

Delegated Report

Planning Ref: 24/00637/FUL
Applicant: Mrs Adi Weston
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 318 Station Road Bagworth Coalville

Proposal: Extension and conversion of existing garage into an ancillary residential annex

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the conversion and extension of an existing garage to form a one-bedroom ancillary residential annex within the residential garden area to the rear of 318 Station Road, Bagworth. To facilitate this conversion, the development includes a 7.6m extension towards the rear of the host dwelling. The proposal is constructed with a speckle rendered finish and Greystone concrete plain roof tiles to match the existing structure.
- 2.2. Following discussions with the Case Officer, the proposal was reduced to a single bedroom residential annex from a two-bedroom bungalow that was distinct from the existing dwelling due to the scheme's potential harm to residential amenity.

3. Description of the Site and the Surrounding Area

- 3.1. The 900sqm application site is located to the north of, but within, the identified settlement boundary of Bagworth. Bagworth is classified within the adopted Core Strategy (2009) as a Key Rural Centre within the National Forest. The site shares an adopted access road with its neighbouring properties onto Station Road, which is an adopted and classified 'C' road that is subject to a 30mph speed limit. The properties on the eastern side of Station Road are predominantly characterised by two-storey residential development with long gardens. However, due to the variety of styles and designs of buildings, there is no discernible unique character to the street scene.
- 3.2. 318 Station Road is a two-storey, detached dwellinghouse that features an attached hip-roofed double garage. The site benefits from a large hard surfaced frontage and a large rear garden. The garage within this proposal is located to 16.1m to the rear, and east of, the host dwelling within the existing residential garden space of the dwelling. The structure is 1.4m south of its shared northern boundary with 322 Station Road.

- 3.3. The existing speckle-rendered garage externally measures 5.1m in width by 6.2m in depth, with a total footprint of 32.1sqm. The structure utilises a dual pitched gable-fronted roof that has a ridge height of 3.7m and is constructed with Greystone concrete plain tiles.

4. Relevant Planning History

- 4.1 N/A.

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.

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
 - HBBC's Environmental Services' Pollution Officer
 - HBBC's Waste Management Officer (subject to conditions)
- 6.2 The Local Highway Authority referred to standing advice.
- 6.3 Bagworth and Thornton Parish Council did not respond to the planning application.
- 6.4 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 7: Key Rural Centres
 - Policy 10: Key Rural Centres within the National Forest
 - Policy 21: National Forest
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 The extension of a residential outbuilding in these site-specific circumstances is acceptable in principle. The provision of a single bedroom residential annex is also considered to be acceptable in principle in these site-specific circumstances, subject to a planning condition that ensures that property remains ancillary to the host dwelling, 318 Station Road, and cannot be utilised as an independent dwellinghouse.

8.5 Therefore, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 A planning condition should be utilised to ensure that property remains ancillary to the host dwelling, 318 Station Road, and cannot be utilised as an independent dwellinghouse to preserve the character of the area.
- 8.8 Whilst the proposal doubles the depth of the existing outbuilding, the structure is still 23.5m from the public highway and only 1.5m of the structure is visible from behind the host dwelling. Given the structure remains ancillary to the host dwelling and utilises matching materials to the existing outbuilding, the proposal is considered to preserve the character of the area.
- 8.9 By virtue of the scheme's ancillary nature to 318 Station Road, its distance from the highway, its design, its proposed use of matching external materials, and its scale, the change of use and the extension to the outbuilding to create a residential annex is considered to respect the character of the existing dwelling and surrounding area in accordance with Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.10 Policy DM10(a) and (b) of the SADMP states 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.
- 8.11 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.12 A planning condition should be utilised to ensure that property, which is stated to be for the applicant's parents, remains ancillary to the host dwelling, 318 Station Road, and cannot be utilised as an independent dwellinghouse to protect the residential amenity of the future occupants of the scheme and the residents of the host dwelling.
- 8.13 318 Station Road and its neighbouring dwellings all benefit from long gardens. Although the proposal increases the depth of the existing outbuilding, the development is single storey in massing and located beyond the rear elevation of the neighbouring property, 322 Station Road. In these site-specific circumstances, whilst the proposal is likely to have an impact on the neighbouring property's residential amenity, it is not considered that the proposal's size, scale, volume, or massing are likely to result in any significant adverse impacts to neighbouring residential amenity as a result of any loss of light or overbearing impacts.

- 8.14 Two windows that serve the bathroom and the utility respectively are proposed to face towards 322 Station Road, Bagworth. These can be obscure glazed via planning condition to prevent any overlooking or loss of privacy. The proposed rooflight on the southern elevation of the scheme is not considered to result in any significant adverse impacts to neighbouring residential amenity.
- 8.15 The scheme also retains sufficient private outdoor amenity space for the host dwelling in accordance with the Good Design Guide.
- 8.16 By virtue of these factors, the proposal does not result in any adverse impacts to the residential amenity of neighbouring properties, the host dwelling, or the future occupants of the scheme. Therefore, the proposal is considered to be compliant with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.17 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.18 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.19 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.20 The development makes no amendments to the existing off-street vehicular parking arrangements, nor the existing access to the site. Ultimately, the Local Planning Authority are unable to demonstrate that the provision of one additional bedroom within a residential annex to an existing dwelling is likely to result in a significant intensification of the use of the site access.
- 8.21 Therefore, it is considered that there is already adequate off-street parking for the dwelling and that the proposal does not create an unacceptable impact on highway safety or the road network. As a result, the scheme is regarded as compliant with Policies DM17 and DM18 of the SADMP, and 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed 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 received by the Local Planning Authority as follows:

- Existing Floor, Roof Plan, Elevations, Sections, Drg No. 02 (submitted: 26.06.2024)
- Existing and Proposed Site Plans, Drg No 01 (submitted: 26.06.2024)

- Proposed Floor Plans, Elevations, Roof Plan and Sections 03B (submitted: 26.08.2024)
- Site Location Plan, Existing Site Plan (submitted: 26.06.2024)

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 residential annex hereby permitted shall only be used ancillary accommodation to the host dwelling known as 318 Station Road, Bagworth and shall not be occupied as an independent unit of residential accommodation.

Reason: To ensure the annex is not occupied as an independent unit of accommodation, which may have additional impacts on the character of the site and the surrounding area, the residential amenity of the future occupants of the scheme and the residents of the host dwelling, and highway safety in accordance with Policies DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no means of enclosure shall be erected around the residential annex hereby permitted.

Reason: To ensure the annex is not occupied as an independent unit of accommodation in accordance with Policies DM4, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The windows that serve the bathroom and the utility on the northern side elevations of the development shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing outbuilding.

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).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.