

Delegated Report

Planning Ref: 23/00509/HOU
Applicant: Mr & Mrs Walker
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 4 Kings Way Groby Leicestershire

Proposal: Single storey rear 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 the construction of a single storey extension to the rear elevation of a dwelling, 4 Kingsway, Groby. The proposed extension would project 4 metres in depth from the rear elevation with a width of 5.3 metres to be flush with the main side elevation and would be set in from the common side boundary by 0.4 metres. It would have a very low pitched lean-to roof form with an eaves height of 2.3 metres and a maximum height of 3.2 metres. It would have patio doors and a further window in its rear elevation, three roof lights and a door to the garden in its side elevation. It is proposed to be constructed with cream rendered walls and roof tiles to match the colour of the existing roof tiles. It would replace an existing conservatory of 2 metres depth.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Groby on a large residential estate and at the end of a small cul-de-sac of similar dwellings. It is a two storey semi-detached house with gable sided roof form and has a stepped relationship to the adjoining house, being set further back by approximately 3.5 metres. It has a ground floor floating bay window and open lean-to canopy porch to the front elevation and a lean-to conservatory to the rear elevation which would be replaced. It is constructed of light brown facing bricks, brown Roman interlocking concrete roof tiles and dark brown uPVC windows. There is a single garage set back to the side which is adjoined to a similar garage of the neighbouring dwelling. There is additional off-street parking on the double length tarmac driveway and loose stone surfaced site frontage for another three cars. The rear garden is enclosed by 2 metres high solid feather-board timber panel fencing to all sides.

4. Relevant planning history

None.

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 Groby Parish Council.

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) (2021)
- 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 dwellings 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and in respect of rear extensions 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.'

8.3 The proposal would extend 4 metres from the original rear elevation and 5.3 metres in width across almost the entire rear elevation to be flush with the main side elevation. As a result, it would substantially increase the ground floor space of the existing dwelling which currently has a depth of 7 metres. Nevertheless, by virtue of its single storey scale and very low profiled lean-to roof design with an eaves height of 2.3 metres and a clearly subordinate maximum height of just 3.2 metres it would still appear as a clearly subordinate addition to the existing dwelling. It is proposed to be constructed with contrasting cream rendered walls and brown roof tiles to match the existing colour of the main roof but suitable for the much lower pitch. Notwithstanding the contrasting render materials and low pitched roof form, by virtue of its position to the rear where it would be well screened and single storey scale, the proposal would not be visually prominent or result in any significant adverse visual impacts on the existing dwelling or the wider street scene. The proposal is therefore considered to be acceptable in design terms in this case and to respect and complement the scale, character and appearance of the existing dwelling and surrounding area. The proposal is 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

- 8.4 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.'

- 8.5 The rear elevation of the adjoining semi-detached dwelling to the northeast (No. 3) is set back 3.5 metres from that of the application dwelling but it has a conservatory attached to its rear elevation that extends to be flush with it just inside the side boundary. The proposal would extend 4 metres further to the rear and be set in only 0.4 metres from the side boundary. It would therefore extend beyond a 45 degree line drawn from the centre-point of the rear elevation of the neighbouring conservatory. However, the proposal would be only single storey with a very low pitched lean-to roof form with an eaves height of only 2.3 metres and a maximum height of only 3.2 metres. A single storey extension of 3 metres depth and 3 metres height and a 2 metres high fence could be erected along the boundary under permitted development rights. Therefore, notwithstanding the conflict with the 45 degree rule within the adopted GDG, the additional impact of the proposal on No. 3 is limited to just a 0.5 metres square section of wall in this particular case. No objection to the proposal has been received from the adjoining occupiers and it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on No. 3 and with a blank side facing wall proposed there are no side elevation windows that would result in any loss of privacy to the neighbouring occupiers.
- 8.6 By virtue of its siting, single storey scale, screening by the existing garage to the southwest and separation distance of 6 metres to the rear garden boundary with no directly facing windows beyond, the proposal would have no significant adverse impacts on the residential amenity or privacy of any other neighbouring properties.
- 8.7 Notwithstanding its depth, by virtue of the siting, single storey scale, design, separation distances and screening by existing structures, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties and that it would therefore be in accordance with Policy DM10 of the adopted SADMP. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.8 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.9 The proposal would not result in the provision of any additional bedroom space and the existing/retained off-street parking provision of four spaces would be more than adequate to serve the existing /resulting dwelling in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide 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 is for an extension and alteration to an existing dwelling within the settlement boundary of Groby 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 to the rear, single storey scale, design, separation distances and screening by existing structures, and subject to the proposed use of appropriate external materials, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the dwelling or wider street scene or the residential amenity or privacy of any neighbouring properties. Adequate private amenity space of approximately 85 square metres and four off-street parking spaces would be retained to serve the dwelling. The proposal is 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 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 and Proposed Site Plan Drawing No. KW-01 Rev A and Proposed Floor Plans and Elevations Drawing No. KW-02 Rev A received by the local planning authority on 23 June 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 provided within the submitted Planning Application form and as detailed on the approved Proposed Elevations Drawing No. KW-02 Rev A received by the local planning authority on 23 June 2023.

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.