Delegated Report

Planning Reference: 25/00609/HOU
Applicant(s): Mr Wes Butterworth
Ward: Twycross Sheepy & Witherley

Hinckley & Bosworth Borough Council

Application Site: 8 Post Office Lane, Witherley, Atherstone, Leicestershire, CV9 3LW

Proposal: Single storey front extension, two storey single storey rear extension, increase in roof height to provide a second floor of accommodation, dormer extension, replacement garage and associated works.

Case Officer: Jack Playle (Technical Planning Assistant)

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1. Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

2.1. This householder planning application seeks full planning permission for an increase in roof height to provide a second floor of accommodation and a single storey front and rear extensions. There will be the addition of a dormer extension to the west elevation, the removal of the existing garage on the east side of the application site and the replacement garage will be erected to the rear of the property as well as associated works at 8 Post Office Lane, Witherley.

2.2. The proposed single storey front extension would project outwards from the existing front elevation by 1.35 metres with a width of 5.84 metres. It would have a dual pitched front facing gable from which would measure 2.4 metres to the eaves and 5 metres to the ridge. The front door will be moved forward in line with the front extension but shall remain in the same position.

2.3. The proposed single storey rear extension would project outwards from the existing rear elevation by 5.84 metres with a width of 8.82 metres. It would have a dual pitched facing gable from which would measure 2.4 metres to the eaves and 6.3 metres to the ridge. The proposed rear extension proposes full height glazing to the double storey height living room extending to 5.3 metres at the highest point.

2.4. The existing garage to the east of the application site will be replaced with a new garage to the north-east corner of the site that measures 3.1 metres in width and 6.3 metres in depth. The eaves of the garage will measure 2.4 metres, with the ridge height measuring 3.6 metres.

2.5. The proposed increase in roof height to provide a second floor of accommodation with a dormer extension to the west of the site will see the height of the dwelling increase by 2.1 metres. The alterations to the roof will also see the addition of two rooflights to the east elevation.

2.6. The external material changes to the dwelling will see interlocking black concrete roof tiles to match the existing roof. The proposed changes include white render to the walls, dark grey UPVC windows and a red brick plinth incorporated around the dwelling.

2.7 The Agent has revised the application description to more accurately reflect the proposed development.

3. Description of the Site and the Surrounding Area

3.1. The application site consists of a detached, buff brick bungalow that is located on the eastern side of Post Office Lane and that is within the settlement boundary of Witherley and directly to the east of the Witherley Conservation Area. Post Office Lane is wholly residential in character, but due to the wide variety of styles and designs of buildings, there is no discernible unique character to the area. The dwelling sits on the south-east border of the Witherley Memorial Playing Field.

4. Relevant Planning History

4.1 There is no relevant planning history.

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. One objection has been received, and the following concerns are raised:

5.2. The proposed garage is too large and should be the garage to be flat roofed or not to exceed 10 feet as the proposed garage would block sunlight into the neighbouring property. There was also a concern raised that the garage should not be used otherwise than as a private garage in connection with the main house.

5.3. No other responses have been received.

6. Consultation

6.1. Witherley Parish Council:

- No comments have been received.

6.2. HBBC Conservation Officers Comments:

- The proposed extensions and the erection of the garage at the rear would have no adverse impacts upon special interest of the conservation area nor its character.
- The character, appearance and heritage significance of the conservation area would be preserved.

6.3. HBBC Arboricultural Officers Comments:

- *'*It is not necessary to issue a new Tree Preservation Order for the trees on site, particularly as the applicant has confirmed they do not intend to carry out any works to them.
- The removal of these shrubs and bushes would not likely be protected within the respective conservation area due to not meeting size criteria (greater than 75mm stem diameter or 1.5m or above in height).

6.4. No further comments have been received.

7. Policy

7.1. Core Strategy (2009):

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- 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:

- HBBC Good Design Guide (2020)
- 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 upon parking provision and highway safety

Design and Impact upon the Character of the Area

7.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

7.3 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. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

7.4 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others. Guidance Point I1 of the NGD highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.

7.5 Guidance Point I2 of the NDG advised that well-designed places should contribute to local distinctiveness and Guidance Point I3 of the NDG highlights that design decisions at all levels and scape should help to create a memorable sense of place.

7.6 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.

7.7 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.

7.8 The design of the development would not impact the character of the area and would be in line with the surrounding dwellings due to the wide variety of styles and designs of buildings. The HBBC Conservation officer highlights that No.8 Post Office Lane is on the border of the Witherley Conservation Area and the dwellings that are situated east of the conservation area on Post Office Lane are of no historic or architectural interest and as such they are not included within the conservation area boundary.

7.9 The Good Design Guide states that front extensions should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation. The proposed front extension adds only 1.35 metres to the existing front projection but would slightly exceed the 50% coverage of the existing front elevation but is considered not to have any detrimental impact on the character, the scale or the appearance of the application site. Furthermore, parking arrangements would not be impacted due to available parking to the east side of the property as well as the addition of the garage to the rear of the property.

