

Delegated Report

Planning Ref: 23/00727/HOU
Applicant: Mr and Mrs Vance
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 41 Pyeharps Road Burbage Leicestershire

Proposal: Two storey side and front 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 the construction of a two storey side and front extension to a dwelling, 41 Pyeharps Road, Burbage.
- 2.2. Following the demolition of the existing garage, the proposed extension would extend 2.6 metres in width from the main northwest side elevation of the dwelling to within a metre of the side boundary. It would have a total depth of 9.4 metres flush with the existing rear elevation and extending by 1.4 metres forward of the main front elevation of the dwelling. It would extend a total of 8.45 metres across the full width of the front elevation, 5.3 metres in width at two storey height to form a shallow depth subordinate front gable and the remaining 3.15 metres width at single storey height. The side extension would be flush with and have the same 4.7 metres eaves height and 7.6 metres ridge height as the existing main roof. The proposed front gable would have same 4.7 metres eaves height as the existing main roof but a subordinate ridge height of 6.7 metres. The single storey lean-to roof would have an eaves height of 2.1 metres and maximum height of 3.3 metres. A lean-to canopy roof of 2 metres in width and 3.1 metres maximum height is also proposed over the new front door/lobby window and would have bracket supports.
- 2.3. An amended block plan has been submitted to provide additional replacement parking within the site frontage. By virtue of the lack of any objections and the nature of the amendment no re-consultations are considered to be necessary or have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage on a corner plot and within a residential estate. It is a detached two storey house with a dual pitched gable sided main roof form. It has a similar pitched roof garage attached to its northwest side elevation and a lean-to roof across the enclosed front porch. It is constructed with dark brown multi facing bricks, brown concrete interlocking roof tiles and white uPVC leaded windows. A 7 metres long concrete paved driveway provides an additional (second) parking space within the otherwise soft landscaped and open plan site frontage. The rear garden is enclosed by 2 metres high solid close boarded timber fencing to all sides.
- 3.2. Pyeharps Road is characterised by predominantly detached two storey houses and detached bungalows of either gable sided or gable fronted roof form and with variations in designs and styles which include two storey houses with forward projecting gables.

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 in support of the application.

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). The Council's adopted Good Design Guide provides further advice on the design of house extensions and 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.' and,

'Two-storey extensions to the front of properties should take the form of the existing building, mirroring the roof pitch, replicate or have lower eaves height and the ridge should be below the existing ridge height. In addition, the proposal should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation.'

- 8.3 The proposed two storey side extension would extend for an appropriate width of 2.6 metres from the side elevation of the dwelling, less than half its existing main 5.8 metres width and would retain an appropriate gap of 1 metre to the side boundary. The side extension would have the same dual pitched gable sided roof form as the existing dwelling, be flush with the rear elevation and be flush with and have the same 4.7 metres eaves height and 7.6 metres ridge height as the existing main roof. It would not be set back from the front elevation or be subordinate in height and would therefore be in conflict with the adopted design guide in this respect.
- 8.4 However, instead, the proposal would extend forward of the main front elevation but only by an acceptable 1.4 metres depth, and across the full 8.45 metres width of the front elevation. The proposed two storey section would form a shallow depth front gable of 5.3 metres in width with a matching main roof eaves height of 4.7 metres and a clearly subordinate ridge height of 6.7 metres. Whilst extending over half the width of the front elevation, in conflict with the design guide, the front gable would nevertheless be similar to the width of existing two storey front gables that are a characteristic of the wider street scene. It is considered that the proposed subordinate single storey lean-to roof section across the remaining 3.15 metres width of the front elevation and the lean-to canopy roof to be formed over the new front door/lobby window would all together result in a well-balanced and well-proportioned front elevation design. The proposed use of matching external materials and complementary rendered panel in the construction together with appropriately proportioned fenestration throughout would ensure a satisfactory and unified appearance with the existing dwelling and the wider street scene.
- 8.5 In terms of the infill of the space between the dwellings, the proposals would maintain a gap of 1 metre to the only adjacent dwelling and by virtue of its subordinate and contrasting gable fronted form together with the use of a rendered first floor panel, the proposals would not result in any significant terracing effect and that the detached character of the dwellings would be maintained in this case. As a result, it is considered that a set-back/subordinate height for the side extension is not critical in this case.
- 8.6 Whilst the proposed loss of the garage would necessitate additional hard surfacing of the site frontage to provide replacement car parking, a reasonable amount of soft landscaping would be retained on this corner plot and, given that some nearby plots have totally hard surfaced frontages, the proposal would not result in any significant adverse impacts on the character or appearance of the area in this case.
- 8.7 Notwithstanding the degree of conflict identified with the adopted Good Design Guide, it is considered that, subject to the use of appropriate and matching external materials, that the proposals would nevertheless respect and complement the scale, detached character and appearance of the existing dwelling and would not result in any significant or adverse visual impacts on the character or appearance of the wider street scene in this case. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP, most of the general

principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.

Impact upon neighbouring residential amenity

- 8.8 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.

- 8.9 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.'

- 8.10 The adjacent dwelling to the northwest (No. 39) is a similarly designed and styled two storey detached house that is set further forward of the application dwelling by approximately 2 metres. It also has a conservatory attached to its rear elevation that extends approximately 3 metres further to the rear along the side boundary of the site. The proposed two storey side extension would extend only 2 metres further to the rear than the first floor rear elevation of No. 39 at a separation distance of 1 metre from the boundary. As a result, the proposal would not extend beyond a 45 degree line drawn from the centre-point of any rear elevation windows of No. 39 or result in any significant adverse overbearing or overshadowing impacts on its rear elevation or garden. The proposal would not extend any further forward than the front elevation of No. 39 and therefore would have no adverse impacts on the residential amenity of the neighbouring occupiers. In fact, a consultation response supporting the proposals has been received from them.

- 8.11 The new first floor bedroom window in the rear elevation of the proposal would be 9 metres within the rear garden boundary and 10 metres from the side gable of the dwelling to the rear (north) on Maple Way (No. 1) that has only a small obscurely glazed window. In any case it would not face directly towards any sensitive private amenity space of this neighbouring dwelling.

- 8.12 By virtue of the siting, scale, design, separation distances, the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. 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 parking provision

- 8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.14 The site currently provides two off-street car parking spaces within the garage and on the 7 metres long front driveway to serve the existing three bedroomed dwelling. The proposals would result in the addition of a fourth bedroom to the dwelling and the loss of the existing garage to additional living accommodation. The local highway authority design guide requires that three off-street parking spaces should be provided to serve a four bedroomed dwelling.

- 8.15 An amended block plan has therefore been submitted proposing the provision of three side by side hard-surfaced off-street parking spaces within the site frontage,

each measuring 5.5 metres in length by 2.4 metres in width. This level of provision would be adequate to serve the resulting four bedroomed dwelling which is located in a highly sustainable urban location where a full range of services and facilities are available by alternative and more sustainable transport means. The proposals would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

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 proposal relates to extension 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, design and subject to the proposed use of matching and complementary corresponding external materials to ensure a satisfactory and unified appearance, notwithstanding the identified conflict with the adopted Good Design Guide, it is considered that the proposals would nevertheless respect and complement the scale, character and appearance of the existing dwelling and the surrounding area. By virtue of the siting, scale, design and separation distances, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking provision of three spaces and adequate private amenity space of approximately 112 square metres would be retained within the site to serve the resulting four bedroomed dwelling. The amended proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, most of 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 Proposed Block Plan Drawing No. 686/04 Rev A received by the local planning authority on 21 September 2023 and Proposed Floor Plans and Elevations Drawing No. 686/02 Rev B received by the local planning authority on 9 August 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).

4. Within one month of the first occupation of the extension hereby permitted, the three off-street parking spaces measuring a minimum of 5.5 metres in length by 2.4 metres in width as detailed on the approved Proposed Block Plan Drawing No. 686/04 Rev A received by the local planning authority on 21 September 2023 shall be provided and hard surfaced in permeable hard bound material (not loose aggregate). Thereafter the three off-street parking spaces shall be permanently so maintained and retained for such use at all times.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM18 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.