

Delegated Report

Planning Ref: 23/00200/HOU
Applicant: Mrs Sarah Brindley
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 9 Brascote Road, Hinckley Leicestershire LE10 0YE

Proposal: Single storey side extension (following demolition of existing garage and ground floor timber 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 a single storey side extension at 9 Brascote Road, Hinckley. This follows the demolition of the existing attached garage and timber extension and conversion of the garage space into a habitable room. Other works include replacement of an existing window to the rear of the main dwelling with a door and a new door to the side of the extension. The application has been revised from a two storey side extension to a single storey as a result of breach of 45 degree rule.
- 2.2. The proposed side extension has a 2.5 metres width, 8.1 metres depth and flushing with the main front and rear elevation. It has eaves height of 2.1 metres and 4.4 metres at the ridge.
- 2.3. White uPVC windows and doors, roof tiles and red facing brickwork are used on the extension to match the existing.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a two storey detached at 9 Brascote Road within the settlement boundary of Hinckley. The existing dwelling has an attached garage and a timber structure to the rear of the garage. The dwelling has a hardstanding and loose stones front driveway. The property is constructed with red bricks, white uPVC windows, and roof tile. It is not listed or within a conservation area.
- 3.2. The street is wholly residential in character with a similar of two storey, detached and semi-detached properties and a mixed brickwork and render.

4. Relevant planning history

None relevant.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 No responses have been received.

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. The Good Design Guide requires side extensions to appear smaller in scale and massing in order to clearly subordinate the main dwelling.
- 8.4 The single storey side extension measures 2.5 metres wide and 8.1 metres in depth to a height of 2.1 metres at eaves and 4.4 metres at the ridge. It follows the footprint of the existing garage and extends 2 metres to be flush with the main rear elevation. Matching materials to include red facing brickwork, roof tiles and white uPVC windows and doors. The dual pitched roof design of the extension respects the character of the area. The extension remains subservient to the host dwelling. The street has a number of single storey attached garages. The brickwork and window to the front of the extension are not harmful to the street scene and local character. The extension is appropriately designed and takes account of the local character in terms of its scale, layout, density, massing and architectural features.
- 8.5 By virtue of the above, the proposed extension is considered to respect and enhance the character of the existing dwelling 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

- 8.6 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.
- 8.7 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 applicants and neighbours.
- 8.8 The proposed side extension does not significantly impact on the garden land and front driveway. It remains subservient to the host dwelling as a result of its single storey scale. It extends 1.1 metres from the side boundary of the site and approximately 2.2 metres distance between the extension and 7 Brascote Road which reduces the level of overbearing on the neighbouring property. The existing 2 metres high boundary fence separates the garden areas of 7 and 9 Brascote Road and gives a considerable level of privacy. The extension has no side facing window.
- 8.9 The site is oriented such that 9 Brascote Road is set back from the building line of 7 Brascote Road and therefore has no terracing effect as a result of the extension. The movement of the sun from the east (facing the Brascote Road) of the site to the west (rear of the site) does not result in the loss of sunlight. A 45 degree line drawn from half way along the nearest window to the rear of 7 Brascote Road would hit the edge of the extension. This is considered not to impact on the adjoining property as a result of the extension being single storey and the 1.1 metres gap from the side boundary.
- 8.10 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

- 8.11 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.
- 8.12 The Leicestershire Highways Design Guide Paragraph 3.165, Part 3 states that a minimum of 2 parking spaces is required for dwellings with 3 or less bedrooms. Parking spaces should measure 2.4m by 5.5m with an additional 0.5 metre strip where bound by a wall/hedge/fence or other similar obstruction.
- 8.13 The proposal results in the loss of an existing garage. The garage does not meet the standard garage size and therefore does not count for car parking. There is no addition of bedrooms to the house as a result of the extension. The front driveway has the capacity to accommodate 2 cars. The site is within an urban settlement and is within reasonable walking distance to the nearest bus stops. The parking provision is considered acceptable, and the extension does not have any significant impact on the parking space.

- 8.14 The proposed scheme complies with the required parking spaces of Part 3 of the LHDG, and DM18 of the SADMP and the Good Design Guide, and therefore 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.
- 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 sufficient vehicle parking spaces for off-street parking and has no 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, Block Plan, Proposed Floor Plan and Elevation Drawing Number 2021-28-PL-02 Rev A: received by the LPA on 18.05.2023.

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.