

## Delegated Report

**Planning Ref: 24/00174/HOU**  
**Applicant: Mr And Mrs Holt**  
**Ward: Barwell**



Hinckley & Bosworth  
Borough Council

**Site: 198 Kirkby Road Barwell Leicestershire**

**Proposal: Two storey and single storey rear extension and single storey side/rear extension**

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### **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 two storey and single storey rear extension and a single storey side/rear extension to a dwelling, 198 Kirkby Road, Barwell.
- 2.2. The proposed two storey rear extension would extend from the main rear elevation flush with the main northeast side elevation to a depth of 5 metres and for a width of 6.1 metres across the rear elevation. It would also extend from the rear elevation flush with the main southwest side elevation but for a depth of 2.5 metres and for a width of 3.6 metres across the remainder of the rear elevation. A single storey section would extend from this 2.5 metres further in depth to the rear for the same 3.6 metres in width to infill the rear corner. The two storey sections would have hipped roof form with matching 5 metres eaves height and one with matching 8.5 metres high ridge height as the main dwelling and one subordinate 7.4 metres high ridge height. The single storey section would have a lean-to roof form with an eaves height of 2.5 metres and a maximum height of 3.6 metres.
- 2.3. The proposed single storey side/rear extension would extend from the rear of the existing garage along the main side elevation and beyond to the rear for a total depth of 12.5 metres and for a width of 5 metres, flush with the side elevation of the garage. It would have a part lean-to roof at the side and thereafter dual pitched roof forming a rear gable with an eaves height of 2.5 metres and ridge height of 3.6 metres.
- 2.4. A new first floor window would be inserted into the original northeast side elevation to serve the existing bathroom and replace that lost due to the extension. The only change to the front elevation would be a stepped parapet wall extending over the existing front elevation of the garage to conceal the proposed lean-to roof over the garage. The extensions and alterations are proposed to be constructed in matching corresponding external materials.
- 2.5. Amended plans have been submitted to reduce the depth of the two storey section close to the southwest side boundary to address officer concerns raised in respect of potential overbearing impacts on the neighbouring ground floor habitable room window and rear garden. By virtue of the previous positive neighbour consultation responses received and the reduced depth/scale/impact, no re-consultations are considered to be necessary or have been undertaken in this case.
- ### **3. Description of the site and surrounding area**
- 3.1. The application dwelling is located within the urban settlement boundary of Barwell in a residential area. It is a two storey detached house with hipped roof form and

two brick chimney stacks to its side elevations. It has a traditional design with a dominant two storey hipped roof forward projection and subordinate side section. It has an integral entrance porch with arched brick headers and soldier headers to ground floor windows. A garage with a flat roof form concealed by a parapet brick wall is attached to its northeast side elevation. The application dwelling is constructed with dark red multi facing bricks, small red plain clay roof tiles and white uPVC windows. In addition to the garage there are two more off-street car parking spaces available on the hard bound surfaced double width 8.5 metres deep driveway within the site frontage. The rear garden currently provides approximately 745 square metres of private amenity space and is enclosed by 1.8 metres high solid close boarded and timber panel fencing.

- 3.2. The application dwelling occupies a substantial plot and is set well back from the highway behind a wide grassed highway verge. It lies between a row of traditionally styled two storey detached hipped roof dwellings of varying design and appearance to the southwest and a row of detached dormer bungalows to the northeast. They also occupy similarly sized, substantial plots and many have already been extended to the side and/or rear including the immediate neighbouring bungalow which has been extended much further to the rear than the application dwelling.

#### **4. Relevant planning history**

##### **13/00670/HOU**

- Extensions and alterations to dwelling house
- Permitted
- 03.10.2013

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. One response has been received as a result of public consultation which confirms no objection to the proposals.

#### **6. Consultation**

- 6.1. Leicestershire County Council (Ecology) raise no objections but recommend the inclusion of an informative note to applicant in respect of bats and protective legislation.
- 6.2. No objection has been received from Barwell Parish 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions. In respect of rear extensions, it 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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.'*

#### 8.3 The proposed two storey rear extension would extend from the main rear elevation flush with the main northeast side elevation to an appropriate depth of 5 metres and for an appropriate width of 6.1 metres across the rear elevation. It would also extend from the rear elevation flush with the main southwest side elevation but for an appropriate depth of only 2.5 metres and for an appropriate width of 3.6 metres across the remainder of the rear elevation. A single storey section would extend from this 2.5 metres further in depth to the rear for the same 3.6 metres in width to infill the rear corner. The two storey sections would have appropriate hipped roof form and pitch as the existing main roof with matching 5 metres eaves height and one with matching 8.5 metres high ridge height as the main dwelling and one clearly subordinate 7.4 metres high ridge height. The single storey section would have a lean-to roof form with an appropriate eaves height of 2.5 metres and a clearly subordinate maximum height of 3.6 metres.

