

Delegated Report

Planning Ref: 23/00487/HOU

Applicant: Mr Les Jones

Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: 12 Smithy Close Barlestone Leicestershire

Proposal: Front porch, single storey rear extension 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 single storey rear extension, conversion of the garage to additional living accommodation and a front porch to a dwelling, 12 Smithy Close, Barlestone.

2.2. The proposed single storey rear extension would extend 5.5 metres in depth from the rear elevation flush with the existing side elevation and would extend 4.2 metres in width across the rear elevation. It would have a dual pitched roof forming a rear gable with an eaves height of 2.3 metres to match that of the main roof and a subordinate ridge height of 3.8 metres. The proposed front porch would extend 1.8 metres forward in depth from the front of the existing garage with a width of 3.5 metres and with a flat roof design with overhanging eaves to a height of 3.5 metres. Matching corresponding external materials as existing are proposed in its construction along with new and replacement grey uPVC and aluminium windows/doors throughout. Additional block paving to the site frontage is proposed to provide an additional (second) parking space.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Barlestone on a residential estate and within an infill development of five similar dwellings accessed by what appears to be a private shared driveway contiguous with a public footpath. It is a detached 'L' shaped bungalow with gable fronted roof form and attached side garage set back from the front elevation. It is constructed red/brown facing bricks, grey concrete interlocking roof tiles and white uPVC windows. In addition to the garage there is a 10 metres long tarmac surfaced driveway providing a second parking space. There is a small, grassed area within the remainder of the 4 metres deep open site frontage.

4. Relevant planning history

None.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. One response has been received as a result of public consultation objecting to the proposed rear extension on the grounds that it is very large, too close to the boundary and too high.

6. Consultation

6.1. No objection has been received from Barlestone 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) (2021)
- 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 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 that: '*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 as a general guideline suggests that 80 square metres of private amenity space should be provided to serve a three bedroomed dwelling.

8.3 An objection to the proposed rear extension has been received on the grounds that it is very large, too close to the boundary and too high.

8.4 The proposed single storey rear extension would extend 5.5 metres in depth from the rear elevation to within 1 metre of the rear and side garden boundaries but would extend only 4.2 metres in width across the rear elevation, less than half the width of the existing dwelling. It would have a matching dual pitched roof forming a rear gable with a modest matching eaves height of 2.3 metres and brick eaves detailing to match that of the main roof and a clearly subordinate ridge height of 3.8 metres. Notwithstanding the objection received, it is considered that the proposed rear extension would be clearly subordinate in terms of both its footprint and height to the existing bungalow, would be set sufficiently inside the boundaries of the site and would retain approximately 85 square metres of private amenity space which

would be adequate to serve the resulting three bedroomed dwelling. Matching corresponding external materials as the existing dwelling are proposed in its construction to ensure a uniform appearance. By virtue of its position to the rear and single storey scale, the proposal would not be visually prominent or result in any significant adverse visual impacts on the street scene or surrounding area. Notwithstanding the objection received, the proposed single storey rear extension is therefore considered to be acceptable in terms of its siting, scale, design and appearance.

- 8.5 The proposed front porch would extend only 1.8 metres forward in depth from the front of the existing garage with a width of 3.5 metres and with a flat roof design to a height of 3.5 metres. It would therefore be clearly subordinate in terms of both its footprint and height to the existing bungalow. Notwithstanding its flat roof design with overhanging eaves, it would be set back 2.5 metres from the main front elevation of the bungalow and would be viewed against the existing main pitched roof and, therefore, would not be visually prominent within the street scene. The replacement of the up and over garage door with a glazed entrance porch would improve the appearance of the front elevation to a small degree and therefore the proposal is considered to be acceptable in design terms. Matching corresponding external materials as existing are proposed in its construction including new grey uPVC windows.
- 8.6 The proposed conversion of the (undersized) garage to additional living accommodation would not result in any significant adverse visual impacts on the existing dwelling or be unacceptable in principle, subject to an appropriately sized replacement off-street parking space being provided within the site as is proposed. The Council's adopted design guide suggests that *'where hardstanding is proposed at the front of a property this should not constitute more than 50% of the total area.'*
- 8.7 The additional parking space would result in the replacement of a small, grassed area with additional block paved hard-standing which together with the existing tarmac driveway would cover the entire site frontage. This would be contrary to the adopted design guide and not encouraged, however, the contribution of the grass to the visual amenity of the area is limited and therefore the proposal is not considered to be unacceptable in this case or significant enough to warrant refusal of the proposals overall. The adjacent bungalow (No. 14) already has a fully hard surfaced frontage and therefore the proposal would not be uncharacteristic of its setting where on-street parking is in limited supply.
- 8.8 Notwithstanding the objection received, by virtue of their siting, scale, design and proposed use of matching corresponding external materials and replacement matching windows/doors throughout, the proposals would respect and complement the scale, character and appearance of the existing dwelling and surrounding area and are 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

- 8.9 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 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.'

