

Delegated Report

Planning Ref: 24/00622/HOU

Applicant: Mr Kettle

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 8 Edinburgh Road Earl Shilton Leicestershire

Proposal: First floor rear extension and front porch

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 first floor rear extension and replacement front porch to a dwelling, 8 Edinburgh Road, Earl Shilton.

2.2. The proposed first floor extension would be constructed above part of an existing single storey rear extension. It would be set in slightly from the main side elevation of the dwelling and would extend 2.8 metres in depth from the main rear elevation for a width of 3.8 metres and be set in from the common boundary with the adjoining dwelling by 1.5 metres. It would have a dual pitched roof forming a rear gable with an eaves height of 4.8 metres and a ridge height of 6.3 metres. The proposed front porch would replace an existing brown uPVC porch and would extend 1.2 metres forward of the front elevation and for a width of 2 metres. It would have a dual pitched gable fronted roof form with an eaves height of 2.2 metres and a ridge height of 3.2 metres. The application proposes the use of matching corresponding external materials of lighter red/brown and red/brown facing bricks respectively, red/brown concrete interlocking roof tiles and white uPVC windows.

3. Description of the site and surrounding area

3.1. The application dwelling is a semi-detached two storey house with hipped roof form located on a residential estate within the settlement boundary of Earl Shilton. The original dwelling is constructed of red/brown facing bricks, red/brown interlocking concrete roof tiles and white uPVC windows. It has two storey bay windows with red concrete hanging tiles between and a brown UPVC porch with a flat roof to the front elevation. It has a single storey extension with a lean-to roof form across almost the full width of the rear elevation that is constructed in lighter red/brown facing bricks but red/brown concrete interlocking roof tiles and white uPVC windows to match the original dwelling. The main front elevation (not including the existing porch and bay window) is set back 4.8 metres from the highway boundary and therefore the site currently provides one undersized (in length) off-street parking space on the concrete slab surfaced driveway. The rear garden is 9 metres in depth and provides 60 square metres of private amenity space predominantly enclosed by 1.8 metres high solid timber fencing.

3.2. The application dwelling lies within a row of similarly scaled, designed and styled two storey semi-detached hipped roof dwellings with some variation in appearance but constructed on the same front and rear building lines. Some have been extended to the rear at single storey height with lean-to extensions and some have front porches.

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 response has been received from Earl Shilton Town Council.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)

- No relevant policies

7.2. Core Strategy (2009)

- No relevant policies

7.3. 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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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. 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. 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.'

- 8.3 The proposed first floor rear extension would be set in slightly from the main side elevation of the dwelling and would extend for the same appropriate depth of 2.8 metres from the main rear elevation as the existing single storey rear extension above which it would be constructed. By virtue of its appropriate part width of only 3.8 metres together with its dual pitched roof with rear gable with the same eaves height as the main roof but much lower ridge height of 6.3 metres, the proposal would appear as a clearly subordinate addition to the existing dwelling. Being subordinate in height and sited entirely to the rear elevation the proposal would not be visually prominent within any street scene or the surrounding area. The proposed use of matching corresponding external construction materials would ensure that the proposal would have a satisfactory and unified appearance.
- 8.4 The proposed front porch would extend 1.2 metres forward of the front elevation (only 0.2 metres further than the existing flat roof brown uPVC porch that it would replace) and for the same 2 metres width. It would have an acceptable dual pitched gable fronted roof form with an eaves height of 2.2 metres and a ridge height of 3.2 metres and would appear as a clearly subordinate and well-proportioned addition to the front elevation that would not be overly visually prominent within the street scene or be an uncharacteristic feature. The proposed use of matching corresponding external construction materials would ensure that the proposal would have a satisfactory and unified appearance.
- 8.5 The site currently provides 60 square metres of private amenity space in the rear garden which meets the general guideline provision standard in the Council's adopted Good Design Guide for a two bedroomed house. Notwithstanding that the proposal would add a third bedroom, the shortfall of an additional 20 square metres to serve a three bedroomed dwelling within the design guide is not considered to be critical in this case to an extent that would warrant refusal of the proposal on such grounds.
- 8.6 The Council's adopted Good Design Guide states: *'Where hardstanding is proposed at the front of a property, this should not constitute more than 50% of the total area'* and *'Permeable paving materials are supported as a means of minimising the cumulative impact on flood risk.'* It is the applicant's intention to surface the whole site frontage in permeable concrete block paving to provide one angled full sized off-street parking space to serve the dwelling. Notwithstanding that this would be in conflict with the adopted Good Design Guide, it is considered that this visual impact would be offset by the planning gain of at least one full sized off-street parking space to serve the dwelling where none currently exist. In addition, the full hard-surfacing of site frontages is an albeit unfortunate common characteristic feature of the street scene in this case.
- 8.7 By virtue of their siting, scale, design and proposed use of matching corresponding external materials in their construction to ensure a unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.
- Impact upon neighbouring residential amenity
- 8.8 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. The Council's adopted Good Design Guide states:

- 8.9 *'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.'*
- 8.10 The adjoining two storey semi-detached house to the southeast (No. 6) has been extended to a slightly greater depth at single storey height at the rear therefore the proposal would not adversely affect any ground floor rear elevation windows. The nearest rear elevation window at first floor serves a bedroom and its centre-point is set in from the side boundary by 1.6 metres. Due to the proposal also being set in from the side boundary by 1.5 metres it would be 3.1 metres from the side elevation of the proposed 2.8 metres deep first floor extension. By virtue of the proposed depth and separation distance the proposal would not extend beyond a 45 degree line drawn from the centre-point of the neighbouring bedroom window or result in any significant adverse overbearing or overshadowing impacts on the residential amenity of the adjoining occupiers of No. 6. There are no side elevation windows proposed that would result in any significant loss of privacy to the adjoining occupiers from direct overlooking.
- 8.11 The neighbouring two storey semi-detached house to the northwest (No. 10) has the same rear building line as the application dwelling and has not been extended. The quarter point of the nearest neighbouring ground floor rear elevation window of No. 10 (likely serving a kitchen) would be separated by 3.4 metres from the side elevation of the proposed first floor rear extension, (comprising the 1 metre access either side of the common boundary and 1.4 metres to the quarter-point of the window). The nearest first floor rear elevation window of No. 10 is obscurely glazed and serves a bathroom. Therefore, by virtue of its depth of only 2.8 metres, the proposal would not extend beyond a 45 degree line drawn from the quarter-point of the neighbouring ground floor window or result in any significant adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring occupiers of No. 10. There are no side elevation windows proposed that would result in any significant loss of privacy to the neighbouring occupiers from direct overlooking.
- 8.12 The proposed first floor rear elevation window would face towards the bottom of the rear garden of the neighbouring dwelling to the northeast (25 Coronation Road) but at an acceptable separation distance to the rear garden boundary of 9 metres and would not face towards any habitable room windows. It is therefore considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of those neighbouring occupiers or result in any significant loss of privacy to those neighbouring occupiers from direct overlooking.
- 8.13 By virtue of their siting, scale, design and separation distances the proposed extensions and alterations would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and would therefore be 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 the occupiers of 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. The Council's adopted Good Design Guide states:
- 'Front extensions should not result in the loss of existing parking spaces where it would impact on the street scene and car parking provision.'* and,
- 8.15 The proposals would result in the provision of an additional (third) bedroom to the dwelling. The maximum 4.8 metres deep site frontage currently provides only one undersized (3.8 metres in length) off-street parking space on the concrete slab surfaced driveway in front of the existing 1 metre deep front porch, the remainder of the 4.4 metres frontage in front of the bay window being hard and soft landscaped behind a low level brick wall. The proposed porch would reduce the driveway length by a further 0.2 metres to just 3.6 metres. It is the applicant's intention to surface the whole site frontage in permeable concrete block paving to provide one angled full sized off-street parking space to serve the dwelling. Notwithstanding that this would be one space short of the requirement of the local highway design provision standard for a three bedroomed house, the site is located in the middle of a residential estate on a small through road rather than a major thoroughfare and is in a highly sustainable urban setting where a full range of services and facilities are readily available by alternative and more sustainable transport means.
- 8.16 It is considered that the shortfall of one off-street parking space would not be critical in this particular case in the context of the site as it is unlikely to result in any significant additional on-street parking or any significant adverse impacts on highway safety that would warrant refusal of the proposal on such grounds. The proposal is therefore considered to be acceptable in respect of Policy DM18 of the adopted SADMP.

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 Earl Shilton 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, design and appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. By virtue of their siting, scale, design and separation distances the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The shortfall in off-street parking provision and private amenity space to serve a three bedroomed dwelling is not considered to be critical in the urban context of the site. It is considered that the proposals would be in accordance with Policies DM1 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide and not unacceptable in respect of DM18 of the adopted SADMP and they 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 and Proposed Block Plan Drawing No. 24/52 05 and Proposed Floor Plans and Proposed Elevations Drawing No. 24/52 02A received by the local planning authority on 20 June 2024 and Proposed Side Elevation Drawing No. 24/52 06 received by the local planning authority on 9 July 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.

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).

4. Within one month of the first occupation of the extension hereby permitted, an off-street parking space of a minimum of 5.5 metres in length and 2.5 metres in width shall have been provided and hard surfaced in permeable hard-

bound materials within the frontage of the site and once so provided shall be permanently retained for such use and maintained as such at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policies DM17 and DM18 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.