

Delegated Report

Planning Ref: 26/00101/CONDIT
Applicant: Hayley Hobbs
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 139 Coventry Road Burbage Hinckley

Proposal: Variation of condition of planning permission 23/01056/HOU. Amendment to the front dormer

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 23/01056/HOU granted full planning permission for extensions and alterations at 139 Coventry Road, Burbage which included Part two storey and single storey rear extension, front extension, and alterations to dwelling. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted with that application.
- 2.2. This application seeks planning permission for the variation of condition 2 (Plans) of that planning permission. The application proposes to increase the projection of the front dormer height by 2.54 metres, and the depth by 2.20 metres, the width and fenestration will remain unchanged.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. It is a detached flat roof dormer bungalow with front attached garage. The dwelling has a dual pitched side gable end roof form with interlocking roof tile. The dwelling is constructed of light brown facing bricks, concrete interlocking roof tiles, and white uPVC windows. It is set back from the highway boundary, has a front garden and hedging to one side and hardstanding to the other. The dwelling is in between a bungalow (to the east) and two storey dwelling (to the west).
- 3.2. The wider street character has a mix of brick and render two storey and bungalow properties. The proposed site is not in a conservation area and the property is not listed.

4. Relevant planning history

23/00818/HOU

- Part two storey and single storey rear extension, front extension and alterations to dwelling
- PER

- 13.10.2023

23/01056/HOU

- Part two storey and single storey rear extension, front extension, garage conversion and alterations to dwelling (Resubmission)
- PER
- 22.12.2023

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
 - Policy DM17: Highways and transportation
 - Policy DM18: Vehicle Parking Standards
- 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
 - Impact upon parking provision
 - Conditions

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 increasing the projection of the existing front dormer by 2.20 metres and raising its height by 2.54 metres. No other amendments to the previously approved scheme are proposed. Although the enlargement would bring the dormer down closer to the eaves, a separation of 0.5 metres would still be retained. Given its central position on the roof and the fact that it remains proportionately aligned, the changes are considered minor and are not expected to result in any significant adverse impact on the character of the dwelling or the surrounding area. 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

- 8.6 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.
- 8.7 The HBBC Good Design Guide (2020) requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. In the spirit of good neighbourliness, an adequate distance of 1m between the property and its boundary (giving a total distance of at least 2m between properties) should be encouraged. Furthermore, proposals should comply with the 45⁰ guidance.
- 8.8 The properties most likely to be affected by the proposal are No. 141 Coventry Road to the west and No. 137 Coventry Road to the east. The proposed enlargement to the front dormer does not breach the 45-degree rule for either neighbouring property, or no additional openings are proposed that would result in any loss of privacy. The existing separation distances would also be maintained. Therefore, the amendment is not considered to result in any adverse impacts in terms of overbearing effects, overdominance, loss of light, or loss of privacy for neighbouring properties or their amenities. The other elements of the extensions were previously accepted and no amendments are proposed as part of this S73 with the exception of the dormer as assessed above. The previously approved elements remain acceptable.
- 8.9 By virtue of the above, the amendments would not result in any further significant adverse overbearing or overshadowing impacts on any neighbouring properties or result in any significant adverse impacts from overlooking or loss of privacy to the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon parking provision

- 8.10 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.11 Policy DM18 of the SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The amendment would not result in the creation of any additional bedrooms, and the parking provision on the site would remain unchanged. The development therefore accords with Policy DM10 of the SADMP and the Leicestershire Highway Design Guide.

Conditions

- 8.13 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) would remain necessary 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;
- Site Location Plan and Site Plan #
as received by the Local Planning Authority on 7 November 2023; and
 - Proposed Elevations and Floor Plans 1305-02R
as received by the Local Planning Authority on the 4 February 2026.
- 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).
- 8.14 No other conditions are considered to be necessary to ensure satisfactory development.

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 extension 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 significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties or impact the parking provision at the site. The development is therefore considered to remain in accordance with the existing dwelling and the wider countryside. The proposal would adhere to Policies DM1, DM10 and DM18 of the adopted Site Allocations and Development Management Policies, the Councils Good Design Guide and the Leicestershire Highways Design Guide and is recommended for approval subject to amended condition 2 (Plans) 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;
 - Site Location Plan and Site Plan as received by the Local Planning Authority on 7 November 2023; and
 - Proposed Elevations and Floor Plans 1305-02R as received by the Local Planning Authority on the 4 February 2026.

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 alterations hereby permitted shall be in accordance with the details submitted within the Planning Application form for application 23/01056/HOU and on the approved plans 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).

2.3. 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.