

Delegated Report

Planning Ref: 23/00967/HOU

Applicant: Mr Veli

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 158 Leicester Road Groby Leicester

Proposal: Single storey outbuilding to create annexe and garden storage

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for a single storey outbuilding at 158 Leicester Road, Groby.
- 2.2. The proposed outbuilding would have a width of 11.70 metres and would have a maximum depth of 5.55 metres. It would feature a pitched roof measuring a maximum of 2.25 metres to the eaves and 4.00 metres to the ridge.
- 2.3. The outbuilding would host an annex and garden storage.
- 2.4. The proposed external materials include the use of brick and timber cladding to the walls, sandcroft grey 20/20 tiles to the roof and white and grey uPVC to the windows and doors.
- 2.5. Following request from the case officer revised plans were received by the Local Planning Authority on the 14th November 2023, reducing the height of the outbuilding from 5.11 metres to 4.00 metres.

3. Description of the site and surrounding area

- 3.1. The application dwelling relates to a detached bungalow situated within the settlement boundary of Groby. The dwelling is a brick built rendered bungalow with a gable roof and an attached garage to the side with a flat roof. The front driveway provides ample parking and adjoins a service road. The area is predominantly residential in nature. The land levels slope to the north of the site.
- 3.2. A cycle lane is situated adjacent to the application site.
- 3.3. The surrounding properties are a variety of styles; the properties either side of the application property are two storey detached houses dating from the mid-20th Century.
- 3.4. Planning permission was granted in December 2018 at the site for the "Demolition of existing garage and conservatory and erection of rear extension and attached garage, increase in ridge height for loft conversion and dormer". Works have not yet been completed in their entirety.

4. Relevant planning history

18/01053/HOU

- Demolition of existing garage and conservatory and erection of rear extension and attached garage, increase in ridge height for loft conversion and dormer
- PER
- 11.12.2018

21/00718/NMA

- Non material amendment to planning permission 18/01053/HOU to change side window into two smaller windows and change of roof tiles from welsh slate to slate effect concrete
- PERNMA
- 16.09.2021

22/00145/NMA

- Non material amendment to planning permission 18/01053/HOU to alter windows and doors from white to anthracite grey upvc
- PERNMA
- 15.03.2022

23/00578/HOU

- Proposed Dropped Kerb
- PER
- 04.08.2023

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. One objection has been received summarising the below points;

- Drainage concerns
- Rainwater would be directed to neighbouring dwellings
- Dominant structure
- Beyond domestic proportions
- Close to the boundary
- Overbearing appearance on private gardens
- Such a large structure would create large areas of shadow to all neighbours both on Jonathan close and Leicester road and this would impact on the use of our private family garden
- Increased activity at the property
- The scale and layout of the building suggests this will be a fully independent living unit which does not rely upon any of the main house facilities that you might expect of an annexe.
- Concerns on how the property might be used and if this could become a separate household beyond a single dwelling.

6. Consultation

6.1. Groby Parish Council have objected to the application of the below grounds;

- Concerned the description of proposed works does not match the drawings as it appears to be a small bungalow.
- Question as to whether it meets with the definition of an annexe.
- Overdevelopment of the site.
- Possible risk of flooding to neighbouring properties.
- Concerns were raised regarding the supply of services/access to the proposed annexe i.e. water/wastewater/sewage/electricity and gas (if applicable) as it is not connected to the main property.
- Concerns were raised regarding the annex being converted to a garage
- Concerns were raised regarding a hardstanding access being constructed to the side of the dwelling.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. Site Allocations and Development Management Policies 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)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Principle of Development

- 8.2 Concerns have been raised that the proposal may be intended for use for renting purposes or as a standalone residential unit. This is a householder application which cannot seek planning permission for a new dwelling or the sub-division of the existing planning unit. Instead, the application seeks approval for the erection of a detached single storey outbuilding to be used as a self-contained ancillary residential annexe to the main dwelling. The accommodation would include a bedroom with ensuite, living area and small kitchenette, whilst this technically amounts to all the facilities needed for independent living the scale and level of accommodation is judged to be acceptable for an annexe.
- 8.3 The building is located to the very rear of the garden and wouldn't have its own garden area or vehicular access (particularly on completion of the consented extensions).
- 8.4 In any case, should the application be otherwise considered to be acceptable, a standard condition restricting the use of the annexe as only for ancillary accommodation to the residential occupation of the host dwelling shall be included to ensure its use would remain compatible with the site.

Design and impact upon the character of the area

- 8.5 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.
- 8.6 An objection has been received that the proposal would result in over massing of the garden given that there is already permission (18/01053/HOU) for the demolition of existing garage and conservatory and erection of rear extension and attached garage, increase in ridge height for loft conversion and dormer within it.
- 8.7 The rear garden of the host dwelling would still provide approximately 428.00 square metres of open, useable private garden/amenity space to serve the dwelling and proposed annexe and therefore, notwithstanding the objection received, it is considered that the proposal would not result in any over development of the site.
- 8.8 The proposed outbuilding would be situated to the rear of the existing dwelling and would be detached from, but not remote from, the existing dwelling and would lie within its residential curtilage. The proposed outbuilding would have a width of 11.70 metres and would have a maximum depth of 5.55 metres. It would feature a pitched roof measuring a maximum of 2.25 metres to the eaves and 4.00 metres to the ridge. The footprint and single storey scale of the building proposed is such that it would appear as a detached ancillary building from the existing dwelling. A building of this scale would be permitted development under Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 and not require planning permission with the exception of the 1.20 metre separation distance from the neighbouring dwellings to the east (160 Leicester Road, Groby) and south (12 Jonathan Close, Groby).
- 8.9 While not all of the materials are the same as the application dwelling which is finished in brick and render, the very purpose of the outbuilding is to be subservient to the main dwelling. The addition of timber cladding and grey uPVC windows/doors would therefore not compromise the existing design of the site and would add a more unique aspect to the dwelling.

