

Delegated Report

Planning Ref: 23/01022/HOU

Applicant: Mrs Danny Maher

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 29 Woodland Avenue Burbage Hinckley Leicestershire LE10 2BD

Proposal: Part two storey and single storey side 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 and single storey side extension to existing dwelling, 29 Woodland Avenue Burbage.

2.2. The proposed side extension has a two storey element towards the front of the building. The extension has a ground floor depth of 12 metres, flush at the front and rear elevation of the main dwelling. The first floor has a depth of 6.30 metres and is set back from front elevation by 0.6 metres. The existing dwelling and extension have an overall width of 8 metres at both floors. The extension is set down from the main roof, has a ridge height of 7.80 metres, matching eaves height of 5.40 metres and a hipped roof form to the two storey element of the proposal. The single storey element of the proposal is toward the rear of the dwelling, joins the existing rear projection and create a flat roof extension to a height of 2.85 metres.

2.3. Matching corresponding external materials of brickwork and render for the wall, interlocking roof tiles and white uPVC windows and doors to match the existing dwelling.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. The dwelling is in a row of semi-detached buildings that has a uniform building line and matching space between them. 29 Woodland Avenue is brick built at the base, rear and side wall and rendered at the front elevation. The street scene has uniform building height, design, scale and a mixed of rendered and brick properties. The dwelling has white uPVC window, loose stone frontage driveway and a boundary fence. The dwelling is not listed and not within a conservation area.

4. Relevant planning history

91/00843/4 – Single storey rear extension and detached single garage – Planning Permission – 22.10.1991.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was pasted in the neighbourhood.

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

6. Consultation

6.1. Burbage Parish Council has no objection to the application.

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 2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (GDG) (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:
- 'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.'* and,
- '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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable.'*

- 8.4 The proposed extension is to the side of the main dwelling towards the south west boundary. It has a two storey and single storey scale, set down and set back on the first floor front elevation by 0.6 metres. The extension measures 12 metres in depth at the ground floor and 6.30 metres in depth on the first floor. The existing dwelling and extension have an overall width of 8 metres at both floors. It has a ridge height of 7.80 metres, matching eaves height of 5.40 metres and a hipped roof form to the two storey element and flat roof of 2.85 metres in height to the single storey extension. The extension has appropriate dimensions and height that complies with the street building line, height and character. The hipped roof design and materials are characteristics of the surrounding street. The use of corresponding external materials complements the local street character. The proposal has suitably proportioned windows that reflect the size and style of the existing windows. The rear element of the extension is not viewable from the street scene and therefore the flat roof character is not harmful to the street scene.
- 8.5 While the proposed extension reduces the spaces between the 29 and 27 Woodland Avenue, it is not prominent within the street scene and follows the design of the extension at 48 Woodland Avenue. The side extension has no significant adverse visual impacts and is therefore considered to be acceptable in design terms.
- 8.6 By virtue of the siting, scale, design and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposed extensions and alterations respect and complement the scale, character and appearance of the existing dwelling and have no significant adverse visual impacts on the wider street scene. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.

Impact upon neighbouring residential amenity

- 8.7 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.
- 8.8 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.'*
- 8.9 There is a tiny space between the extension and the south west boundary fence. A space of 2.20 metres is between the extension and adjoining (27 Woodland Avenue) property. Considering the separation distance, the hipped roof design, matching eaves height and set down of the ridge height, the proposed extension does not have significant overbearing impact on the neighbouring property. There is an intervening single storey outbuilding near the boundary at 27 Woodland Avenue. Due to the single story scale of the extension at the rear and flat roof design, the extension is considered to be an appropriate addition to the host property. There is a considerable distance between the extension and the rear garage at 29 Woodland Avenue and therefore does not result in overdevelopment. The extension has no side elevation windows to cause overlooking or loss of privacy to neighbouring

properties. The existing fence separates the gardens of both properties and there is not impact on loss of privacy. The windows to the side of 27 Woodland Avenue serve the landing. The dwelling has principal elevation windows to the front and rear. The proposal does not result in any significant or unacceptable adverse overbearing or overshadowing impacts on the adjoining neighbours. No objection to the proposal has been received from the adjoining occupiers.

- 8.10 By virtue of the siting, scale, separation distance, hipped roof design, set down and set back, it is considered that the proposal does not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposals have been received from the occupiers of any neighbouring properties.

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 site currently has a loose stone front driveway. The driveway has the capacity to hold one car according to the highway design guide on standard parking size (5.5m x 2.5m). The proposal results in the provision of a 4 bedroom space. The local highway authority design guide seeks a minimum of three off-street car parking spaces to serve the resulting dwelling. This level of parking provision is not adequate to serve the resulting four bedroomed dwelling, however the site is within a highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal is therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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, scale, appropriate dimension, separation distance, design and the proposed use of matching corresponding external materials to ensure a unified appearance, it is considered that the proposed extensions and alterations respect and complement the scale, character and appearance of the existing dwelling and have no significant adverse visual impacts on the wider street scene. There is no significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate private amenity space is retained to serve the resulting four bedroomed dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the 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: Location Plan and Site Plan Drawings Number 29WOODLANDS/1, and Proposed Floor Plan and Elevations Drawings Number 29WOODLANDS/3 received by the local planning authority on 02 November 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 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.
2. The applicant is advised to ensure that, when being constructed, no part of the development hereby permitted exceeds the extent of their land ownership, for example through any overhanging rainwater goods etc., in order to avoid any potential legal disputes with the adjoining neighbouring land owner(s).