

Delegated Report

Planning Ref: 23/00476/HOU

Applicant: Miss D Kettle

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 35 Moore Road Barwell Leicestershire

Proposal: Single storey rear extension

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 full planning permission for a single storey rear extension and internal alterations to a dwelling, 35 Moore Road, Barwell.

2.2. The proposed extension would extend 5 metres in depth from the rear elevation with a width of 3 metres. It would have a pitched roof with hipped roof form with an eaves height of 2.7 metres and a ridge height of 3.7 metres. The extension would create an additional bedroom and lounge space at the rear and the proposal includes other internal alterations to provide en-suite shower/toilet facilities at ground floor. Matching corresponding external materials as existing are proposed in its construction.

2.3. An amended plan has been submitted to hip the roof of the proposal to reduce impact on the adjoining dwelling. No re-consultations have been undertaken in this case as the amendment relates to a reduction in built form and no objections have been received to the original proposal.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Barwell on a residential estate and within a row of similar dwellings. It is a semi-detached two storey house with hipped pitched roof form and with a flat roof brick outbuilding with parapet front wall attached to its side elevation that is also attached to a similar structure of the neighbouring dwelling. The application dwelling is constructed of plain red facing bricks, red flat concrete roof tiles and white uPVC windows. There are three off-street car parking spaces on loose stone surfacing across the full width of the 6 metres deep by 12 metres wide open site frontage.

4. Relevant planning history

None.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No objection has been received from Barwell Parish Council.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)

- No relevant policies

- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions to existing domestic properties within urban settlement boundaries 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 neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the area

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

'Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.'

- 8.3 The proposal would extend 5 metres from the original rear elevation just inside the side boundary with a blank wall and would extend 3 metres in width across part of the rear elevation. It would have a very low profiled dual pitched roof design with a subordinate eaves height of 2.7 metres and a subordinate ridge height of 3.7 metres and with a hipped roof form to reflect that of the existing main roof. As a result, the proposal would appear as a clearly subordinate addition to the existing dwelling and matching corresponding external materials as the existing dwelling are proposed in its construction to ensure a satisfactory and uniform appearance. By virtue of its position to the rear and single storey scale, the proposal would not be prominent or result in any significant adverse visual impacts on the existing dwelling or wider street scene. The proposal is considered to be acceptable in design terms and to respect and complement the scale, character and, subject to the proposed use of matching external materials, the appearance of the existing dwelling and

surrounding area and is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.4 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings. The adopted Good Design Guide states:

'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'

- 8.5 The adjoining semi-detached dwelling to the northeast (No. 37) has a ground floor habitable room window whose centre point is approximately 1.8 metres in from the side boundary. By virtue of its 5 metres depth and set in of only 0.2 metres from the side boundary, the proposal would therefore extend beyond a 45 degree line drawn from the neighbouring window by 3 metres. Notwithstanding this conflict with the adopted design guide, a single storey extension of 3 metres depth and 3 metres height and a 2 metres high fence could be erected along the boundary under permitted development rights. Therefore, by virtue of its modest eaves height and hipped roof form that slopes away from the side boundary and back towards the rear elevation, the additional impact of the proposal on No. 37 is limited to approximately 2 square metres of wall/roof. No objection to the proposal has been received from the adjoining occupiers and it is considered that on balance the proposal would not result in any significant or unacceptable adverse overbearing or overshadowing impacts on No. 37. There are no side elevation windows proposed that would result in any loss of privacy to the neighbouring occupiers.
- 8.6 The proposal would be set in from the side boundary with the neighbouring dwelling to the southwest (No. 33) by between 6 metres and 3 metres. By virtue of the separation distance and its siting to the northeast and single storey scale the proposal would not extend beyond a 45 degree line drawn from the centre point of the nearest ground floor habitable room rear window or result in any significant adverse overbearing or overshadowing impacts on No. 33. The proposal includes a window in the side elevation facing towards No. 33 but this would be at ground floor height and the privacy of the neighbouring occupiers would be protected by the existing 2 metres high brick wall and 2 metres high solid close boarded timber fencing along the side boundary and therefore the proposal would not result in any significant loss of privacy to the occupiers of No. 33.
- 8.7 By virtue of the siting, single storey scale, design, separation distances and screening by existing structures, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties and that it would therefore be in accordance with Policy DM10 of the adopted SADMP. No objections have been received from any neighbouring properties. The site backs onto an area of public play and open space.

Impact upon highway safety

- 8.8 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.9 There are currently three off-street car parking spaces serving the existing four bedroomed dwelling (one at ground floor). The proposal would add an additional (fifth) bedroom but the existing provision would still be adequate to meet the off-street parking standard requirements of the local highway authority design guide which requires three spaces for dwellings of four bedrooms or more. The application dwelling is located in a highly sustainable urban location with easy access to a full range of services and facilities by alternative and more sustainable transport means. The existing provision would be unaffected by the proposal and retained and therefore would remain in accordance with Policy 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 The equality implications arising from this application relate to the protected characteristics of a family member of the applicant who has health impairment, and the accommodation needs of the occupiers have been taken into consideration in the assessment of this application in relation to Policy DM10 of the adopted SADMP and the design guidance within the National Planning Policy Framework (2021).
- 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 is for an extension and alteration to an existing dwelling within the urban settlement boundary of Barwell 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. By virtue of its siting to the rear, single storey scale, amended design, separation distances and screening by existing structures, and subject to the proposed use of matching external materials, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and would not result in

any significant adverse visual impacts on the dwelling or wider street scene or the residential amenity or privacy of any neighbouring properties. Adequate private amenity space of approximately 140 square metres and three off-street parking spaces would be retained to serve the dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good 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. 19/313 MR03 and Proposed Floor Plan, Roof Plan and Elevations Drawing No. MR02 Rev B received by the local planning authority on 30 June 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).

3. The materials to be used on the external elevations of the proposed extension and alteration hereby permitted 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).

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.