

Delegated Report

Planning Ref: 24/00634/HOU
Applicant: Mr Richard Keeling
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 34 Wallace Drive Groby 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 planning permission for a single storey rear extension and alterations to the rear elevation of a dwelling, 34 Wallace Drive, Groby.

2.2. The proposed single storey rear extension would extend 5.1 metres in depth from the main rear elevation and across almost the full rear elevation for a width of 7.5 metres. It would have a dual pitched roof forming a rear gable with an eaves height of 2.3 metres and a ridge height of 3.9 metres. It would have full height glazing in the rear elevation and blank sides other than two pairs of side facing high level rooflights. The proposal includes the demolition/replacement of an existing garden room of similar depth but half width and a rear utility room with cat slide roof over. The demolition of the latter includes alterations to the rear roof slope and also includes the insertion of an additional first floor window in the rear elevation. It is proposed that the rear elevation of the existing dwelling would be surfaced in smooth painted render (as with the adjacent house) and that the proposed rear extension would be constructed in facing bricks and slate effect roof tiles to closely match those used on the existing dwelling and matching white uPVC windows.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Groby on a residential estate. It is a semi-detached two storey house with a forward projecting dual pitched two storey gable. To the side of this a two storey extension has a cat slide roof with dormer window over an integral garage to the front elevation. To the rear elevation the original hipped main roof is evident with the cat slide roof extending at the side beyond the main rear elevation and down to cover a single storey utility room. There is also a hipped roof conservatory/garden room attached to half of the rear elevation. The application dwelling has traditional styling with two storey bay windows to the front gable, a tall chimney stack to its side and an additional central/shared chimney stack. The front gable is constructed with dark brown facing bricks with light coloured mortar, the remaining elevations being of plain red brick. The roof has slates with red ridge tiles and windows are white uPVC. In addition to the integral garage there are two further off-street parking spaces on the concrete block paved driveway and site frontage. The rear garden is enclosed by 2 metres high close boarded timber fencing.

3.2. The adjoining dwelling is a similar two storey house that has been extended to the side and rear elevations with both two storey and single storey extensions and white painted render to its rear elevations. The other neighbouring dwelling is a rendered detached bungalow with roof lights to front and rear and a white uPVC conservatory with lean-to roof extending across the rear side of its rear elevation.

4. Relevant planning history

01/00422/FUL

- Two storey side extension
- Permitted
- 12.07.2001

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.

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

6. Consultation

6.1. No objection has been received from Natural England.

6.2. Leicestershire County Council (Ecology) raise no objection but recommend an informative note to applicant in respect of legal responsibilities for bats and their habitat.

6.3. Leicestershire Badger Group comment that as the site is near to Lady Hay Wood, construction should not be allowed to cause undue disturbance to wildlife flora and fauna.

6.4. No objection has been received from Groby Parish Council.

6.5. No responses have been received from the Forestry Commission or the Ramblers Association.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing dwellings within 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
- Impact upon biodiversity

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 in respect of rear extensions states:

'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 proposed single storey rear extension would replace an existing conservatory/garden room of the same depth but less width and an existing single storey rear extension accommodating a utility room and infill the space between. Therefore, notwithstanding its 5.1 metres depth and 7.5 metres width the proposed extension would not result in a substantial increase in the ground floor footprint of the application dwelling over and above what is already in place. In addition, the adjoining dwelling (No. 32) has a flat roofed single storey rear extension of similar depth and width attached to its rear elevation and therefore the proposal would not be out of scale with neighbouring development. The proposed design with a dual pitched roof forming a rear gable with an eaves height of 2.3 metres and a ridge height of 3.9 metres and full height glazing to the rear elevation would be acceptable and result in a clearly subordinate addition to the existing dwelling. By virtue of its single storey scale and siting to the rear within a well enclosed/screened rear garden the proposal would have no visual impact in any street scene or on any public areas.

