

Delegated Report

Planning Ref: 23/00675/HOU

Applicant: Mr T Knapp

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 37 Windsor Street Burbage Leicestershire

Proposal: Part two storey and part 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 part two storey part single storey rear extension to a dwelling, 37 Windsor Street, Burbage.

2.2. The proposed rear extension would have a depth of 3.9 metres at ground floor and 2.5 metres at first floor and a width of 4.4 metres at ground floor and 2.3 metres at first floor. The two storey section would have a mono-pitch roof with a maximum height of 5.7 metres and eaves height of 4 metres with a roof light and the ground floor section would have a flat roof to a height of 2.7 metres with a hipped roof raised lantern and a large patio window in its rear elevation facing the garden. Proposed construction materials are matching grey render and horizontal grey composite cladding to walls, matching slate roof and matching white uPVC windows.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Burbage close to its centre and within a two storey terrace of residential properties on the south side of Windsor Street. It is a two storey mid-terraced house (of three) with part gable sided main roof and small blue brick stack and located at back edge of the highway. It is constructed with light grey rendered walls, slate roof and white uPVC windows. The front elevation has a small dormer window, decorative red brick eaves detailing and red brick cills, the rear elevation has canted blue brick cills. There is a part red brick, part grey rendered single storey dual pitched roof outbuilding attached to part of its rear elevation which would be extended by the application. This adjoins the mirrored outbuilding of the neighbouring dwelling. To the rear there is a double width garden enclosed by both 1.5 metres high and 2 metres high solid timber panel fencing with pedestrian access to the rear to Freemans Lane.

4. Relevant planning history

None.

5. Publicity

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

5.2. One response has been received as a result of public consultation objecting to the application on the grounds of loss of light and view from the only small bathroom window.

6. Consultation

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

7. Policy

7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)

- 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 and alterations 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. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

8.3. The Council's adopted Good Design Guide 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.' and,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result

in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

8.4 The proposed rear extension would have an appropriate depth of 3.9 metres at ground floor and 2.5 metres at first floor and appropriate width of 4.4 metres at ground floor and 2.3 metres at first floor. The two storey section would have a mono-pitch roof with a maximum height of 5.7 metres and eaves height of 4 metres which would be characteristic of the subordinate rear ranges often found attached to the rear of terraced dwellings. The ground floor section would have a flat roof to a height of 2.7 metres but would be located entirely at the rear where it would be screened from any public views. Its more contemporary design would not be unacceptable or have any significant adverse visual impact on the application dwelling or any street scene in this urban setting and would appear similar to the adjacent single storey flat roof extension to the rear of the adjoining dwelling to the east.

8.5 By virtue of its small subordinate scale, appropriate depth and width, the proposed rear extension would appear as a clearly subordinate addition to the existing dwelling. The proposed use of matching corresponding external materials in its construction would ensure a satisfactory and unified appearance. By virtue of the siting to the rear, clearly subordinate small scale, design and subject to the proposed use of matching external materials in the construction, the proposals would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP, the principles of the adopted Good Design Guide SPD (2020) and the principles of the Burbage Neighbourhood Development Plan.

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.

8.7 One response has been received as a result of public consultation objecting to the application on the grounds of loss of light and view from the only small bathroom window.

8.8 The proposed two storey rear extension would extend 2.5 metres in depth along the common side boundary with the adjoining dwelling to the west (No. 39). By virtue of its depth and proximity it would therefore result in some loss of light to a very small bathroom window in the rear first floor elevation of No. 39 as referred to within the objection received. However, this is to a bathroom, not a habitable room and the impact would only be for a period during the early morning, after which by virtue of the south facing aspect, the window would still receive direct sunlight for a majority of the day. The centre-point of the nearest/only first floor bedroom window in the rear elevation of No. 39 is set off the common side boundary by approximately 3 metres. As a result of the limited 2.5 metres depth of the proposed two storey extension it would not extend beyond a 45 degree line drawn from the bedroom window or result in any significant adverse overbearing or overshadowing impacts and no ground floor windows would be affected by virtue of the lean-to extension and outbuildings attached to the rear elevation of No. 39. There are no west side elevation windows proposed that would result in any loss of privacy from overlooking to the occupiers of No. 39.

8.9 The proposed two storey extension would be set off the common side boundary with the adjoining dwelling to the east (No. 35) by 2 metres and extend only 2.5 metres in depth, and less than 1 metre beyond the single storey rear extension of No. 35.

Therefore, it would not result in any significant adverse overbearing or overshadowing impacts on the adjoining dwelling. By virtue of its blank east facing side elevation, with only a very shallow angle roof light serving a bathroom in its east facing roof elevation, it is considered that it would have no significant adverse impacts on the adjoining occupiers from loss of privacy. The proposed single storey extension would extend to a depth of 2.2 metres beyond the rear elevation of the adjacent single storey rear extension attached to the rear elevation of the adjoining dwelling (No. 35) to the east. This has a blank near side elevation facing the proposal and a blank rear facing elevation and therefore the proposal would have no significant adverse overbearing or overshadowing impacts or result in any loss of privacy to the adjoining occupiers.

- 8.10 Notwithstanding the objection received, by virtue of their siting, scales, design and separation distances, the proposed extensions and alterations would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The proposals result in the addition of a second bedroom to the dwelling, however, the site does not currently benefit from any off-street parking and there is no scope for any to be provided in this case by virtue of its mid-terrace position and only pedestrian access to the highway. Notwithstanding that this falls short of local highway authority design guidance which would ordinarily require two spaces to be provided, the second bedroom has only 6 square metres of floor space and therefore the proposal is not considered likely to result in any significant impact on highway safety over and above the current situation as a result of any additional on-street parking generation. In addition, the dwelling is located in a highly sustainable urban centre location with reasonable access to a range of services and facilities by alternative more sustainable means. Therefore, the proposals are not considered to be in any significant or critical conflict with Policy DM18 of the adopted SADMP in this particular case.

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 relate to extensions and alterations to an existing dwelling located within the urban settlement boundary of Burbage 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 the siting to the rear, clearly subordinate small scale, design and subject to the proposed use of matching external materials in the construction to ensure a unified appearance, the proposals would respect and complement the scale, character and appearance of the existing dwelling and wider surrounding area, and, notwithstanding the objection received, would not result in any significant or unacceptable adverse impacts upon the privacy or residential amenity of any neighbouring properties. The proposals would retain adequate private rear amenity space of approximately 100 square metres to serve the resulting two bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1 and DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the general principles of the Burbage Neighbourhood Development Plan 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, Block Plan and Proposed Floor Plans and Elevations Drawing No. 4819/01 received by the local planning authority on 7 July 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 and shall comprise grey render and grey composite cladding to external walls as detailed on the approved Proposed Elevations Drawing No. 4819/01 received by the local planning authority on 7 July 2023

and slate roof and white uPVC windows as detailed within the submitted Planning Application Form.

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.