Gopsall Estate off Ashby Road, Nr.
Twycross, Leicestershire**

Proposal: Construction of new outbuilding/office including the demolition of existing outbuilding

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 detached outbuilding/office within the rear garden of a dwelling, 2 Kennel Cottages, Gopsall Estate, Twycross.

2.2. The proposal would be located to the rear northeast corner of the garden and would replace an existing smaller brick and tile outbuilding located in the same position. The proposal would be rectangular in footprint and measure 10 metres by 6 metres. It would have a dual pitched roof with an eaves height of 2.4 metres and ridge height of 5.35 metres. There would be a flat roof box dormer window on the internal roof elevation serving a small mezzanine floor within the roof space accessed by an internal staircase. The proposal would have contemporary style fenestration and is proposed to be constructed of facing brick work, roof tiles and uPVC windows to match the corresponding materials of the existing dwelling.

3. Description of the site and surrounding area

3.1. The application dwelling is located in the countryside to the north of Twycross and to the east of Ashby Road. It occupies a large plot measuring approximately 30 metres in width by 40 metres in depth and is accessed via a private gated hard surfaced road leading into the Gopsall Estate. Originally a traditionally styled detached 1½ storey cottage, it has been extended to both sides and rear with a substantial 1½ storey and single storey extensions. It is constructed of red rustic facing bricks, a slate roof with steep dual pitched roof form with gables to the front and both sides and white uPVC windows. It has a tall brick chimney stack, exposed rafters, dark grey barge boards, arched contrasting blue and buff brick headers and blue canted sills to front elevation windows and an open porch with low level brick walls and dark grey timber framing above supporting a dual pitched gable fronted roof canopy. There is a detached outbuilding of matching brick and dual pitched slate roof located in the rear corner of the plot. There is ample parking and turning space on the loose stone surfaced hard standing within the site frontage and extensive amenity space to the west side and rear of the site. The plot is enclosed by timber post and rail fencing to the front (south) and rear (north) boundaries, 2 metres high field hedgerow to the west side boundary and a 2 metres high close boarded timber fence to the east side boundary with the neighbouring cottage.

3.2. The application dwelling and neighbouring cottage are surrounded by open fields.

4. Relevant planning history

20/01023/HOU

- Two storey side extension, porch and external alterations
- Permitted
- 25.11.2020

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 as a result of public consultation.

6. Consultation

- 6.1. Following the submission of a Preliminary Roost Assessment (PRA) and Bat Emergence Surveys that confirm no impacts on bats or their habitat, Leicestershire County Council (Ecology) have no objection to the application.
- 6.2. Environmental Health (Drainage) refer to the suitable discharge of rainwater from the roof of the building.
- 6.3. No response has been received from Natural England
- 6.4. No response has been received from Twycross Parish Council.

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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 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)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Notwithstanding the countryside location, extensions and alterations to existing domestic properties including ancillary buildings 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 and the countryside
 - Impact upon neighbouring residential amenity

- Impact upon parking provision
- Impact on bats

Design and impact upon the character of the area and countryside

- 8.2 Policy DM4 of the adopted SADMP allows extension and alteration of existing buildings in the countryside including ancillary structures where it does not have a significant adverse effect on the appearance and open character of the countryside. 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 provides further advice in respect of the siting and design of various forms of house extensions.
- 8.3 The proposal would be appropriately located to the rear northeast corner of the plot and within the established and well defined residential curtilage of the application dwelling. It would also be well related to an adjacent detached outbuilding within the rear corner of the adjacent plot and would replace an existing, albeit smaller, brick and tile outbuilding with dual pitched roof form currently located in the same corner.
- 8.4 The proposal would measure 10 metres by 6 metres and would have a dual pitched roof with an eaves height of 2.4 metres and ridge height of 5.35 metres. Notwithstanding that it would replace a smaller outbuilding, by virtue of the substantial plot in which it would be located together with the larger scale of the existing dwelling, the proposal would nevertheless appear as a subordinate and ancillary structure in terms of its scale and mass.
- 8.5 It would have contemporary style fenestration including a flat roof box dormer window on the internal roof elevation which would serve a small mezzanine floor within the roof space which would be accessed by an internal staircase. The application dwelling has previously been extended with the inclusion of a more contemporary full height glazed gable and therefore, notwithstanding the rural location and attractive traditional styling and architectural features of the original cottage which remains evident to the front elevation, it is considered that the design would not be unsympathetic to the existing dwelling or its rural surroundings, particularly being located well to the rear of the dwelling in the far corner. It is proposed to be constructed of facing brick work, roof tiles and uPVC windows to match the corresponding materials of the existing dwelling which would ensure a satisfactory and uniform external appearance.
- 8.6 A condition to ensure that it would be used only for purposes ancillary to the residential occupation of the application dwelling could be reasonably imposed to ensure compatible low-key use and to protect the rural character and appearance of the surrounding countryside and the residential amenity of the neighbouring occupiers.
- 8.7 By virtue of its siting, scale, design, matching external appearance and ancillary use, the proposal is considered to respect and complement the scale, character and appearance of the application dwelling and the rural appearance and open character of the surrounding countryside. The proposal is therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the adopted SADMP and the adopted Good 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.

