

Delegated Report

Planning Ref: 23/00811/HOU

Applicant: Mr John Kettle

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 20 Sandringham Avenue Earl Shilton Leicestershire LE9 7HY

Proposal: First floor rear 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 full planning permission for the construction of a first floor rear extension to a dwelling, 20 Sandringham Avenue, Earl Shilton.

2.2. The proposed first floor extension follows the footprint of the existing ground floor extension to create a bathroom allowing the existing bathroom to be converted to a study. It extends 2.16 metres from the main rear elevation and a width 2.8 metres. It has a pitched roof that joins the main roof. The extension and the ground floor rear extension create a ridge height of 6.1 metres, slightly lower than the ridge of the main roof and eaves of 4.8 metres. The rear window to the extension is obscure glazed.

2.3. The use of matching corresponding external materials is proposed in its construction.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Earl Shilton in a residential area. It is a two storey semi-detached house with pitched roof form, a flat roof existing rear kitchen. It is constructed with red facing bricks at the base, render to the top half and white uPVC windows. It is set back from the highway with loose stone front driveway and hedges to the front boundary of the site. The rear garden is enclosed by a 2 metres high close boarded timber fence. The dwelling is not listed and not within a conservation area.

4. Relevant planning history

None.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No response has been received from Earl Shilton Town Council.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)

- No relevant policies

7.2. Core Strategy (2009)

- No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF 2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide
- 8. Appraisal**
- 8.1. Extensions and alterations to existing domestic properties 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
 - Impact upon parking provision
- Design and impact upon the character of the area**
- 8.2 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.
- 8.3 The Council's adopted Good Design Guide states:
- 'Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.'*
- 8.4 The proposed first floor extension follows the footprint of the existing ground floor extension. It measures 2.16 metres from the main rear elevation and a width 2.8 metres. It has a pitched roof that joins the main roof and slightly lower than the maximum height of the main dwelling. The extension and the ground floor rear extension create a ridge height of 6.1 metres and matching of eaves of 4.8 metres. In terms of height, width, depth, and roof design, the extension is clearly subordinate to the main dwelling. The extension has obscured glazing to the rear. The extension is not visible from the street scene, has no visual impact and therefore acceptable in design terms. It includes the use of matching corresponding external materials for the construction of the extension.
- 8.5 By virtue of their siting, scale, design and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposed extension and alterations would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. In terms of design, 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.

Impact upon neighbouring residential amenity

- 8.6 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.
- 8.7 The adopted Good Design Guide states:
- 'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'*
- 8.8 The extension is slightly set down from the maximum height of the main roof and has the roof pitching away from the southeast boundary. The extension is approximately a metre from the southeast boundary. There is a distance of 2.1 metres between 18 and 20 Sandringham Avenue. Therefore, the extension does not result in overbearing impact on the adjoining neighbour. 18 Sandringham Avenue has a side window, rear window at both first and ground floors. The first floor side window is obscured glazed and serves the first floor landing, first floor rear window is obscured glazed and serves the WC, the ground floor side window serves the side access door area, and the ground floor rear window serves the kitchen. The landing, WC and side access door and windows are not considered as serving habitable rooms. Due to the orientation of the site having the sun movement from the rear to the front and the positioning of both 18 and 20 Sandringham Avenue, there is no significant impact on 18 Sandringham Avenue in terms of loss of light. A 45 degree line taken from the ground floor rear window that serves the kitchen is not crossed by the extension. There is no significant overbearing or overshadowing impacts on property 22 Sandringham Avenue. There is no side elevation window to the proposed extension to cause any potential loss of privacy or overlooking.
- 8.9 By virtue of the siting, separation distance to neighbouring properties, set down and pitching of the roof, position and orientation of the site, movement of the sun, it is considered that the proposal does not result in any significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties and are therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 The proposal does not result in the addition of any further bedroom space to the dwelling and the existing parking provision remains unaffected. The site is within an urban settlement and in proximity to bus stops on Hinckley Road. The proposal is therefore in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 proposals relate to an extension and alterations to an existing dwelling located within the urban settlement boundary of Earl Shilton 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. By virtue of the siting, scale, design, separating distance to neighbouring properties, roof pitched, site orientation and the proposed use of matching external materials to ensure a unified appearance, the proposed extension and alterations respects and complement the scale, character and appearance of the existing dwelling and surrounding area. There is no significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties. The proposal retains adequate private rear amenity space to serve the dwelling in this highly sustainable urban location with easy access to bus stations and other facilities. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and are 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 plans details as follows: Site Location Plan and Block Plan Drawing Number 04, Proposed Floor Plan and Elevations Drawing Number 02A received by the local planning authority on 18 August 2023.

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 alterations hereby permitted shall match the corresponding materials on the approved plans.

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