

Delegated Report

Planning Ref: 24/00110/HOU
Applicant: Mr Stephane Eyles
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 9 Portland Drive Hinckley Leicestershire

Proposal: Erection of two storey side extension (following the demolition of existing garage)

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 side extension following the demolition of an existing garage to a dwelling, 9 Portland Drive, Hinckley.
- 2.2. The proposed two storey side extension replaces the existing single storey garage and study room. The extension is flush with the front and rear elevations. The extension measures 3 metres in width at both the ground and first floor levels and approximately 9 metres in depth at the ground floor. The extension has a depth of 8.3 metres. The extension creates a side gable roof design, a matching ridge height of 7.7 metres and an eaves height of 4.9 metres. The ground floor creates a playroom/utility/dining area. The first floor also creates a master bedroom.
- 2.3. Matching corresponding external materials of brickwork, roof tiles, white uPVC windows and doors are proposed in the construction.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley in a residential area. It is a two storey semi-detached house with a gable sided main roof form and a single storey mono pitched garage. It is constructed with red brick, roof tiles and has white uPVC windows. The dwelling is bordered on the side by a hedge and a 2 metre high solid close boarded timber fence and has a loose stone surfaced parking area to the front. Adjacent to the hedge and the fence to the east of the site, is a public walkway. The site is not within a conservation area and is not a listed building.
- 3.2. The surrounding street scene has varied building designs, two storey semi-detached and detached dwellings.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice has been posted within the vicinity.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. LCC Highway has not comment to the application.

- 6.2. LCC Ecology comments that the site appears to have low suitability for roosting bats and therefore bat survey is not required.

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 (GDG) (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. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

- 8.3 The Council's adopted Good Design Guide 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.'

- 8.4 The proposed two storey side extension has an overall ridge height of 7.7 metres and is flush with the existing roof height of the main dwelling. The proposed gable roof design and height matches the street character. The extension measures 3 metres in width and approximately 9 metres in depth on the ground floor. The first floor measures 3 metres in width and a depth of 8.3 metres. This increases the

massing of the dwelling, however, due to the orientation of the site and the street scene having several semi-detached properties of varied scale, the proposed extension matches the existing dwelling, the wider street scene and does not look prominent within the surrounding environment. The extension has suitably proportioned windows that reflect the size and style of those on the existing dwelling to ensure a unified design. Matching corresponding external materials are proposed to be used in the construction to ensure a satisfactory and unified appearance. The two storey side extension does not result in significantly adverse visual impacts and is therefore considered to be acceptable in design terms. Given the presence of the adjacent walkway there is no potential terracing effect in this instance.

- 8.5 By virtue of the siting, scale, design and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposed extension and alteration respect and complement the scale, character and appearance of the existing dwelling and have no significant adverse visual impacts on the wider street scene. 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

- 8.6 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.

- 8.7 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.'

- 8.8 The proposed extension is to the east of the site. It has a width of 3 metres which is slightly bigger than the width of the existing garage. The separation distance between the extension and the boundary fence is 2 metres. Adjacent to the boundary fence is a public footpath that separates 9 and 11 Portland Drive. As a result of the dimension of the extension, the separation distance between the extension and other properties and size of the proposed site, the proposed extension does not result in any significant adverse effects on adjoining properties. The extension is not set down, however, has no significant overbearing or overshadowing impact on occupiers of adjoining properties. The extension has side windows on the ground floor level which does not result in overlooking into the gardens of neighbouring properties as a result of the separation distance and existing boundary fence. A 45 degree line drawn from a quarter point of either the nearest front window or side window of 11 Portland Drive is not breached. The proposal does not result in any loss of privacy to the adjoining occupiers from potential direct overlooking.

- 8.9 By virtue of the siting, scale, design, separation distances, it is considered that the proposal does not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposals have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 The proposal results in the provision of additional fourth bedroom and the loss of an existing garage. The site currently has the capacity to hold two off-street parking spaces on the loose stone surfaced parking area to the front of the dwelling.
- 8.12 The local highway authority design guide requires a minimum of three off-street car parking spaces to serve the resulting dwelling. This level of retained existing provision does not comply with the guidance of the local highway authority, however the site is located within a highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal is 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 proposal relates to extension and alteration 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. By virtue of the siting, scale, design, orientation of the site, separation distance and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposed extension respects and complements the scale, character and appearance of the existing dwelling and has no significant adverse visual impacts on the wider street scene in this instance. The proposal does not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. A satisfactory

level of off-street parking spaces is provided, and adequate private amenity space is retained. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, 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 and Block Plan Drawings Number 0048/2024/001/REV A, Proposed Floor and Roof Plan 0048/2024/005/REV A, Proposed Elevation Drawing Number 0048/2024/006/REV A, received by the local planning authority on 01 February 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 extension and alteration shall match the corresponding materials of the approved plan and elevation.

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.
2. The applicant is advised to ensure that, when being constructed, no part of the development hereby permitted exceeds the extent of their land ownership, for example through any overhanging rainwater goods etc., in order to avoid any potential legal disputes with the adjoining neighbouring land owner(s).