

Delegated Report

Planning Ref: 24/00554/HOU

Applicant: Mrs Lisa Pettifor

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: 29 Main Street Market Bosworth Nuneaton



Hinckley & Bosworth
Borough Council

Proposal: Installation of balcony to rear

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 the installation of a balcony to the rear of 29 Main Street, Market Bosworth.
- 2.2. The proposed balcony would project outwards from the existing ground floor rear elevation by 3.00 metres and would feature a width of 2.10 metres. It would be raised above ground level by 1.40 metres and would feature an overall height of 1.80 metres.
- 2.3. Addition alterations include the replacement of the existing window at ground floor level with a set of French doors to allow access to the balcony.
- 2.4. The proposed external materials include the use of black powder coated wrought iron to the balcony.

3. Description of the site and surrounding area

- 3.1. The application site relates to a 19th century cottage at the end of a terrace, situated within the settlement boundary and conservation area of Market Bosworth, just to the north of the historic market place. The cottage has been extended to the rear with a relatively modern two storey dual pitched roof projection of no particular historic or architectural interest. The ground floor level of the extension drops down to the garden which extends further to the rear. The garden is bound by a tall brick wall that flanks a pathway between Main Street and Back Lane.

4. Relevant planning history

81/00400/4

- CONSTRUCTION OF COVERED WAY OVER BACK DOOR
- PER
- 29.06.1981

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 and a notice was displayed in the local press.

- 5.2. One letter of support has been received.

6. Consultation

6.1. HBBC Conservation Officer;

“The proposal is for a small, metal framed balcony positioned at ground floor level and against the rear extension. The existing window at ground floor level is proposed to be altered to French doors to allow access to the balcony. In my opinion, due to the siting of the balcony and replacement doors on the rear elevation of the property, which is of no historic or architectural interest, the visual effect of the proposal will be largely contained to the application site only. In addition, due to the modest scale of the proposal and the neutral appearance of the balcony and doors, it would have no adverse impact upon any key characteristics of the conservation area. Consequently, the proposal would preserve the significance of the conservation area and thus comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.”

6.2. Market Bosworth Parish Council;

“The Parish Council has no objection to this application as long as the balcony does not compromise the privacy of neighbours. The Parish Council would support valid objections from neighbours.”

6.3. Market Bosworth Society;

“The Market Bosworth Society has considered this application. The proposed alterations are not visible from Church Street or Main Street and therefore will not affect the street scene. As such we wish to raise no objections. We are not in a position to support the application as we are unsure as to the visibility splays and the impact upon neighbouring properties. We wish to remain neutral at this time and leave the decision to the Planning Officer responsible.”

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. 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

Design and impact upon the character of the area and the conservation area

- 8.2 Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 seeks to ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.5 Policy CE1 of the Market Bosworth Neighbourhood Plan seeks to ensure that all new development within Market Bosworth is in keeping with the area character in terms of scale, layout and materials to retain local distinctiveness and create a sense of place.
- 8.6 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.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Polices (SADMP) DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.8 The proposal is for a small, removable, metal framed balcony which would be positioned at ground floor level, against the rear extension. The proposed balcony would project outwards from the existing ground floor rear elevation by 3.00 metres and would feature a width of 2.10 metres. It would be raised above ground level by 1.40 metres and would feature an overall height of 1.80 metres. The brick wall to the south of the proposal would be retained.
- 8.9 The existing window at ground floor level is proposed to be altered to French doors to allow access to the balcony. Due to the siting of the balcony and replacement doors on the rear elevation of the property, which is of no historic or architectural interest, the visual effect of the proposal will be largely contained to the application site only. In addition, due to the modest scale of the proposal and the neutral

appearance of the balcony and doors, it would have no adverse impact upon any key characteristics of the conservation area. The existing window at ground floor level is proposed to be altered to French doors to allow access to the balcony.

- 8.10 The proposed external materials include the use of black powder coated wrought iron to the balcony, which would be a new addition to the dwelling. Notwithstanding this observation has been given to the balcony situated to the front elevation of 18 Main Street, which is constructed from a similar material and in a position of significant public visibility. By virtue even though the balcony would be situated to the rear elevation the limited public visibility that it would have would not cause an adverse impact upon the character of the area.
- 8.11 Consequently, the proposal would preserve the significance of the conservation area and thus comply with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Policy CE1 of the Market Bosworth Neighbourhood Plan, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13 The proposed balcony would be situated to the rear northern boundary of the site, adjacent to which sits a narrow access leading to Back Lane. The land levels which the site sits on slope to the west, meaning that the proposal would be viewable from a public vantage point from the adjacent access way, nevertheless this would only to a minimal extent. Neighbouring dwellings, 25-27 Main Street are situated adjacent to the access way, nevertheless boundary treatments are in situ to screen the development from view.
- 8.14 The neighbouring dwelling, 1A Moorland Close, would be situated approximately 78.54 metres away from the proposed balcony extension and the rear amenity space of The Dower House, 39 Main Street, a Grade II* Listed Building, would be situated approximately 53.73 metres away from the proposed balcony extension. A range of outbuildings and a strong line of vegetation can be observed to the rear of the site and therefore there are not considered to be any adverse impacts upon the occupiers of either 1A Moorland Close or The Dower House, 39 Main Street.
- 8.15 The proposal would be situated approximately 2.58 metres away from the shared boundary to the north, hosting 31 Main Street and would feature a minor projection of 3.00 metres. There would be slight views of the proposal from this neighbouring dwelling but due to the separation distance and the intervening boundary treatments it is considered that there would be no adverse impact upon the residential amenity of the occupiers of 31 Main Street.
- 8.16 For the above reasons it is considered that the proposal would not have any adverse impacts upon the residential neighbouring amenity and therefore the proposal complies with Policy DM10 of the 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.

10. Conclusion

- 10.1. The proposed development is for a property located within the settlement boundary of Market Bosworth. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP.
- 10.2. The proposed development would complement the character and appearance of the host dwelling, and would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM10, DM11 and DM12 of the SADMP, Policy CE1 of the Market Bosworth Neighbourhood Plan, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990. The proposal and is 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 3rd June 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the SADMP, Policy CE1 of the Market Bosworth Neighbourhood Plan, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

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

- Block Plan
- Site Location Plan
as received by the Local Planning Authority on the 3rd June 2024.

- Proposed Side Elevation
- Proposed Balcony Floor Plan
- Proposed Rear Elevation
as received by the Local Planning Authority on the 11th June 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11 and DM12 of the SADMP, Policy CE1 of the Market Bosworth Neighbourhood Plan, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

11.3 Notes to applicant

- a.) 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.