

Delegated Report

Planning Ref: 23/00994/HOU

Applicant: Mr And Mrs Colville

Ward: Burbage, Sketchley and Stretton

Site: 1 The Paddock, Burbage

Proposal: Erection of two storey side extension above existing garage



Hinckley & Bosworth
Borough Council

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 proposes a first floor side extension, extending over the existing single storey garage. The proposal includes materials to match the existing and roof lights.

3. Description of the site and surrounding area

- 3.1. The application site is located at the end of a cul-de-sac, along a private road serving three large detached properties along The Paddock. The area is defined by large detached dwellings. The site borders a green space and is screened through existing trees.

4. Relevant planning history

20/00907/HOU

Proposed BBQ Area, Boundary Wall, Landscaping and Gates

Planning Permission

10/11/2023

5. Publicity

- 5.1. The application has been publicised by posting letters to neighbours.
- 5.2. One letter of objection has been received. The objection letter relates to:
- Overshadowing
 - Overlooking into private amenity space
 - Loss of privacy with the new windows looking directly into existing rooms.
 - Design and appearance not in keeping.

6. Consultation

- 6.1. Burbage Parish Council: No objections.

7. Policy

7.1. 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

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. Burbage Neighbourhood Plan (BNP) Policies:

- Policy 3: Design and Layout

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

- 8.2. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. Policy 3 of the BNP seeks to ensure that any future development is in accordance with the design policies set out within the SADMP and supporting documents.
- 8.4. The proposed development seeks to erect a first floor side extension atop of the existing attached garage. The proposal details the materials used which match that of the existing property and is therefore considered acceptable. The existing garage is already set back from the principle elevation and the proposed extensions follow this pattern of development, and also sets down the height of the proposed extension slightly lower than the existing roof of the dwelling, following good design principles.
- 8.5. The extension is not considered out of character with the area, given the sizeable detached dwellings within the area, and the mix of design of house types. It is therefore considered that the proposal is in accordance with Policy DM10 of the SADMP and Policy 3 of the BNP.

Impact upon neighbouring residential amenity

- 8.6. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.7. One objection letter was received from a neighbour regarding impact on residential amenity. Initially, regarding overlooking of private amenity space, it is considered that the proposed windows on the extension would not cause significant detrimental impacts on the neighbour properties residential amenity space, when considering the existing windows on the front elevation of the existing dwelling. The proposal is not considered to exacerbate this.
- 8.8. With regard to overshadowing, it is also not considered to cause detrimental impacts when considering the existing building mass and tree line behind this, the impacts of overshadowing or overbearing impacts are less than substantial.
- 8.9. Finally with regard to the proposed extension, and the front elevation windows, leading to a loss of privacy. The neighbouring property has existing side elevation

windows at both ground and first floor. These windows face towards the area North of the existing garage. Whilst it is acknowledged that there may be a degree of overlooking front the first floor windows, one of which serves an en-suite as is to be obscured, this is not considered to be indifferent from the existing windows on both the existing dwelling facing the neighbouring property and visa versa, and therefore the proposal is considered acceptable.

- 8.10. Overall, the proposed development would not cause significant overshadowing, overlooking, overbearing impact or loss of light impacts, and is therefore in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.11. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.12. The application proposes the provision of an addition bedroom, however there is considered to be sufficient off-street parking provision at the property, observed during the site visit. In addition to this, it is not considered that there are any detrimental impact on highway safety as a result of this proposal.
- 8.13. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

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 seeks to erect a first floor side extension over the existing garage structure. The proposal is deemed acceptable and in keeping with the character of the area. The proposal does not cause significant detrimental impacts on

neighbouring residential amenity and does not cause detrimental impacts to highway safety.

- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP and Policy 3 of the BNP.

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 Drg No. 09
Proposed Plans and Elevations Drg No. 06C
Street Elevations Drg No. 08A
Park Elevations Drg No. 10

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).

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.