

Delegated Report

Planning Ref: 24/00402/HOU
Applicant: Mr Nathan Murphy
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 35 Highfield Road Groby Leicestershire

Proposal: Single storey rear extension, first floor side extension, new front porch and garage conversion

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 first floor side extension, single storey rear extension, new front porch and garage conversion to a dwelling, 35 Highfield Road, Groby.

2.2. The proposed first floor side extension would infill the front corner of the dwelling above an existing part integral garage and would be approximately 2.8 metres square to be flush with the main front and side elevations. The amended design would have a dual pitched roof forming a side gable with a similar front eaves height of 4.6 metres as the main roof and a subordinate ridge height of approximately 6.7 metres. The proposed single storey rear extension would extend 4 metres in depth from the rear elevation and extend across its full 9.3 metres width to be flush with both main side elevations. It would have a contemporary flat roof design to a height of 3 metres and a flat profiled raised roof lantern. The replacement front porch would have the same external footprint as the existing porch but would have a dual pitched gable fronted roof design with an eaves height of approximately 2 metres and ridge height of approximately 3.4 metres. It would be constructed with a low level brick wall with timber framed doors and windows and tiled roof. The proposed full garage conversion includes the replacement of the garage door with a similar width window and infill brick wall below. A new ground floor window would be inserted in the southeast elevation. The application proposes the use of matching corresponding external materials in the construction along with new and replacement agate grey UPVC windows throughout other than the timber framed doors/windows to the replacement front porch.

2.3. Amended plans have been submitted to address officer concerns in respect of the flat roof design of the proposed first floor front extension. By virtue of the nature of the amendment, its position relative to the neighbouring dwelling and lack of any previous objections, no re-consultation on the amended plans is considered to be necessary or has been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Groby on a residential estate. It is a detached two storey house with asymmetric gable fronted roof form and subordinate dual pitched roof side gable. It has a part integral garage with dual pitched roof forming a front gable and a lean-to roof extending from this across the remainder of the front ground floor elevation/bay window. There is a tall feature chimney stack on the northwest side elevation. The dwelling is constructed of red multi facing bricks other than plain grey concrete hanging tiles to the front gable infill, grey interlocking concrete roof tiles and white uPVC windows. The part

integral garage has already been part converted to living accommodation but there are four off-street car parking spaces on the concrete block paved 14 metres long and 7 metres wide site frontage. The rear garden is enclosed by 2 metres high solid close boarded timber fencing.

- 3.2. The application lies within a row of similarly designed and styled detached asymmetric gable fronted two storey houses. One of these has already been extended with a side gable that has altered the asymmetric roof design of the front elevation (No. 23). Within the wider street scene there are also two storey detached dwellings with regular gable fronted and gable sided roof forms.

4. Relevant planning history

01/01124/FUL

- Single storey front extension
- Permitted
- 13.12.2001

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) (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 and alterations to existing domestic properties 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 states:

'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, *'In assessing the merit of the planning application, consideration will be given to the impact on local character created by reducing the space between buildings.'* 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.' and,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

- 8.3 The proposed first floor side extension would measure approximately 2.8 metres square and would infill the front left-hand corner of the dwelling. The amended design would have a dual pitched roof forming a second side gable with a similar front eaves height of 4.6 metres as the main roof and a subordinate ridge height of approximately 6.7 metres, over 1 metre lower than the main roof height. It would provide additional full height headroom within the existing small fourth bedroom. Notwithstanding that it would not be set back but would be flush with the main front elevation, by virtue of its much lower height, width and appropriately proportioned small windows, the proposal would nevertheless appear as a clearly subordinate addition to the existing dwelling. The design would alter the existing asymmetric gable fronted design of the dwelling but this would be characteristic of a similar side extension to another similar dwelling in the vicinity (No. 23) and would have no significant adverse impacts upon the detached character or appearance of the application dwelling or that of the already varied wider street scene. The proposed use of matching corresponding external materials in its construction would ensure a unified appearance.
- 8.4 The proposed single storey rear extension would extend for a not inappropriate depth of 4 metres from the rear elevation and extend across its full 9.3 metres width to be flush with both main side elevations. It would have a contemporary flat roof design to a height of 3 metres and would be subordinate in terms of both its height and footprint to the existing dwelling. By virtue of its single storey scale and siting entirely to the rear, the proposal would not have any visual impact within the street scene or be visible from any other public areas. As a result, the proposed contemporary flat roof design would be acceptable in this case and the proposed use of matching external materials in its construction would ensure a unified appearance.

8.5 The replacement front porch would have the same small external footprint as the existing porch but it would have a dual pitched gable fronted roof design with the same eaves height and a ridge height of approximately 3.4 metres. By virtue of its height and footprint the proposal would be a clearly subordinate addition and the design would complement the existing larger gables to the front of the dwelling. It is proposed to be constructed with a matching low level brick wall with contrasting but complementary timber framed windows above and timber doors and matching tiled roof to ensure a satisfactory appearance. The proposed full garage conversion includes the replacement of the existing garage door with an appropriately proportioned window of similar width and matching infill brick wall below to ensure a unified appearance that would result in no adverse impacts upon the character or visual appearance of the application dwelling or the wider street scene.