- 8.4 The demolition of the utility room requires some minor alterations to the rear roof slope and also includes the insertion of an additional first floor window in the rear elevation. Neither of which would have any significant adverse impacts on the dwelling or any street scene. It is proposed that the rear elevation of the existing dwelling would be surfaced in smooth painted render (as is the adjoining semi-detached house) and that the proposed rear extension would be constructed in facing bricks with slate effect roof tiles to closely match those used on the existing dwelling and matching white uPVC windows to ensure a satisfactory appearance. No alterations are proposed to the front elevation of the dwelling.

- 8.5 By virtue of their siting to the rear, scale, design and satisfactory appearance, the proposals would respect and complement the scale, character and appearance of the existing dwelling and would not be visually prominent or result in any significant adverse visual impacts on the surrounding area. The proposals are 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

- 8.6 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 Council's 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.'

- 8.7 The neighbouring dwelling to the northeast (No. 36) is a detached gable sided bungalow with roof lights to front and rear. It has been constructed close to the side gable elevation of the application dwelling and has a similar main rear building line. It has been extended to the rear with a white uPVC lean-to conservatory attached to its near side rear elevation that extends approximately 3 metres in depth (level with the adjacent existing utility room that is to be demolished) and for 4.6 metres in width. The proposed single storey rear extension would replace the utility room and extend for an additional 2 metres in depth. However, the centre-point of the rear elevation windows of the neighbouring conservatory are approximately 2.3 metres inside the boundary and therefore the proposal would not extend beyond a 45 degree line drawn from this point. In addition, the proposal would be only single storey in height with a blank near side elevation (other than high level rooflights) with an eaves height of 2.3 metres and a relatively low profiled pitched roof sloping away from the side boundary. Therefore, it is considered that, notwithstanding its additional depth, the proposed rear extension would not result in any significant adverse overbearing or overshadowing impacts on the amenity of the occupiers of No. 36 or result in any significant loss of privacy to the neighbouring occupiers from direct overlooking.
- 8.8 By virtue of its single storey scale and siting adjacent to a single storey rear extension of similar depth on the rear elevation of the adjoining dwelling to the southwest (No. 32) and with a higher parapet boundary wall between, the proposed rear extension would have no significant adverse impacts on the residential amenity or privacy of the adjoining occupiers.
- 8.9 By virtue of the siting, single storey scale, design and screening by existing structures, the proposals would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 The proposals would not result in the addition of any bedroom space or result in the loss of any existing parking spaces and would therefore have a neutral impact in respect of off-street parking provision. The existing/retained off-street parking provision of three spaces would therefore remain adequate to serve the resulting dwelling in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Impact upon biodiversity

- 8.12 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.

- 8.13 Natural England raise no objection to the application as it considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Leicestershire County Council (Ecology) consider that by virtue of the proposals resulting in only minor impacts on the existing main roof space and being constructed on existing areas of hard standing in a residential garden, there is no requirement in this particular case for technical reports to be submitted in respect of any protected species. However, by virtue of the site being adjacent to woodland and a local wildlife site and the proposals including some works to the existing roof structure, an informative note to applicant is recommended in respect of legal responsibilities for bats and their habitat before and during construction works to seek to mitigate any potential adverse impacts on bats and their habitat and to accord with Policy DM6 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 proposals are for extension and alterations to an existing dwelling 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. By virtue of their siting to the rear, scale, design, satisfactory appearance and screening, the proposals would respect and complement the scale, character and appearance of the existing dwelling and would not be visually prominent or result in any significant adverse impacts on the surrounding area or the privacy or residential amenities of the occupiers of any neighbouring properties. Adequate off-street parking of three spaces would be retained within the site to serve the resulting dwelling along with adequate private rear amenity space of approximately 150 square metres. The proposals are considered to be in accordance with Policies

DM1, DM6, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and are 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, Proposed Site Plan, Proposed Ground Floor Plan and Proposed Elevations Drawing No. 2024/9456/01A received by the local planning authority on 25 June 2024.

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 existing dwelling and the proposed extension and alterations hereby permitted shall be in accordance with the proposed external materials details provided within the submitted Planning Application form and on the approved Proposed Elevations Drawing No. 2024/9456/01A received by the local planning authority on 25 June 2024.

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 building.control@blaby.gov.uk or call 0116 272 7533.
2. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licenced bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.