

Delegated Report

Planning Ref: 26/00127/CONDIT
Applicant: Mr David Todd
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 36 Sunnyhill Burbage Hinckley

Proposal: Variation of conditions 2 and 3 of planning permission 20/00539/HOU.
Amendment to materials on proposed garage

Case Officer(s): Zahra Jam Rotbeh (Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 20/00539/HOU granted full planning permission for extensions and alterations at 36 Sunnyhill, Burbage which included remodelling of the existing property and erection of detached garage. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted with that application. Condition 3 of the planning permission requires that the materials to be used on the external elevations of the proposed extensions and the detached garage shall match the corresponding materials of the existing dwelling.
- 2.2. This application seeks planning permission for the variation of condition 2 (Plans) and condition 3 (materials) of that planning permission. The application proposes to facilitate the replacement of the masonry garage design with an Oak frame design. The alterations to the dwelling itself are not to be amended.

3. Description of the site and surrounding area

- 3.1. The application site comprises a detached two storey dwelling in the settlement boundary of Burbage. An existing, small, detached garage is also included within the confines of the site, as well as a recently protected oak tree under 18/00016/TPORD. The property is enclosed by a gated entrance and features a large area of open amenity space to its north side and rear, as well as ample off street parking provision to its front. The property is situated at the end of Sunnyhill, in its northern corner.
- 3.2. The property is finished in cream render, red brick, red roof tiles and white UPVC windows and doors. The property features a single storey side extension, a single gable projection to front and rear, and a single dormer to the rear. The site is bordered by high boundary fencing to all sides. Properties within the vicinity are all detached, with no distinct uniformity.

4. Relevant planning history

01/00087/FUL

- CONSTRUCTION OF PITCHED ROOF OVER GARAGE AND PORCH AREA AND ERECTION OF BOUNDARY WALL AND GATES
- PER
- 26.02.2001

95/00684/FUL

- ERECTION OF DETACHED TRIPLE GARAGE WITH GAMES ROOM OVER
- PER
- 04.01.1996

09/00063/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING.
- PER
- 24.03.2009

09/00362/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 12.06.2009

18/00632/HOU

- First floor front extension, new dormer to rear elevation and the erection of a detached garage with annexe accommodation at first floor level including dormer windows to the front elevation
- WDN
- 27.09.2018

19/00380/HOU

- Remodelling of existing property and erection of detached garage
- PER
- 10.06.2019

19/00976/CONDIT

- Variation of condition 2 of planning permission 19/00380/HOU to amend the height of the rear elevation to the eaves and the ridge
- PER
- 25.10.2019

20/00539/HOU

- Remodelling of existing property and erection of detached garage (Re-submission of 19/00380/HOU)
- PER
- 14.08.2020

80/00421/4

- ALTERATIONS TO DWELLING
- REF
- 24.06.1980

80/01164/4

- EXTENSION TO HOUSE
- PER
- 04.09.1980

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following the publication no comments have been received.

6. Consultation

- 6.1. Burbage Parish Council;
'Burbage Parish Council has no objections to this application.'

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 4: Development in Burbage.
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. Burbage Neighbourhood Plan 2015-2026
 - Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Conditions
 - As the amendments relate solely to the garage element, the extensions/alterations to the dwelling are not assessed further within this report.

There are no material changes which require a different assessment to that made in application 20/00539/HOU and for brevity the findings of this assessment are not repeated here.

Design and impact upon the character of the area

- 8.2 Policy DM10 of the Site Allocations and Development Management Policies DPD (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.
- 8.3 Policy 1 of the Burbage Neighbourhood Plan (BNP) seeks to ensure that any future residential development within or adjacent to the settlement boundary is supported subject to complying with the other development plan policies.
- 8.4 Policy 2 of the BNP seeks to ensure any future residential development respects its surroundings, follows the existing pattern of development and retains existing important natural features on the site.
- 8.5 The application proposes replacing the approved masonry garage with an oak-framed design, resulting in a different general appearance from the approved plans. However, as the overall dimensions and layouts would be retained and the plot is located within a cul-de-sac, the use of timber materials and the revised façade are not considered to cause harm to the design of the main dwelling or the character of the surrounding area.
- 8.6 The proposal is therefore regarded as acceptable in accordance with Policy DM10 of the SADMP and Policies 1 and 2 of the BNP.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the 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.
- 8.8 The proposed amendment would not result in any change to the approved size or dimensions, nor would it introduce any additional projection or openings to the dwelling and garage. However, the proposed garage layout includes a new external staircase to the west elevation. Given the substantial separation distance of approximately 28 metres to the rear garden of No. 27 Far Lash (bungalow), that is located to the west of the main dwelling, the proposed staircase is not considered to result in any significant loss of privacy or overlooking impact to neighbouring properties. As such, the amendments would not cause any further significant adverse impacts in terms of overbearing or overshadowing to neighbouring properties, nor would they result in any significant adverse impacts from overlooking or loss of privacy to neighbouring occupiers. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Conditions

- 8.9 The previously approved planning permission 23/01056/HOU was subject to 3 conditions. The development has been implemented and therefore Condition 1 is no longer necessary. Condition 2 (plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission. Condition 3 (external materials) is also necessary and would also need to be

amended to refer the different material used on the garage and to ensure that the development has a satisfactory external appearance.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the;

- Proposed Elevations, Floor Plans, Section, Drg No 07 Rev 08 (1:100 scale)

received by the Local Planning Authority on 11 February 2026, and

- Proposed Elevations Ref: 36SH/04M (1:100 scale)

received by the Local Planning Authority on 14 August 2020; and

- Site Location Plan and Site Plan Ref. 36SH-SLP(7) (1:1250/1:500 scale)
- Proposed Floor Plans Ref. 38SH/03K (1:100 scale)

Both received by the Local Planning Authority on 04 June 2020.

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 the detached garage shall match the corresponding materials of the existing dwelling apart from where otherwise shown on Proposed Elevations Ref: 36SH/04M (1:100 scale) received by the Local Planning Authority on 14 August 2020 and Proposed Elevations, Floor Plans, Section, Drg No 07 Rev 08 and the application form received by the Local Planning Authority on 11 February 2026.

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).

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.

10. Conclusion

10.1. The proposals are for variations to a previously approved planning permission for an extension to an existing dormer within the settlement boundary of Burbage where there is a general presumption in favour of sustainable development as set

out in Policy DM1 of the adopted Site Allocations and Development Management Policies and the overarching principles of the NPPF.

- 10.2. The variations to the previously approved garage are considered to continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene and do not result in any adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The development is therefore considered to remain in accordance with the existing dwelling and the wider countryside. The proposal would adhere to Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies, the Councils Good Design Guide and is recommended for approval subject to amended condition 2 (Plans) and condition 3 (materials) to define the new planning permission.

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;
 - Proposed Elevations, Floor Plans, Section, Drg No 07 Rev 08 (1:100 scale)

received by the Local Planning Authority on 11 February 2026, and

- Proposed Elevations Ref: 36SH/04M (1:100 scale)

received by the Local Planning Authority on 14 August 2020; and

- Site Location Plan and Site Plan Ref. 36SH-SLP(7) (1:1250/1:500 scale)
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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 the detached garage shall match the corresponding materials of the existing dwelling apart from where otherwise shown on Proposed Elevations Ref: 36SH/04M (1:100 scale) received by the Local Planning Authority on 14 August 2020 and Proposed Elevations, Floor Plans, Section, Drg No 07 Rev 08 and the application form received by the Local Planning Authority on 11 February 2026.

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).

- 2.1. **Notes to applicant**

- a) 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.