8.6 By virtue of their siting, scale, amended design and subject to the proposed use of matching corresponding external materials and complementary timber materials in their construction to ensure a satisfactory and unified appearance, the proposals would respect and complement the scale, character and appearance of the existing dwelling and would have no adverse visual impacts within the already varied wider street scene. The proposals are therefore considered to be acceptable in design terms 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

8.7 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 Council's adopted Good Design Guide states:

8.8 *'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.'*

8.9 The application dwelling and the similarly scaled and designed neighbouring dwellings either side are constructed on a similar main front and rear building line and separated by just over one metre in total. The proposed first floor front extension would be constructed adjacent to the blank two storey side elevation of the neighbouring dwelling (No. 33) and would not extend any further forward of the front elevation and therefore would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers. The rear access to No. 33 is to the far southeast side of the dwelling adjacent No. 31.

8.10 No. 31 lies to the southeast of the application dwelling and has not been extended to its rear elevation. It has combined four pane wide patio doors/windows closest to the boundary with the application dwelling at ground floor. The centre-point of this would be approximately 3 metres from the side elevation of the proposed single storey rear extension. As a result of its 4 metres depth the proposed rear extension would therefore extend beyond a 45 degree line drawn from the nearest window by 1 metre. Notwithstanding this, the proposal would be only single storey with a flat roof design to a height of only 3 metres and would be set in by 1 metre from the side boundary with No. 31 which is defined by a 2 metres high solid close boarded timber fence. The additional impact of the proposal over and above permitted development criteria for such an extension and a 2 metres high boundary fence

would therefore be limited to an additional 1 metre square. As a result, it is considered that the impact of the proposal on the level of light to, and outlook from, the wide ground floor patio doors/windows and the neighbouring rear garden would not be adversely affected to a significant or unacceptable degree and no objection to the proposals has been received from the neighbouring occupiers. The side elevation facing No. 31 would be blank and therefore would not result in any loss of privacy to the neighbouring occupiers from potential overlooking. The proposed new ground floor window in the near side elevation would face the blank side elevation of No. 31 rather than towards any sensitive amenity areas.

- 8.11 The neighbouring dwelling to the northwest (No. 37) is a similarly designed two storey detached house set inside the boundary with the application dwelling by 1 metre. It has been extended by the addition of a white uPVC conservatory to the far side its rear elevation but the windows in its rear elevation closest to the application dwelling are two small obscurely glazed windows. Therefore, notwithstanding its 4 metres depth, the proposed rear extension would not extend beyond a 45 degree line drawn from any principal habitable room windows. By virtue of its relative siting, single storey scale and flat roof design to a height of only 3 metres, the proposal would not result in any significant adverse overbearing or overshadowing impacts on the amenity of the occupiers of No. 37. There are no near side elevation windows proposed facing towards No. 37 that would result in any loss of privacy to the neighbouring occupiers from overlooking.
- 8.12 The proposed replacement front porch would have the same external footprint as the existing porch and the new dual pitched roof to a ridge height of only 3.4 metres would be set in from both side boundaries and therefore would have no adverse impacts on the residential amenity of any neighbouring properties.
- 8.13 Notwithstanding the small degree of conflict in respect of the proposed rear extension identified with adopted Good Design Guide, by virtue of their siting, scale, design, screening and separation distances, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the overall general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 The site currently provides four off-street spaces on the 14 metres long and 7 metres wide concrete block paved driveway within the site frontage. The integral garage has already been part converted to living accommodation and therefore its full conversion to such would not result in any reduction in available off-street parking to serve the resulting dwelling. The proposals would not result in the addition of any more bedrooms, only additional full height headroom in the smallest fourth bedroom. As a result, the existing retained off-street parking provision of four spaces would remain adequate to serve the resulting four bedroomed house in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance 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 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 their siting, scale, amended design and subject to the proposed use of matching corresponding external materials and complementary timber materials in their construction, the proposals would respect and complement the scale, character and appearance of the existing dwelling and would have no adverse visual impacts within the already varied wider street scene. Notwithstanding the small degree of conflict identified with the adopted Good Design Guide, by virtue of the siting, scale, design, screening and separation distances, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate existing off-street parking provision of four spaces would be retained within the site along with adequate private amenity space of approximately 100 square metres to serve the existing/resulting four bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the overall 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, Proposed Site Plan/Roof Plan and Proposed Floor Plans Drawing No. BHR[20]001 Rev E and Proposed Elevations Drawing No. BHR [21]001 Rev E received by the local planning authority on 30 May 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 and be in accordance with the new and replacement window details as submitted within the Planning Application form.

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 building.control@blaby.gov.uk or call 0116 272 7533.