

Officer Report

Planning Ref: 26/00301/HOU
Applicant: Mr Jonathan Paton
Ward: Hinckley DeMontfort



Site: 46 Butt Lane Hinckley Leicestershire

Proposal: Erection of a first floor side extension over garage, front porch with hipped roof design, single storey rear extension and gable end loft conversion

Case Officer: Zahra Jam-Rotbeh (Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. The applicant seeks full planning permission for the erection of a first-floor side extension over the garage, a front porch with hipped roof design, single storey rear extension and gable end loft conversion at 46 Butt Lane Hinckley.
- 2.2. The proposed first floor side extension would have a width of 3.55 metres and a depth of 8.48 metres. It would feature a hipped roof with an eave's height of 4.95 metres and a maximum ridge height of 8.88 metres.
- 2.3. The existing garage to the side would also be slightly extended to the front at ground floor by 0.55 metres, internally the garage would be reduced in scale with the kitchen/utility/WC extended into the former garage.
- 2.4. The proposed rear extension would measure 3 metres in depth and 10.71 metres in width. It would feature a flat roof with an eaves height of 2.64 metres and would also include a lantern roof on top.
- 2.5. The proposal would also include a porch to the front, measuring 1.87 metres in depth and 2.94 metres in width to the main door. It would feature a -hipped roof, with two front pillars, an eaves height of 2.49 metres, and a ridge height of 3.38 metres.
- 2.6. An extension to the dwellings main roof is also proposed to the side, which would provide a master bedroom at second-floor level. The extension would maintain the same ridge height as the existing dwelling, measuring 8.88 metres.
- 2.7. One window is proposed to the rear to serve the proposed bedroom to the second floor, a new bathroom window is proposed within the north east side elevation of the side extension and one is also proposed to the existing ground floor south west side elevation serving study room.
- 2.8. The external walls would be finished in brickwork to match the existing property.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the settlement boundary of Hinckley. It is a detached two-storey dwelling. The property features a red brickwork to the elevations. The street scene is a mix of detached properties of different size, design and finishes.
- 3.2. The adjacent neighbouring properties and dwellings within the wider area generally occupy large plots with substantial built forms.
- 3.3. The dwelling is set back from the highway with a gravel area used as parking area.

4. Relevant planning history

None-Relevant

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 One objection has been received raising concerns about boundary encroachment (including guttering and window openings), loss of privacy, and loss of light to neighbouring rooms due to the size and height of the proposed extension.

6. Consultation

None-Relevant

7. Policy**7.1 Core Strategy (2009):**

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- National Design Guide (2024)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Extensions 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 area
- Impact upon residential amenity
- Impact on the highway and parking provision

Design and Impact upon the Character of the Area

8.2 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve.

8.3 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

8.4 According to HBBC Good Design Guide (2020), two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two-storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.

8.5 Although the side extension would not be set back at ground-floor level, consistent with the line of the existing garage, the proposed first-floor element would be set back by 1 metre and set down by 1.88 metres from the existing highest ridge height. Given the overall dimensions, modest scale, and the established character of the area, the side extension is considered to be subordinate to the host dwelling. As such, it is not considered to have any adverse impact on the design quality or character of the surrounding area.

8.6 According to the HBBC Good Design Guide (2020), rear extensions should be designed to be clearly subordinate to the main dwelling. They should have an appropriate height, width and depth, and should reflect or complement the detailing and materials of the original building. Although a flat roof is not normally encouraged under the Good Design Guide, the proposed rear extension is single-storey and would not be visible from public viewpoints. by virtue of its scale in comparison to the existing two storey dwelling, the rear extension is considered to be subordinate to the main dwelling.

8.7 The proposal also includes extension the hipped roof line to create a straight profile, resulting in a uniform hipped roof form. This increase would not exceed the maximum height of the existing building. Therefore, the proposed increase in roof height is not

considered to have any adverse impact on the design, streetscene, or the character of the surrounding area considering the mixed characteristics of the area.

- 8.8 The proposal also includes a slight front extension and a proposed porch. Given the limited projection of the extension and the modest size and appropriate design of the porch, it is not considered to harm the streetscene or the character of the surrounding area.
- 8.9 The proposed rear window, together with the Juliet balcony, is considered to be consistent with the proposed and existing design and fenestration. It is therefore regarded as acceptable and in keeping with the design and character of the surrounding area.
- 8.10 Therefore, the form and design of the development is considered modest, subordinate to the main dwelling and the design would not have any adverse impact upon the character of the area. It is considered that the development is in accordance with Policy DM10 of the SADMP and the NPPF (2024).

