

Delegated Report

Planning Ref: 23/01110/HOU
Applicant: Mr Barry Granger
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 23 Belle Vue Road Earl Shilton Leicestershire

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 planning permission for the construction of a first floor rear extension to a dwelling, 23 Belle Vue Road, Earl Shilton.
- 2.2. The amended proposed first floor extension would extend 1.84 metres from the first floor rear elevation just inside the common boundary and for the full 5.2 metres width of the dwelling to be flush with the side elevation and above part of an existing single storey flat roof rear extension. It would have a hipped pitched roof form with an eaves height of 5.6 metres and roof pitch to match the main roof and a subordinate ridge height of 6.6 metres. A shallow lean-to roof would be constructed over the remainder of the existing single storey extension. A new window to serve the bathroom would be inserted at first floor on the side elevation.
- 2.3. Amended plans have been submitted to seek to address issues of design and impact on neighbours raised during the course of the application. Re-consultation has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Earl Shilton and in a predominantly residential area. It is a two storey semi-detached house with hipped roof form and central red brick chimney stack. It has a ground floor bay window with hipped canopy roof above and an integral enclosed porch to the front elevation. It has a single storey flat roof extension across its rear elevation which is attached to a garage set back to the side and rear constructed of what appear to be cement fibre sheets and corrugated dual pitched gable fronted roof. The dwelling is constructed of cream coloured rendered walls with red brick arched headers and quoins over and around the entrance porch, red brick plinth to the bay window, red brick cills to windows, small grey plain concrete roof tiles and white uPVC windows. One off-street parking space is provided within the site on a concrete slabbed driveway. There is an extensive garden to the rear.
- 3.2. The application dwelling lies within a row of two storey detached and semi-detached hipped roof houses with traditional styling and varied appearance.

4. Relevant planning history

91/00665/4

- Rear extension to dwelling
- Permitted
- 12.08.1991

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A response from one address has been received objecting to the proposal on the following grounds:
- 1) Loss of light/overshadowing to house and rear garden
 - 2) Loss of privacy
 - 3) Overbearing impact
 - 4) Disruption during construction.

6. Consultation

- 6.1. Earl Shilton Town Council maintain an objection to the amended plans submitted on the grounds of loss of light to the neighbouring property.

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 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. The Council's adopted

Good Design Guide provides further advice in respect of the siting and design of house extensions and in respect of rear extensions 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.'

- 8.3 The amended proposed first floor extension would extend part way above a single storey flat roof extension to an appropriate depth of only 1.84 metres from the first floor rear elevation just inside the common boundary with the adjoining semi-detached two storey dwelling. It would extend for an appropriate width of 5.2 metres to be flush with the side elevation. It would have a hipped pitched roof form to match that of the main roof with an eaves height of 5.6 metres and roof pitch to match the main roof and a clearly subordinate ridge height of 6.6 metres to the 7.8 metres height of the main ridge. By virtue of its appropriate width, depth and height the amended proposal would appear as a clearly subordinate addition to the existing dwelling in accordance with the adopted Good Design Guide. The proposal is designed with appropriately proportioned windows and the proposed use of matching corresponding cream coloured rendered walls with red brick window cill detailing, grey tiled roof and white uPVC windows in the construction would ensure a satisfactory and unified appearance in accordance with the adopted Good Design Guide. The proposal would be entirely to the rear elevation where it would have no visual impact in the street scene.

- 8.4 By virtue of the siting, scale, design and proposed use of matching corresponding external materials to ensure a unified and satisfactory overall appearance, it is considered that the amended proposed extension and alteration would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area and that the proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.5 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.

- 8.6 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.'

- 8.7 A response from one address has been received as a result of public consultation objecting to the original proposal on the grounds of loss of privacy and overbearing impacts and loss of light to house and rear garden and disruption during construction.

- 8.8 The adjoining dwelling to the north (No. 25) is a similar two storey semi-detached hipped roof house constructed on the same original building line as the application dwelling. The adjoining dwelling has been extended across its rear ground floor elevation by the addition of a conservatory with shallow lean-to roof which extends to a depth of approximately 2.5 metres, marginally less than the single storey extension attached to the rear of the application dwelling. The proposed first floor

rear extension would extend just inside the common boundary with No. 25. However, notwithstanding this proximity and position to the south, by virtue of its amended/reduced proposed depth of only 1.84 metres the proposal would not extend beyond a 45 degree line drawn from the centre-point of the nearest first floor bedroom window in the rear elevation of No. 25, as demonstrated on the submitted amended first floor plan and would have no impact on the ground floor rear elevation windows of the neighbouring conservatory. By virtue of the reduced depth, it is considered that the amended proposal would not result in any significant or unacceptable adverse impacts from loss of light/overshadowing or any significant or unacceptable adverse overbearing impacts to the adjoining house or its rear garden that would warrant refusal of the application. The neighbouring occupiers would be able to pursue any Right to Light Act issue should they wish to do so as a separate legal/civil matter. There are no windows proposed that would face directly towards No. 25 or its rear garden or result in any significant adverse impacts from loss of privacy from overlooking to the neighbouring occupiers. Any potential disruption during the construction phase would be only temporary rather than a long term impact on amenity.

8.9 The proposal includes the provision of a small new window within the existing first floor side elevation of the dwelling to serve the existing bathroom. This window would face directly towards the side elevation of the neighbouring dwelling rather than towards any sensitive private amenity areas and therefore would not result in any significant loss of privacy to the neighbouring occupiers of No. 21.

8.10 Notwithstanding the objections received, by virtue of the reduced depth, it is considered that the amended proposal would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

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 existing dwelling has two bedrooms and a small box room. The proposal would extend one of the two bedrooms but not add to their number. The existing off-street parking space on the driveway at the front would be unaffected by the proposal. Whilst the local highway design guide would seek a minimum of two off-street parking spaces, in this case, the proposals would have a neutral impact on existing provision and the application dwelling is located within a highly sustainable urban location where there is easy access to a full range of services and facilities by alternative and more sustainable transport means. Therefore, it is considered that the existing parking provision would be adequate to serve the resulting dwelling in this case and acceptable in respect of Policy DM18 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. The proposals relate to extension and alteration of 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 and proposed use of matching corresponding external materials to ensure a unified and satisfactory overall appearance, it is considered that the amended proposed extension and alteration would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area. Notwithstanding the objections received, by virtue of the reduced depth, it is considered that the amended proposal would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. The proposal would retain more than adequate private amenity space and the existing off-street parking space to serve the resulting dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, 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: Location Plan and Block Plan Drawing No. 738-04 received by the local planning authority on 22 November 2023 and Proposed Floor Plans and Elevations Drawing No. 738-02 Rev A received by the local planning authority on 31 January 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 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.