7.10 The increase in roof height to provide a second floor of accommodation with the inclusion of the dormer window to the west side of the site is considered not to have any detrimental impact on character and the design of the surrounding area. On the east elevation the Good Design Guide states where roof extensions are proposed, where possible, they are located to the rear of the property to minimise potential impact on street scene. Dormer windows can be considered where they do not have a detrimental impact on neighbourhood amenity, which in this case. The dormer window is located to the west of the site and would overlook the Witherley Memorial Playing Field and would have no adverse effects on neighbourhood amenity.

7.11 The Good Design Guide states that garages should generally be set back from the existing building so that they do not dominate the street scene.

7.12 The roof tiles are proposed to match the existing with dark grey concrete interlocking tiles. The proposed external change to the dwelling is to provide a red brick plinth around the property with white render above and anthracite UPVC windows. Given the fact that there is a range of brick types and finishes to the detailing of the properties in the surrounding street scene the overall design complies with DM10 of the SADMP and the requirements of the Good Design Guide.

7.13 The HBBC Arboricultural and Conservation Officers are satisfied that the proposed works are acceptable.

7.14 By virtue of the consultee comments, the distance from the highway, the design, the proposed use of matching external materials, the scale and the limited prominence of the extension, the proposal respects the character of the existing dwelling and surrounding area and is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

7.15 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.

7.16 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, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

7.17 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.

7.18 The Good Design Guide states that any extension should not exceed 45-degrees from the nearest principle habitable window of a neighbouring property. No. 6 sits to adjacent to the application dwelling and the proposals do not breach the 45-degree guidance as set out for the nearest principle habitable window and will not result in internal light loss or an adverse sense of overdominance.

7.19 The separation distance between No.8 and No.6 remains the same with no side extensions proposed. The separation distance between the rear extension and No.10 Home Farm Close is 26.2 metres which is more than the minimum 21 metres set out as being necessary in the Good Design Guide for a habitable room. In this case, there is a sufficient separation distance between the proposed extensions and neighbouring properties so that there would not be any significant loss of privacy.

7.20 The alterations to the roof will see the addition of two rooflights to the east elevation of the ceiling of the void space.

7.21 Although the large window in the proposed rear extension makes up a significant portion of the wall's design, it is considered that it would not adversely affect the privacy or amenity of the surrounding properties. Additionally, the proposed second-floor bedroom is separated from the void roof space above the family/kitchen/dining area by a solid wall, ensuring internal privacy.

7.22 The concerns raised about the size of the garage to the rear have been assessed but it is not considered that the proposed garage would block significant sunlight or have any significant adverse effects on the residential amenity of neighbouring occupiers. Where the replacement garage is proposed to the rear, there is significant vegetation and other outbuildings on adjacent properties. The garage is also single storey in nature and is of appropriate height, width and depth and will positively reflect the pitch roof design of the dwelling.

7.23 By virtue of these factors and in relation to the Good Design Guide and local policies, the proposed development does not result in any significant adverse overbearing or overshadowing impacts or any significant 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

7.24 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

7.25 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.

7.26 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.

7.27 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

7.28 Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms.

7.29 Any reduction below minimum standards will require robust justification.

7.30 Figure 44 (Dimensions) of the LHDG requires minimum parking sizes to be 2.4m in width by 5.5m in depth, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides. Tandem parking spaces should be provided with a depth of 6m per space (i.e., a depth of 12m is required for two tandem parking spaces.)

7.31 In accordance with the LHDG single bay garages should have a minimum internal dimension of 3m in width by 6m in depth, with a minimum door width for 2.3m. This increases to 6m in width with a minimum door width of 4.2m for double garages.

7.32 The scheme creates one new bedroom and makes the property a three-bedroom dwelling. It is considered that there is already adequate off-street parking for the dwelling and that the proposal does not create an unacceptable impact on highway safety or the road network. The removal of the existing garage and the erection of the replacement garage to the rear will also help with the parking at the application site. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

9. Equality Implications

9.2. 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.

9.3. 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.

9.4. There are no known equality implications arising directly from this development.

9.5. 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

10.2. 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 received by the Local Planning Authority as follows:
   - Block, Site Location Plan, Drg No.4327-OS1.
   - Proposed Site Plan, Drg No. 4327-10.
   - Proposed Floor, Roof Plans, Drg No. 4327-11.
   - Proposed Elevations, Drg No.4327-12.

   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. Notwithstanding the floorplans hereby approved should the bedroom at first floor level ever be extended to incorporate the skylights within the east roof elevation within the first floor bedroom these shall either have a sill height of a minimum of 1.7 metres above the floor level within the bedroom or shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and be non-openable. Subject to any changes in the floor level, once so provided the roof lights 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).

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. Nesting birds are protected under the Wildlife & Countryside Act 1981) as amended); therefore, all removal of trees, shrubs, and hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.