

Delegated Report

Planning Ref: 23/00219/HOU

Applicant: G and D Cullen

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 8 Cadeby Court Sutton Lane Cadeby Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Internal/External alterations to include new doors opening and rooflights

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 alterations to a dwelling, 8 Cadeby Court, Sutton Lane, Cadeby. The external alterations include the formation of bi-fold doors on the south facing rear elevation to replace an existing smaller window and the insertion of six additional dark grey conservation style roof lights (three on the external south facing rear elevation and three on the internal north and east facing courtyard elevations) to enable the formation of a bedroom with en-suite within the roof space and other internal layout alterations.

3. Description of the site and surrounding area

- 3.1. The application site lies in the countryside to the south east of the rural hamlet of Cadeby. The application dwelling, 8 Cadeby Court, lies within a recent residential development of 8 dwellings. The dwellings are arranged in a square around a large central courtyard with vehicle circulation, parking and central landscaping. The scheme has been designed to resemble a 2½ storey farmhouse with almost continuous two storey and single storey courtyard barns to respect the rural location and character of the site. The dwellings are designed with rectangular or 'L' shaped footprints and plain front and rear building lines with sympathetic features and fenestration, including roof lights, and high quality construction materials.
- 3.2. 8 Cadeby Court occupies the southwest corner of the development with an 'L' shaped footprint and is single storey with accommodation within the roof space. It is constructed of red facing bricks, brindle plain clay roof tiles and light green painted timber frames and natural timber door. To the rear there is a large garden enclosed by highway and field boundary hedgerows to the west and south respectively and by 2 metres high close boarded timber fencing to the east separating the neighbouring garden.
- 3.3. Within the rear garden there are detached structures, including a garden room with canopy roof and children's play equipment, that have been erected without planning permission or the benefit of any permitted development rights as these have been removed by planning condition on the originally approved scheme. These are subject to a separate retrospective planning application (reference 23/00221/HOU) currently pending determination.

4. Relevant planning history

19/00543/HOU

- Loft Conversion and the insertion of roof lights
- Permitted
- 27.09.2019

5. Publicity

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

6. Consultation

- 6.1. No response has been received from Cadeby 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 DM4: Safeguarding the Countryside and Settlement Separation
 - 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. Notwithstanding the countryside location outside of any settlement boundary, alterations to existing domestic properties 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 site and surrounding countryside
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision

Design and impact upon the character of the area

- 8.2. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside. These include proposals for the alteration of existing buildings which lead to an enhancement of the immediate setting and where, amongst other matters, the proposal does not have a significant adverse effect on the appearance and open character of the countryside.
- 8.3. 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.

- 8.4 The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states that:

'Roof lights that lie flush with the roof itself will typically be the easiest way of introducing natural light into a roof space without resulting in negative visual impact.' And, whilst less directly relevant to this new build dwelling, in respect of the conversion of rural buildings states that:

'Roof lights, whilst less intrusive, can still visually undermine unbroken roof-slopes. Where they are to be used, this should be done sparingly and they should be sited discreetly so as not to become a feature in the landscape. Roof lights should be 'conservation style', flush with the roof-slope and fitted with non-reflective glass.'

- 8.5 The application proposes the insertion of six additional dark grey conservation style flush fitting rooflights, three on the external south facing rear elevation and three on the internal north and east facing courtyard elevations, to enable the formation of a bedroom with en-suite within the roof space and other internal layout alterations.
- 8.6 Notwithstanding their siting on the external facing southern rear roof elevation, the proposed three additional roof lights are small in proportion and of conservation style to be fitted flush with the roof plane and would therefore have only minimal visual impact on the building complex. They would match two existing roof lights on this roof elevation on the application dwelling and four other roof lights on this south facing elevation of two neighbouring dwellings within the wider courtyard complex. They would face open fields rather than directly to the public highway on Sutton Lane and would therefore not be overly visually prominent. The other internal courtyard elevations roof lights would also be small in proportion and of conservation style to be fitted flush with the roof plane. They would match 12 similar roof lights on these roof elevations of the application dwelling and others on the north facing elevations of neighbouring dwellings within the wider courtyard complex. Notwithstanding that the proposal would add to the over-proliferation of roof lights on the application dwelling previously approved, the proposal does at least offer welcome variation and irregularity in their height and spacing. The proposed replacement of a ground floor rear elevation window with bi-fold doors of similar proportion, design, arched header brick detailing and light green appearance as two existing sets either side would have a negligible visual impact on the appearance of the application dwelling or its surroundings.
- 8.7 By virtue of their siting, design, small proportion, conservation style and matching appearance, the proposed roof lights and bi-fold doors would respect and complement the character and appearance of the existing dwelling and the wider courtyard complex and would not result in any significant adverse visual impacts on the rural appearance or open character of the surrounding countryside. The proposal is therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and acceptable in terms of the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.9 The proposed new rooflights and ground floor doors would not face directly towards any sensitive private amenity areas of any neighbouring dwellings and together with separation distances to all boundaries would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring occupiers. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

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 would result in the provision of additional bedroom space within the roof space but would not affect the existing parking and turning provision within the extensive hard-surfaced courtyard which would remain more than adequate to serve the resulting dwelling and neighbouring residential properties. The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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. Notwithstanding its location outside of any settlement boundary and therefore within designated countryside, the proposal is for alterations to an existing dwelling within an established residential curtilage and therefore there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of the siting, small scale, design and the proposed use of matching external materials including the use of conservation style roof lights to ensure a unified appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and wider development and would have no adverse visual impacts on the open character or rural appearance of the surrounding countryside or the residential amenity or privacy of the occupiers of any neighbouring dwellings. More than adequate parking and turning and private amenity space would be retained within the curtilage to serve the dwelling. The proposal would therefore be in accordance with Policies DM1, DM4, DM10 and DM18 of the adopted SADMP, the general principles of the adopted

Good Design Guide and the local highway authority design guide and is 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: Site Location Plan and Proposed Block Plan Drawing No. GDC.23.CCSL.001 and Proposed Floor Plans and Elevations Drawing No. GDC.23.CCSL.003 received by the local planning authority on 14 March 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 alterations hereby permitted shall match the corresponding materials of the existing dwelling and shall only include conservation style roof lights fitted flush with the roof plane.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and 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.