- 8.10 Finally it is notable that there are a number of other large outbuilding with similar orientations within immediately surrounding rear gardens, the proposed building would not be out of keeping in this regard.
- 8.11 Notwithstanding the objection and comments received, by virtue of the siting, clearly subordinate scale, design and subject to the proposed use of sympathetic external timber cladding materials in the construction to ensure a satisfactory appearance, the proposal would respect and complement the scale, residential character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the surrounding area. It is therefore considered that the proposed scheme would meet the general requirements of Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13 Objections have been received in respect of potential adverse impacts on the residential amenity of a neighbouring property as a result of the siting of the proposal close to the rear boundary, its mass and potential to increase the activity at the site.
- 8.14 The proposal would be sited within close proximity of three neighbouring garden boundaries. Notwithstanding this, it would be only single storey to a maximum height of 4.00 metres. The proposal would be sit approximately 31.60 metres from the application dwelling and the neighbouring dwellings to the east and west and approximately 5.40 metres away from the neighbouring dwelling to the south. The neighbouring dwelling to the south is located on higher ground.
- 8.15 A set of 3 bi-fold doors, a window, 3 Velux windows and the storage opening are proposed to the western elevation of the outbuilding. The western boundary is lined with vegetation albeit full of gaps, however by virtue of the neighbouring dwelling (154 Leicester Road) hosting an outbuilding also to the rear there are not considered to be any adverse impacts in terms of loss of privacy. The main entrance door is proposed to the eastern elevation of the outbuilding along with an adjoined full length window and a Velux window to the front of the outbuilding above the living space. The door and windows would be screened by the existing approximately 2.00 metres high timber fence defining the boundary mitigating the potential for overlooking into either garden. No additional windows are proposed to the southern elevation of the dwelling. As a result, it is considered that the proposal would not result in any significant adverse impacts on the privacy of the occupiers of any neighbouring properties.
- 8.16 The Good Design Guide SPD states that *"In the spirit of good neighbourliness, an adequate distance of 1m between the property and its boundary should be encouraged"*. The proposed plans demonstrate a minimum 1.20 metre separation distance between the neighbouring dwelling, complying with the Good Design Guide SPD.
- 8.17 Due to the generous garden sizes it is not considered that the proposed outbuilding would have a significant impact upon the occupiers of no.156 or no.160. The dwelling to the south of the outbuilding would sit within an approximate proximity of 5.40 metres of the proposed outbuilding, however by virtue of the orientation and position of the dwellings primary windows and the outbuilding being on lower ground level the proposed would not result in any significant adverse overbearing or

overshadowing impacts on the residential amenity or outlook of the occupiers of 12 Jonathan Close.

- 8.18 A neighbouring occupier raised the issue of potential increased activity at the site. The use of the proposed building for residential purposes would be compatible with the existing residential uses of the site and are unlikely to result in any significant increased activity at the site.
- 8.19 Therefore, notwithstanding the objections received, by virtue of its proposed residential use, siting, single storey scale, design and, subject to the outbuilding only to be used as a self-contained ancillary residential annexe to the main dwelling, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.

Impact upon parking provision

- 8.20 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.21 The proposal would provide a one bedroomed residential annexe that would be used as ancillary family accommodation to the existing five bedroom dwelling, 158 Leicester Road. There is an extensive hard surfaced parking area within the substantial site frontage of the main dwelling that provides ample off-street parking and turning space that would be sufficient to serve the main dwelling.
- 8.22 The plot therefore provides ample space for off-street parking. The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP, and the Leicestershire Highways Design Guide.

Drainage

- 8.23 Concerns have been raised with regards to drainage. The site lies in flood zone 1 and is not in an area identified as at risk from surface water flooding.
- 8.24 The application is for minor householder development, and as above a building of the same scale could be constructed without planning permission in the same location. Considering the scale of the development it is unlikely to give rise to adverse additional flooding/drainage concerns and in any event may be considered through any relevant building regulations process.

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 proposal is for the erection of a detached ancillary residential annexe within the rear garden of an existing dwelling and located within the settlement boundary of Groby 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 objections received, subject to a restriction by condition on its use as ancillary family accommodation, its siting within the extensive garden and to the rear of a substantial dwelling, its scale, design and, subject to the use of appropriate and satisfactory external materials in its construction, together with screening from all public areas, it is considered that the annexe would respect and complement the scale and residential character of the site and would have no significant adverse impacts on the character or visual amenities of the surrounding area.
- 10.3. Notwithstanding the objections received, by virtue of the siting, single storey scale, design, screening by existing landscaping and separation distances, the proposed annexe would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties.

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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 2nd October 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Plans, Drg No. AVD-LRG-PL03 Rev A as received by the Local Planning Authority on the 14th November 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).

4. The residential annexe hereby permitted shall only be used as ancillary accommodation to the dwelling currently known as 158 Leicester Road, Groby and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation.

Reason: To ensure the residential annexe hereby permitted is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

- 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.