

Delegated Report

Planning Ref: 23/00323/HOU

Applicant: Mr and Mrs Gair

Ward: Markfield Stanton & Fieldhead

Site: 5 Oak Green Markfield Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Single storey rear conservatory

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 full planning permission for the construction of a single storey conservatory to the rear elevation of a bungalow, 5 Oak Green, Markfield.

2.2. The proposal would extend 3 metres for the rear elevation for a width of 4 metres and have an eaves height of 2.2 metres and ridge height of 3 metres to its glazed hipped pitched roof. It is proposed to be constructed with a low level wall of matching facing bricks and matching Rosewood uPVC windows/doors to those of the existing dwelling.

3. Description of the site and surrounding area

3.1. The application dwelling is located on a large residential complex outside the settlement boundary of Markfield and therefore within the countryside. It is a mid-terraced bungalow (of four) and has an existing lean-to conservatory attached to its rear elevation that would be replaced by the proposal. It is constructed with beige mottled facing bricks, brown concrete interlocking roof tiles and Rosewood uPVC windows. There is an open plan grassed amenity area to the rear of the terrace with no private or enclosed rear garden space, only a solid privacy screen panel to either side boundary. Parking is communal.

4. Relevant planning history

00/00547/FUL

- Erection of conservatory
- Permitted
- 11.07.2000

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

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

6. Consultation

6.1. No objection has been received from Markfield Parish Council.

7. Policy

7.1. Markfield Neighbourhood Plan (MNP) 2020-2039 (2021)

- Policy M1: Countryside
- Policy M10: Design

- 7.2. Core Strategy (2009)
 - No relevant policies
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - 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. Notwithstanding its countryside location, extensions and alterations to existing domestic properties within a residential estate setting 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 and surrounding countryside
 - Impact upon neighbouring residential amenity

Design and impact upon the character of the area and surrounding countryside

- 8.2 Policy M1 of the 'made' Markfield Neighbourhood Plan (MNP) seeks to protect the character and appearance of the countryside. Whilst not specifically supporting the extension of existing dwellings, the policy does support *'Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan.'* Policy M10 of the 'made' MNP states that to be supported development must be sympathetic to local character and be in keeping with the scale, form and character of its surroundings.
- 8.3 Policy DM4 of the adopted SADMP allows extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside. 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 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.'

- 8.4 The proposal would replace an existing lean-to conservatory albeit on a slightly larger footprint and with a hipped pitched roof form. It would extend for an appropriate depth of only 3 metres from the rear elevation and for an appropriate width of only 4 metres and with an appropriate eaves height just below that of the existing dwelling and a clearly subordinate ridge height of just 3 metres. The proposal would therefore be clearly subordinate in scale to the existing dwelling. By virtue of its acceptable design that reflects that of similar conservatory structures attached to the dwellings either side, and subject to the proposed use of matching external materials in its construction to ensure a unified appearance, the proposal would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. By virtue of its siting within a residential complex, its small scale, design and appearance, the proposal would have no significant adverse impacts on the rural or open character or appearance of any surrounding countryside. The proposal is considered to be in accordance with Policy M10, and therefore Policy M1, of the 'made' MNP, Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.5 Policy M10 of the 'made' MNP seeks to ensure that the amenities of residents in the area are not significantly adversely affected including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.6 Policy DM10 of the adopted SADMP and the adopted 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.
- 8.7 The application dwelling is one of a small terrace of four similar bungalows with open plan amenity areas to the rear that are not enclosed or private. The proposed conservatory would extend just 3 metres from the rear elevation at a distance to the neighbouring attached dwellings of 0.5 metres (No. 4) and 3.5 metres (No. 6) respectively and with an existing solid privacy screen panels erected on both side boundaries between similar conservatories attached to the rear elevations of those dwellings. The proposal would not result in any significant adverse overbearing or overshadowing impacts or, notwithstanding the clear glazing within the side elevations, result in any significant loss of privacy to either neighbouring occupiers from overlooking as only very limited privacy currently exists.
- 8.8 By virtue of its siting, single storey scale, design and solid privacy screen panels erected between similar neighbouring structures either side the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings the proposal is considered to be in accordance with Policy M10 of the 'made' MNP, Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from any neighbouring properties.

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. Notwithstanding its countryside location outside of the settlement boundary of Markfield, the proposal is an extension to an existing dwelling 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, subordinate scale, design and the proposed use of matching external materials, the proposed extension and alteration would respect the scale, character and appearance of the existing dwelling and attached neighbouring dwellings and would not result in any significant adverse impacts on the rural or open character or appearance of the surrounding countryside. By virtue of its siting, scale, design and solid privacy screen panels erected between similar neighbouring structures either side, the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. Communal parking and amenity areas serving the dwelling would be unaffected. The proposal is considered to be in accordance with Policies M1 and M10 of the 'made' MNP, Policies DM1, DM4, DM10 and DM18 of the adopted SADMP and the principles of the Council's 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, Proposed Block Plan and Proposed Roof/Floor Plan and Elevations Drawing Page 2 of 2 Ref. C91717/Gair received by the local planning authority on 30 March 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 hereby permitted shall be in accordance with the materials details within the submitted Planning Application Form and on the approved Proposed Roof/Floor Plan and Elevations Drawing Page 2 of 2 Ref: C91717/Gair received by the local planning authority on 30 March 2023 and 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.