#### 8.4 By virtue of its depth and width, the proposal would effectively provide double the internal floor space of the dwelling at both ground and first floor level. However, notwithstanding the substantial size, mass, scale and design of the proposed rear extension, it would be set well back from the public highway to the rear of the dwelling where it would not be overly prominent or have any significant adverse visual impacts on the already varied wider street scene and where it would be completely screened from the southwest by the neighbouring two storey dwelling and also to a large degree from the northeast by the neighbouring dormer

bungalow. The resulting dwelling would be compatible with the size of the substantial plot in which it is located and the scale of neighbouring dwellings and therefore the proposal is not considered to be unacceptable in terms of its height, width, depth or design in this particular case. By virtue of its siting and screening and subject to the proposed use of matching external materials in its construction to ensure a satisfactory and unified appearance, the proposed rear extension would respect and complement the scale, character and appearance of the existing dwelling.

- 8.5 The proposed single storey side/rear extension would extend from the rear of the existing garage along the main side elevation of the dwelling and project beyond the rear elevation for a total depth of 12.5 metres and for an appropriate matching width of 5 metres to be flush with the side elevation of the garage along the side boundary of the site. It would have a part lean-to roof at the side of the main dwelling and thereafter a dual pitched roof forming a rear gable with a clearly subordinate eaves height of 2.5 metres and ridge height of 3.6 metres. By virtue of its scale, design and subject to the proposed use of matching external materials in its construction to ensure a satisfactory and unified appearance, the proposed single storey side/rear extension would respect and complement the scale, character and appearance of the existing dwelling. Notwithstanding its substantial length, by virtue of its siting to the rear of the existing garage and adjacent to the side elevation of the neighbouring bungalow together with its single storey scale, the proposed side/rear extension would have no adverse visual impacts on the wider street scene. The only change to the front elevation of the dwelling would be a stepped parapet wall extending over the existing front elevation of the garage to part conceal the lean-to roof over the garage and the single storey side extension behind it.
- 8.6 This is a householder application which cannot seek planning permission for a new dwelling or the sub-division of the existing planning unit. Instead, the application seeks the approval for a residential annexe to provide ancillary living accommodation to the main dwelling, albeit with all the facilities for a self-contained living unit. It would be to the rear of and attached to and not remote from, the existing dwelling and would lie within its residential curtilage. The footprint and scale of the extension proposed is such that it would appear as an ancillary extension. Notwithstanding that it would contain all the facilities required to meet the day to day needs of the occupier (kitchen, shower room, bedroom etc.), no subdivision of the existing garden/amenity area is proposed. By virtue of the nature of the layout and access to the site any future separation from the host dwelling would be highly unlikely and impractical. Nevertheless, the imposition of a condition to restrict the use of the annexe extension to being solely ancillary to the residential occupation of the application dwelling would not be unreasonable.
- 8.7 A new first floor window of appropriate proportion and design would be inserted into the original northeast side elevation of the dwelling to serve the existing bathroom and replace that lost due to the rear extension. This would not result in any adverse visual impacts.
- 8.8 Notwithstanding the substantial size and scale of the proposed extensions and alterations, by virtue of their siting predominantly to the rear and set back to the side, their design with appropriately proportioned and patterned fenestration and the proposed use of matching corresponding external materials throughout to ensure a unified appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling, would be compatible with the size of the plot and neighbouring dwellings and would not result in any significant adverse visual impacts upon the character or appearance of the varied wider street scene. The proposals are 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

- 8.9 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 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.'*

