

Delegated Report

Planning Ref: 23/00231/HOU
Applicant: Mrs Samantha Debbage
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 7 Canal Way, Hinckley Leicestershire LE10 0DE

Proposal: Conversion of existing garage and first floor 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 planning application seeks full planning permission for the conversion of existing garage to create an office and family room and first floor extension over the garage to enlarge bedroom 2 and 3. The garage conversion includes minor amendment to replace the front doors.
- 2.2. The ground floor garage measures 7.13 metres in depth and 2.83 metres in width at the front elevation. The first floor measures 6.4 metres in depth and 2.6 metres in width. The extension has eaves height of 5.1 metres and ridge height of 8.1 metres.
- 2.3. White uPVC windows, red/orange facing bricks and concrete interlocking tiles are used to match the existing external materials.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a two storey detached house at Canal Way within the settlement boundary of Hinckley. The dwelling is built with bricks, interlocking roof tiles and white uPVC windows. It has an attached garage, hardstanding driveway and front grass area. The property is not listed or within a conservation area.
- 3.2. The street is wholly residential in character and opposite the site is an open green space.

4. Relevant planning history

None relevant.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 The inland Waterways Association, Litchfield Branch has no objection to the application.

6. Consultation

- 6.1 No consultation required.

7. Policy

- 7.1 Core Strategy (2009)
- None relevant
- 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 2021)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide
- 8. Appraisal**
- 8.1. Extensions to existing domestic properties within settlement areas are generally considered to be sustainable 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 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.3 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides.
- 8.4 The Good Design Guide requires side extensions to appear smaller in scale and massing in order to clearly subordinate the main dwelling. It should be set down from the main ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both direction). They should have an appropriate height, width, depth and reflect the detailing.
- 8.5 The street scene has side integrated garages to most of the houses. Some of the garages have similar first floor extensions. The proposed first floor extension measures 6.4 metres in depth and 2.6 metres in width to a height of 5.1 metres at eaves and 8.1 metres at ridge. This is level with the eaves and ridge of the host dwelling and mirrors the building height within the street scene. The first floor extension is set back from the main front elevation.
- 8.6 Minor amendments to the existing garage include replacing the door with window and bricking the lower portion. This is not harmful to the street scene. Matching materials are used for the extension to respect the character of the area. The pitched roof design and height mirrors the host dwelling and the surrounding environment. The proposed extension remains subservient to the host dwelling and does not significantly detract from the street character. The proposed development is appropriately designed and takes account of the local character in terms of its scale, layout, density, massing and architectural features.

- 8.7 By virtue of the above, the proposed extension following the footprint of the existing garage, using matching materials and having appropriate design, the development is considered to respect and enhance the character of the existing dwellings and surrounding area and is in accordance with Paragraph 130 of the NPPF, Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property.
- 8.9 The Good Design Guide requires an adequate distance of 1 metre between the property and its boundary (giving a total distance of at least 2 metres between properties) should be encouraged. The 45 degree rule is applied to planning applications for new buildings and extension to existing properties which might affect the outlook from or daylight to neighbouring properties. This rule ensures consistency and fairness between applicant and their neighbours.
- 8.10 The first floor extension follows the footprint of the existing garage. It does not significantly impact on the garden land and front driveway. The height of the extension matches with the existing dwelling and the surrounding environment. There is a metre gap between the extension and the side boundary and 2 metres between 7 and 5 Canal Way. This reduces the level to which the extension is overbearing of the adjoining neighbour. The 1.8 metres high fence separates the garden of both properties and keep a considerable level of privacy. There are no side windows on the extension to cause overlooking.
- 8.11 The site is oriented such that 7 Canal Way is set forward of 5 Canal Way. The extension does not block the sun's movement from the east to the west of the site and has no significant impact on the loss of sunlight. A 45 degree line drawn from a quarter along the nearest window to the front of 5 Canal Way is not crossed by the extension, therefore does not cause any significant harmful impact on adjoining neighbours.
- 8.12 By virtue of the above, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.13 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.14 The Leicestershire Highways Design Guide Paragraph 3.165, Part 3 states that a minimum of 3 parking spaces is required for dwellings with 4 or more bedrooms. The existing 4 bedroom house has a garage and 2 front space for parking making a total of 3 parking spaces. The front parking space is approximately 48 square metres which has the capacity to accommodate 2 off street cars.

- 8.15 The proposal results in the loss of existing garage but the number of bedrooms remains the same. The existing garage does not meet the standard garage size for car parking as proposed in LHDG. The loss of the garage does not have any significant highway issues as a result of the site located within an urban settlement with approximately 3 minutes walk to the closest bus stop and to other amenities. The two parking spaces are considered acceptable and do not have any significant impact on highway safety.
- 8.16 The proposed scheme does not comply with the required parking spaces of Part 3 of the LHDG, and DM18 of the SADMP and the Good Design Guide, however this is considered acceptable as the proposal does not significantly impact on parking, landscaping or result in unacceptable impact on highway safety or traffic issues.

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 proposed development is considered to be compliant with the relevant national and local policy as it:
- Has appropriate scale and design that reflects the local character.
 - Does not have an adverse impact upon the character and appearance of the area.
 - Does not have a significant adverse impact upon the amenity of neighbours.
 - Provides a sufficient vehicle parking spaces for off-street parking given its sustainable location and has no significant impact on highway safety.
- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, the proposal is recommended for approval of planning permission subject to appropriate 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 received by the Local Planning Authority as follows:
 - Site Location Plan and Block Plan (Drawing Number B22/06/S01).
 - Proposed Floor Plans and Elevation (Drawing Number B23/02/P01)
Received by the LPA on 10.03.2023.

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 alteration shall accord with the approved proposed elevations and floorplans to match with the existing materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.