Impact upon Residential Amenity

- 8.11 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.12 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 The HBBC Good Design Guide (2020) (GDG) 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.
- 8.14 The properties most directly affected by the proposed development are No. 44 Butt Lane to the west, No. 48 Butt Lane to the east, the proposed development is not considered to project beyond the rear building line of No.44. It would retain the minimum separation distance of 2 metres to this neighbouring property and given the single storey nature and depth of the rear extension, the proposal is not considered to cause any overbearing or overdominance impacts to this neighbouring property or its amenities.
- 8.15 One ground-floor side window facing No. 48 is proposed as part of this application, serving the study area. Given that there are no windows in No.48 directly facing it, along with the presence of boundary treatment and the fact that this window is set lower than the existing window on this elevation, it is not considered to result in any adverse loss of privacy or overlooking to the neighbouring property or its amenities.

- 8.16 No. 48 Butt Lane, as noted above, is located to the east of the host dwelling and maintains a separation distance of approximately 2.28 metres. The proposed first-floor extension and the slight front extension to the existing garage would result in a minor breach of the 45-degree guideline at both ground and first-floor levels. However, the ground floor element already breaches the 45-degree line, and the proposed extension would not result in any significant additional impact on this neighbouring property or its amenity. The proposed first-floor extension is set back from the front elevation by 1 metre, and any breach would be minimal. Furthermore, the proposed rear extension would not project beyond the neighbouring property's rear building line. No.48 contains a number of windows within its side elevation facing the application dwelling. Where these windows serve habitable rooms, they are all secondary windows. As such whilst some enclosure and loss of light would occur to these rooms as a result, the development is not considered to give rise to any unacceptable overbearing or overdominant impacts on this neighbouring property or its amenity.
- 8.17 One first-floor side window facing No. 48 is proposed as part of this application, serving a bathroom. As this is a non-habitable room, it is not considered to raise significant concerns. However, a condition will be imposed requiring the window to be obscurely glazed to prevent any potential overlooking in the future.
- 8.18 An objection has been received and the concerns raised have been carefully considered. While the proposal results in a minor breach of the 45-degree guideline, the additional impact is limited and not considered to cause unacceptable harm in terms of overbearing impact or loss of light. The proposed side window would serve a non-habitable bathroom and will be conditioned to be obscurely glazed to prevent overlooking. Matters relating to boundary encroachment, including guttering or window overhangs are considered to be civil issues and fall outside planning control. Overall, the development is not considered to result in unacceptable material harm to neighbouring amenities.
- 8.19 By virtue of above, the proposal does not result in any significant adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.20 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.
- 8.21 Policy DM18 of the SADMP also requires developments to demonstrate an adequate level of off-street parking provision.
- 8.22 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with four or more bedrooms to provide a minimum of three off-street parking spaces. The proposal would increase the number of bedrooms to five. The front area can

accommodate four parking spaces, therefore, the proposal is not considered to have any adverse impact on parking provision, highway safety, or pedestrian safety.

- 8.23 Therefore, the scheme is regarded as being in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 As outlined in the report the development complies with the relevant policies of the Development Plan therefore, taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed 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:

- Proposed Ground Floor Plan Dwg. No. Paton-J-3a-05 and Paton-J-3a-06
 - Proposed First Floor Plan Dwg. No. Paton-J-3a-07 and Paton-J-3a-08
 - Proposed Second Floor Plan Dwg. No. Paton-J-3a-09
 - Proposed Roof Plan Dwg. No. Paton-J-3a-07 and Paton-J-3a-10
 - Proposed Elevations Dwg. No. Paton-J-3a-07 and Paton-J-3a-11
 - Location Plan Dwg. No. Paton-J-3a-12
- As received by the Local Planning Authority on 05 June 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).

3. The proposed window on first floor northeast side elevation serving the bathroom shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The materials to be used on the external elevations of the proposed extension and alterations shall match the corresponding materials of the existing dwelling.

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).

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 building.control@blaby.gov.uk or call 0116 272 7533.