

Delegated Report

Planning Ref: 23/00906/HOU
Applicant: Mr & Mrs Blundred
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 17 Beryl Avenue Hinckley Leicestershire

Proposal: Two storey side/rear extension, single storey rear extension and front porch (amended scheme 22/00686/HOU)

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 two storey side and rear extension, a single storey rear extension and a front porch to a dwelling, 17 Beryl Avenue, Hinckley.
- 2.2. The proposal is an amended scheme to that previously approved under planning permission 22/00686/HOU but with a new front porch added to the scheme and amendments to the fenestration of the approved scheme.
- 2.3. The two storey side extension and single storey rear extension have already been substantially constructed with currently unrendered blockwork walls and grey plain concrete roof tiles on the roof structure. The two storey extension has been set back from the front elevation by 2.9 metres and has a width of 3.6 metres from the existing side elevation. It extends 7.9 metres in depth, 4 metres beyond the main rear elevation. It has matching eaves height and marginally subordinate hipped roof form to the front and a marginally subordinate gable roof to the rear. The single storey extension extends 3 metres from the rear elevation of the application dwelling at 0.15 metres inside the side boundary and extend 4.2 metres in width to adjoin the two storey rear extension. It has a lean-to roof with an eaves height of 2.5 metres and a maximum height of 3.5 metres and two rooflights. The proposed external materials remain as previously approved and include the use of matching render to all external walls, grey plain concrete roof tiles and white uPVC windows.
- 2.4. An additional box dormer has already been constructed on the side roof elevation of the two storey extension. It has a width of 4.5 metres, a depth of 2.3 metres and a height of 2 metres which matches that of the ridge of the two storey extension and has been constructed with grey horizontal boarding. This element of the scheme has been removed from this application through the submission of amended plans and will not benefit from planning permission.
- 2.5. The proposed front porch has not yet been commenced. It would be set back from the main front elevation by 0.6 metres. It would extend 2.2 metres from the front of the approved side extension and with a diagonal wall to meet the external corner of the extension and with a hipped roof with an eaves height of 2.3 metres and maximum height of 3.7 metres.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley on a residential estate. It is a two storey end terraced house within a block of four dwellings. It has a ground floor bay window and hipped main roof form to the front

and double two storey gables to the rear elevation. It is constructed with white/black speckled rough rendered walls, grey plain concrete roof tiles and white uPVC windows. The rear/side garden is enclosed by 1.8 metres high close boarded timber fencing with access gates to the rear. There is vehicular access through a large rough surfaced shared open area at the rear which enables off-street parking within the rear garden.

- 3.2. The application dwelling lies within a discreet corner plot between two perpendicular rows of originally similarly scaled and styled terraced and semi-detached dwellings and is set back from the public highway by 15 metres.

4. Relevant planning history

22/00686/HOU

- Two storey side/rear extension and single storey rear extension
- Permitted
- 12.09.2023

21/00461/HOU

- 1.8 metre fence panels to the front of the property (Retrospective)
- Refused
- 02.08.2021

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 other consultations are necessary or have been undertaken.

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) (2023)
- 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 to existing dwellings 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.

8.3 The adopted Good Design Guide states that:

'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.' and,

'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 Notwithstanding its 3.6 metres width, the proposed two storey extension is sited to the side on a discreet corner plot and set back by 2.9 metres from the front elevation. It has a similar hipped roof form with matching eaves height and marginally subordinate ridge height and therefore, in this particular case, does not appear overly prominent or result in any significant adverse visual impacts on the application dwelling or wider street scene (subject to the eventual proposed use of matching external materials). It extends 7.9 metres in depth, 4 metres beyond the main rear elevation but still retains a separation distance to the rear boundary of 7 metres in accordance with the adopted Good Design Guide. It forms a marginally subordinate two storey gable roof to the rear which reflect the roof form and width proportion of a similar feature on the existing rear elevation.

8.5 The single storey rear extension extends 4.2 metres across the rear elevation from the proposed two storey section to within 0.15 metres of the boundary and at a reduced depth of just 3 metres. It has a clearly subordinate lean-to roof with an eaves height of 2.5 metres and a maximum height of 3.5 metres and two rooflights. The overall scale and footprint of the two storey side/rear extension and single storey rear extension have been constructed as previously approved and remain acceptable in design terms.

8.6 The amendments proposed to the fenestration on the rear and side elevations of the extensions are also acceptable in design and visual appearance terms. The external surfaces of the extensions are to be constructed with matching white rendered walls, grey plain concrete roof tiles and matching white uPVC windows to ensure a unified overall appearance and would be characteristic of the surrounding area.