- 8.10 The rear elevation of the application dwelling currently extends 1.5 metres beyond the main rear elevation of the neighbouring dwelling to the southwest (No. 196). This is a detached two storey house set in from the side boundary by 1.5 metres and with a separation distance of approximately 4 metres from the side elevation of the application dwelling to the quarter point of the nearest principal habitable room windows in its rear elevation at both ground floor and first floor. By virtue of the amended plans submitted which have reduced the depth of the two storey extension close to the southwest boundary with No. 196 by 2 metres, the two storey section of the proposal would not extend beyond a 45 degree line drawn from the quarter point of the nearest ground floor window in the neighbouring dwelling as demonstrated on the amended proposed floor plans drawing. Whilst the extension would extend for 2.5 metres to the rear further than this, this would only be at single storey height and with a lean-to roof form that would reduce any potential overbearing impacts on the neighbouring window and it would be largely screened by the existing 2 metres high solid close boarded timber boundary fencing. By virtue of the proposal being located to the northeast, it would not result in any significant overshadowing or loss of light to No. 196 and there are no side elevation windows proposed facing No. 196 that would result in any loss of privacy from direct overlooking to the neighbouring occupiers.

- 8.11 The neighbouring dwelling to the northeast (No. 200) is a detached bungalow that extends approximately 9.5 metres beyond the main rear elevation of the application dwelling. It has a relatively steep pitched roof forming a large gable at the rear with a four pane wide double patio doors/windows combination at ground floor and a central window at first floor. The proposed single storey side/rear extension would extend 12.5 metres along the side boundary with No. 200 from the rear of the existing garage and extend 2.5 metres beyond the rear elevation of No. 200. However, by virtue of its separation of over 2.5 metres from the centre point of the nearest principal habitable room windows in the rear elevation of No. 200 together with its single storey scale and dual pitched roof design that would slope away from the boundary, it is considered that the proposal would not result in any significant or unacceptable adverse overbearing or overshadowing impacts or loss of light to No. 200. There is a side elevation window in No. 200 that would face the side elevation of the proposed extension at a separation distance of only 1 metre, however, this is a secondary window to the patio doors/windows in the rear elevation which would not be adversely affected. Only high level roof lights are proposed in the side elevation of the proposed side/rear extension facing No. 200 and these would face the blank side roof elevation rather than towards any sensitive private areas. The

proposed new first floor window to be inserted into the original northeast side elevation to serve the existing bathroom would also face over the blank side roof elevation rather than towards any sensitive private areas and therefore would not result in any significant loss of privacy to the occupiers of No. 200 from direct overlooking.

- 8.12 By virtue of the siting, scale, amended design, separation distances and existing screening, it is considered that the amended proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP. No objections to the proposals have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.14 The site currently provides three off-street parking spaces within the existing garage and on the double width 8.5 metres deep hardbound surfaced driveway within the site frontage to serve the existing three bedroomed dwelling.
- 8.15 The proposals would result in three additional bedrooms and a six bedroomed house. The local highway authority design guide would require the provision of three off-street parking spaces to serve a dwelling with four bedrooms or more and therefore the existing off-street parking provision, which would be unaffected by the proposals, would ensure that adequate off-street parking provision would be available to serve the resulting six bedroomed dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposals are therefore considered to be 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 extensions and alterations to an existing dwelling located within the urban settlement boundary of Barwell 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. Notwithstanding the substantial size and scale of the proposed extensions and alterations, by virtue of their siting, design with appropriately proportioned and patterned fenestration and the proposed use of matching corresponding external materials throughout to ensure a unified appearance, it is considered that the proposals would nevertheless respect and complement the scale, character and appearance of the existing dwelling, would be compatible with the size of the plot and neighbouring dwellings and would not result in any significant adverse visual impacts upon the character or appearance of the varied wider street scene. By virtue of the siting, scale, amended design, separation distances and existing screening, it is considered that the amended proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking for three vehicles would be retained along with more than adequate private amenity space of approximately 650 square metres to serve the resulting six bedroomed dwelling. The proposals are 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 application details, as follows: Location Plan at scale 1:1250 received by the local planning authority on 22 February 2024 and Proposed Floor Plans Drawing No. 1634/02 Rev B and Proposed Elevations Drawing No. 1634/pss/03 Rev B received by the local planning authority on 16 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 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).

4. The ancillary residential annexe extension hereby permitted shall only be used for purposes ancillary to the residential occupation of 198 Kirkby Road, Barwell and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation.

**Reason:** To ensure compatible use and that the annexe extension hereby permitted is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM1, DM10, DM17 and DM18 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a licensed bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.