- 8.10 An objection to the proposed rear extension has been received on the grounds that it is very large, too close to the boundary and too high. The proposal would extend to within 1 metre of the objectors rear garden boundary which is defined by a concrete panel fence of approximately 2 metres in height. However, it would be adequately offset from any of the objectors rear elevation windows and also adequately offset from the side elevation windows of their substantial two storey side extension. The proposal would retain a separation distance of 8 metres from the southern rear corner of the objectors two storey side extension and be only single storey in height, set in sufficiently from the garden boundary and adequately screened by the existing concrete fencing. Therefore, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the objectors residential amenity or privacy as the proposed bi-fold doors face across the applicants own well enclosed rear garden.
- 8.11 The neighbouring dwelling to the southeast (No. 10) is a similar detached bungalow and has a detached pitched roof garage to the near side and slightly set back from the rear elevation of the dwelling. The proposed rear extension would extend 5.5 metres at 1 metre inside the side boundary with No. 10. Notwithstanding this, by virtue of being offset from the rear elevation of No. 10 by approximately 8 metres, its single storey scale, pitched roof design that slopes away from the side boundary and its siting to the northwest, the proposal would not result in any significant adverse overbearing or overshadowing impacts on No. 10. The side elevation facing No. 10 would be blank and predominantly screened the existing 1.8 metres high solid close boarded timber panel boundary fencing and therefore not result in any loss of privacy. The proposal does include the insertion of a new side elevation window to serve the kitchen. However, this would be at only ground floor height and would face towards the blank side elevation of the neighbouring garage and 1.8 metres high solid close boarded timber panel fencing defining the boundary. As a result, it is considered that it would not result in any significant adverse impacts on the neighbouring occupiers of No. 10 from potential overlooking. No objection has been received from the neighbouring occupiers.
- 8.12 By virtue of its siting, single storey scale and limited width, the proposed rear extension would be completely screened from the neighbouring bungalow to the northwest and therefore would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers.
- 8.13 The proposed single storey rear extension would extend 5.5 metres in depth from the rear elevation to within 1 metre of the rear garden boundary with the neighbouring detached bungalow to the northeast (26a Newbold Road). Notwithstanding this, by virtue of the proposal being only single storey, adequately offset from the rear elevation windows of No. 26a and its large lean-to rear conservatory (that extends almost up to the rear garden boundary with No. 10), it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on No. 26a. There is only a small high level porthole window proposed in its rear elevation and therefore the proposal would not result in any significant adverse impacts on the privacy of the neighbouring occupiers of No. 26a from any potential overlooking.
- 8.14 Notwithstanding the one objection received, by virtue of the siting, single storey scale, design, separation distances and screening by existing structures, it is considered that the proposal would not result in any significant adverse impacts on

the residential amenity or privacy of any neighbouring properties and that it would therefore be in accordance with Policy DM10 of the adopted SADMP.

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 site currently provides a garage that is marginally undersized in respect of both its internal depth and width to meet current local highway authority design standards and an additional off-street parking space on the 10 metres long tarmac surfaced driveway to serve the existing two bedroomed bungalow.
- 8.17 The proposals would result in the provision of a third bedroom and loss of the existing garage to additional living accommodation. Notwithstanding this, a replacement second off-street parking space of appropriate length and width is proposed on additional new block paved hard standing within the site frontage. The provision and subsequent retention of a second space would be adequate to serve the resulting three bedroomed dwelling and would be in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance. A condition to secure the provision and retention of the second space would be reasonable and necessary to ensure adequate off-street parking provision in a context of limited availability of on-street provision.

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 is for an extension and alteration to an existing dwelling within the settlement boundary of Barlestone 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 the one objection received, by virtue of their siting, scale, design and proposed use of matching external materials, the proposals would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. By virtue of the siting, scale, design, separation distances and screening by existing structures, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate private amenity space of approximately 85 square metres and two off-street parking spaces would be retained to serve the resulting three bedroomed dwelling. The proposals are considered to be 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 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, Block Plan and Proposed Ground Floor Plan and Elevations Drawing No. 23024-02 received by the local planning authority on 18 May 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).

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 along with new and replacement grey uPVC and aluminium windows/doors throughout as detailed on the approved Proposed Elevations Drawing No. 23024-02 received by the local planning authority on 18 May 2023.

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. The extensions and garage conversion hereby permitted shall not be occupied until such time as a minimum of two off-street parking spaces have been provided within the site and surfaced with hard bound permeable materials in accordance with the details submitted on the approved Block Plan and Proposed Ground Floor Plan Drawing No. 23024-02 received by the local planning authority on 18 May 2023. Thereafter the two onsite parking spaces shall be permanently so maintained 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 Policy 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.