- 8.7 By virtue of its siting, small single storey scale, set back from the front elevation, sympathetic hipped roof design and proposed construction in matching external materials, the proposed front porch would respect and complement the scale, character and appearance of the application dwelling and would have no significant adverse visual impacts on the surrounding area.
- 8.8 Notwithstanding its width, by virtue of the discreet siting, its scale, design, window proportions and the proposed use of matching external materials it is considered that the proposed extensions and alterations would reflect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts on the street scene or surrounding area. The amended proposals are therefore considered to be acceptable in this case and 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 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.
- 8.10 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.'*
- 8.11 The adjoining neighbouring dwelling to the southwest (No. 19) is a similar two storey mid-terraced house. The rear elevation of the application dwelling is set further back than that of No. 19 such that the proposed single storey rear extension projects approximately 4.5 metres to the rear of No. 19 at just 0.15 metres inside the side boundary. The proposal therefore extends beyond a 45 degree line drawn from the middle of the nearest window in the rear elevation of No. 19. However, notwithstanding this, the proposal is only single storey with a lean-to roof that diminishes in height further from the dwelling, is screened to a significant degree by the existing 1.8 metres high close boarded timber fencing that defines the side boundary and is located to the north east of No. 19 where it is unlikely to result in any significant overshadowing. By virtue of its siting, single storey scale, sympathetic roof design and existing screening it is considered that the proposal does not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of No. 19 in this particular case. There are no side elevation windows that result in any loss of privacy to the occupiers from potential overlooking. The two storey rear extension is set in by 4.35 metres from the side boundary with a blank side elevation facing No. 19 and therefore has no significant adverse impacts on the residential amenity or privacy of the occupiers of No. 19. No objection to the proposals has been received from the adjoining occupier. The first floor windows in the rear elevation face towards a large open parking area at the rear.
- 8.12 The front elevation of the proposed two storey side extension and single storey front porch face towards the blank (other than a small ground floor window) side elevation and site frontage of the adjacent dwelling to the northwest (No. 15) and therefore would not result in any significant adverse overbearing or overshadowing

impacts on any principal windows or result in any significant adverse impacts from loss of privacy to the occupiers from potential overlooking. No objection to the proposals has been received from the neighbouring occupiers.

- 8.13 There are two first floor windows in the side elevation facing the side/rear garden of the neighbouring dwelling No. 15, one existing and one proposed. The existing stair window will now serve as a secondary bedroom window and a new bathroom window is proposed. By virtue of their proximity to the garden boundary it is considered that it would be reasonable and necessary in this case to include a condition to require these windows to be obscurely glazed and non-openable below a height of 1.7 metres above the finished first floor room level to protect the privacy and amenity of the neighbouring occupiers from potential overlooking.
- 8.14 By virtue of the siting, scale, design, existing screening and separation distances, and subject to the use of obscure and fixed glazing where necessary, it is considered that the extensions and alterations would not result in any significant adverse impacts on the residential amenity of privacy of the occupiers of any neighbouring properties and that they are therefore in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 The proposal would increase the number of bedrooms from three to four. The local highway authority design guide requires the provision of a minimum of three off-street parking spaces to serve a four bedroomed dwelling. The site has rear access gates that would enable off-street parking for three vehicles within the large rear/side garden. However, in this case the dwelling backs onto a large hard surfaced open area used for communal off-street parking by numerous surrounding dwellings. Therefore, the proposals are unlikely to result in any significant adverse impacts on highway safety as a result of any resulting on-street parking in this case. In addition, the application dwelling is located within a highly sustainable urban location with easy access to a full range of services and facilities by alternative more sustainable transport means. It is therefore considered that the proposals would provide adequate off-street parking to serve the resulting dwelling in this particular case and would be 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 proposals relate to extensions and alterations to an existing dwelling located within the urban settlement boundary of Hinckley 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 its width, by virtue of the discreet siting, scale, design and the proposed use of matching external materials it is considered that the proposed extensions and alterations would reflect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts on the street scene or surrounding area. By virtue of the siting, scale, design, existing screening and separation distances, and subject to the use of obscure and fixed glazing where necessary, it is considered that the extensions and alterations would not result in any significant adverse impacts on the residential amenity of privacy of the occupiers of any neighbouring properties. Adequate off-street parking would be available to serve the resulting four bedroomed dwelling within the approximate 175 square metres of retained private rear amenity space and the adjacent communal car park. The amended proposals are therefore considered to be acceptable in this case and 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan No. 1620/SL received by the local planning authority on 13 September 2023 and Proposed Block Plan No. 1620/BP Rev A and Proposed Floor Plans and Elevations Drawing No. 1620 Rev A received by the local planning authority on 6 November 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).

2. 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).

3. Notwithstanding the submitted details, the two first floor windows serving bedroom 2 (secondary) and a bathroom within the northeast side elevation (facing 15 Beryl Avenue) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres from the finished floor level of each room. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking 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.