- 8.9 The only neighbouring dwelling lies to the southeast and occupies a similarly substantial plot. It is a detached 1½ storey cottage that has also been extended. It is set off the side boundary with the application dwelling by approximately 5 metres. It has a detached outbuilding of contemporary flat roof design to the north west rear corner of its plot adjacent to the intended position of the proposed outbuilding.
- 8.10 By virtue of the scale, design and siting being to the northwest and off-set from the outlook of the rear elevation of the neighbouring dwelling and the separation distance of 8 metres to the nearest rear corner of the neighbouring dwelling, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the neighbouring property. There are no windows proposed that would result in any significant adverse impacts from overlooking or loss of privacy to the neighbouring occupiers. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections to the proposal have been received from the neighbouring occupiers.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The substantial plot provides ample off-street parking and turning space on extensive loose stone surfaced hard standing within the site frontage. This would be unaffected by the proposed outbuilding and the existing/retained level of provision would remain more than adequate to serve the dwelling. The proposal is therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Impact on bats

- 8.13 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.14 Leicestershire County Council (Ecology) consider that the site is in a rural location with good habitat connectivity and confirm that a bat roost was found in an adjacent building in 2022. Therefore, prior to demolition of the existing outbuilding, a Preliminary Roost Assessment (PRA) and Bat Emergence Surveys by a suitably licenced ecologist were required to be submitted prior to determination of the application to assess potential impacts on roosting bats.
- 8.15 The submitted Bat Surveys found no evidence of bats emerging from the detached outbuilding which is to be converted and considers that it offers a poor place of shelter for bats. Therefore, the report considers that the proposed conversion of the outbuilding would have no adverse impact on bats. Leicestershire County Council (Ecology) have reviewed the bat surveys and have no objection to the application. The proposal would have no adverse impacts on protected species or biodiversity and therefore the proposal would accord with Policy DM6 of the adopted SADMP.

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. Notwithstanding the countryside location, the proposal relates to the provision of an ancillary outbuilding within an established residential curtilage of an existing dwelling where there is a general presumption in favour of sustainable development as set out in Policy DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, design, appearance and ancillary use, the proposal would respect and complement the scale, character and appearance of the application dwelling and the rural appearance and open character of the surrounding countryside. By virtue of the siting, scale, design, ancillary use and separation distance the proposal would not result in any significant adverse impacts upon the residential amenities or privacy of the occupiers of the neighbouring dwelling. More than adequate parking and private amenity space would be retained within the site to serve the dwelling. The proposal would not result in any adverse impacts on roosting bats. The proposal is considered to be in accordance with Policies DM1, DM4, DM6, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and is therefore recommended for approval subject to 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: Proposed Site Block Plan Drawing No. 2KENNEL-PS23-10 and Location Plan and Proposed Floor Plans and Proposed Elevations Drawing No. 2KENNEL-PS23-12 Rev B received by the local planning authority on 10 June 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 detached outbuilding/office 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 Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The detached outbuilding/office hereby permitted shall only be used for purposes ancillary to the residential occupation of the application dwelling, 2 Kennel Cottages and for no other purposes at any time.

Reason: To ensure that the use of the building remain compatible with the site and neighbouring residential property in accordance with Policies DM4 and 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.