

Delegated Report

Planning Ref: 24/00404/HOU

Applicant: Mr Puffer

Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 15 Frobisher Close Hinckley Leicestershire LE10 1UP

Proposal: First floor side 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 a first floor side extension to a dwelling, 15 Frobisher Close, Hinckley.

2.2. The proposed first floor side extension creates an additional bedroom above the existing integral garage. It measures 3.6 metres in width, 7.1 metres in depth and is flush with the rear elevation. The extension is set back 0.55 metres at the front elevation and set down slightly from the main roof. It has a pitched roof forming a side gable with the same eaves height of 4.8 metres as the main roof and a subordinate ridge height of approximately 6.9 metres. Bricks, roof tiles and white uPVC windows are proposed to match the existing dwelling.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Hinckley on a residential estate. It is a two storey detached house with an integrated garage and subordinate dual pitched roof side gable. It has a front ground floor bay window, white uPVC windows, red facing bricks and concrete roof tiles. The dwelling has a front paved driveway. It is not listed and is not within a conservation area. The surrounding street is predominantly detached similarly designed two storey brick built, side gable houses.

4. Relevant planning history

- None related

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and a site notice has been posted within the vicinity of the site.

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

6. Consultation

6.1. LCC Ecology has no objection to the application. The application has low suitability for roosting bats.

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 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. 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.

8.3 The proposed first floor side extension measures 3.6 metres in width, 7.1 metres in depth and is flush with the rear elevation. The extension is set back 0.55 metres at the front elevation and is set down slightly from the main roof. It has a pitched roof forming a side gable with the same eaves height of 4.8 metres as the main roof and a subordinate ridge height of approximately 6.9 metres. It increases the massing of the whole dwelling however is not an overdevelopment considering the surrounding context. The dimensions are appropriate and subordinate to the main dwelling. The extension keeps a matching eaves level and is set back and set down from the main roof. The roof design is a character of the existing dwelling and of dwellings in the vicinity. The use of external materials and the overall design matches with the existing dwelling.

8.4 By virtue of its lower ridge height, matching eaves, appropriate dimensioned and proportioned windows and matching materials, the proposal is considered to be clearly subordinate to the existing dwelling. The design is not visually harmful to the street character and has no significant adverse impacts upon the character or appearance of the application dwelling or wider street scene. The proposal is therefore considered acceptable in design terms and in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.5 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. The Council's adopted Good Design Guide states:

- 8.6 *'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 The proposal retains the 1.2 metre separation distance to the side fence. The extension has a side gable that faces a similar gable side elevation and bathroom window at 16 Frobisher Close, Hinckley. 16 Frobisher Close is set forward of 15 Frobisher Close, therefore the first floor extension does not significantly impact on the side window of 16 Frobisher Close (non-habitable). The scale of the first floor extension is appropriate and does not result in a significant overbearing impact on 16 Frobisher Close due to its appropriate size and its separation distance between the two properties. The existing 1.8 metres boundary fence separates the gardens of 15 and 16 Frobisher Close. The extension is flush with the rear elevation of the dwelling and is crossed by a 45 degree line taken from the quarter point of the ground floor rear window at 16 Frobisher Close. Notwithstanding the breach of the 45 degree rule and considering the sun path, an acceptable level of light will be received through the ground floor rear window (kitchen) at 16 Frobisher Close and therefore the extension is not considered to have too significant an impact on the adjoining house. There are no significant adverse impacts on the 16 Frobisher Close, its amenity or privacy of the occupiers. There is no side facing window to result in any loss of privacy to the neighbouring occupiers from potential overlooking.
- 8.8 By virtue of the above, the proposal does not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the overall general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.10 The site currently provides 3 off-street spaces to the front paved driveway and integral garage. The level of parking provision is sufficient to serve the resulting 4-bedroom dwelling. This is in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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 relates to extensions and alterations to an existing dwelling within the settlement boundary of Hinckley 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 its siting, scale, appropriate design, set down and set back of the extension, separation distance and subject to the proposed use of matching corresponding external materials in their construction, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and have no adverse visual impacts within wider street scene. The proposal does not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate off-street parking provision and private amenity space are retained within the site. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the overall 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: Block Plan, Proposed Floor Plans, Roof Plans and Elevations Drawing Number AVD-817-FCH-PL02 received by the local planning authority on 29 April 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 extensions and alterations hereby permitted shall match the corresponding materials of the approved plans and elevation.

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.