

Delegated Report

Planning Ref: 24/00242/HOU

Applicant: Mr and Mrs Comley

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 3 Shenton Lane Market Bosworth Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Single storey side extensions, hipped pitched roof to garage and solar panels to roof on south facing elevation.

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 single storey side extensions, a hipped pitched roof to the garage and the installation of solar panels to the south facing roof slope of a dwelling, 3 Shenton Lane, Market Bosworth.
- 2.2. The proposed side extension to the north side would be approximately 4.3 metres in width and 5.6 metres in depth and have the same eaves height as the main roof and a flat central roof with hipped roof edges to a height of 4 metres. A corner front porch is also proposed with a similar flat/hipped edge roof form. The proposed side extension to the south side would be 2.6 metres in width and 2 metres in depth and have the same eaves height as the main roof. The proposed new hipped pitched roof over the existing garage would also extend over the south side extension to a ridge height of 3.9 metres. The application proposes the use of matching red textured facing bricks and white uPVC windows and replacement grey slate effect roof tiles throughout. Two arrays of solar panels are also proposed to the south roof slope of the main roof.
- 2.3. Amended plans have been submitted to reduce the footprint of the extensions, to hip the roof of the garage and to retain the established landscaping to the site frontage with Shenton Lane rather than widen the vehicular access with hard surfacing. Re-consultations on the amended plans have been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Market Bosworth and within its historic core and the Market Bosworth Conservation Area. It is a mid-20th century detached bungalow with hipped form and a flat roofed garage attached to its south side elevation. The application plot fronts onto both Shenton Lane to the west and Sutton Lane to the east. It is constructed with red multi rough faced bricks, small red plain clay roof tiles and leaded white uPVC windows. Vehicular access is off Shenton Lane with off-street parking for two vehicles on the concrete block paved double width driveway in addition to the garage. There are amenity/landscaped areas of varying size to all four sides of the dwelling. The north side boundary is enclosed by a timber fence with decorative trellis to a height of approximately 1.8 metres. The south side boundary is enclosed by a 1.8 metres high solid close boarded timber fence. There are rockery style landscaped areas to the west and east highway boundaries.
- 3.2. There is a Grade II listed cottage to the north of the site, two storey cottages to the south of the site fronting Sutton Lane and a recently constructed two storey house to the south of the site fronting Shenton Lane.

4. Relevant planning history

95/00590/FUL

- Extension and alterations
- Permitted
- 08.09.1995

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 and a notice was displayed in the local press.

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

6. Consultation

6.1. Market Bosworth Parish Council notes that its original concerns regarding the proposed scale of the development and potential loss of amenity and parking provision have been addressed in the revised application but maintain the initial concern raised in regard to the visibility of the solar panels within the Conservation Area.

6.2. Market Bosworth Society do not object to the application but raise concerns that the proposed solar panels may be visible from the public highways and seek to ensure that they are adequately shielded and do not detract from the street scene in this sensitive area.

7. Policy

7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026 (2015)

- Policy CE1: Character and Environment

7.2. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Market Bosworth Conservation Area Appraisal and Map (2014)
- 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 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 setting of the adjacent listed buildings and the character and appearance of the Market Bosworth Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the setting of the adjacent Listed Buildings and the character and appearance of the Market Bosworth Conservation Area

8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

8.4 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced and proposals which seek to improve neutral and negative areas inside conservation areas, which also lead to the overall enhancement of the conservation area, will be supported.

8.5 Policy DM10 of the adopted SADMP requires development to complement or enhance the character of the surrounding area with regard to design, materials and architectural features and for building material to respect existing/neighbouring buildings. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.

8.6 Policy 11 of the adopted Core Strategy requires new development in Market Bosworth to respect the character and appearance of the Market Bosworth Conservation Area by incorporating locally distinctive features of the conservation area into the development.

8.7 The application dwelling is identified in the 'made' MBNP as being in Character Area E, the historic core of Market Bosworth. Policy CE1a requires that development should be in keeping with its character area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Policy CE1b seeks to ensure that within Character Area E, the roofline of any new development must respect adjoining areas and neighbouring buildings and not harm important views.

- 8.8 3 Shenton Lane is a mid-20th century detached bungalow located within the Market Bosworth Conservation Area. The plot within which the bungalow is situated is close to the historic core of the village and is bound on the west by Shenton Lane and the east by Sutton Lane as these two Lanes extend southwards from the Market Place. Whilst the single storey height of the bungalow does not reflect the predominant scale of historic and traditional buildings contained elsewhere within the conservation area, its more limited scale and set back within the plot from the frontage of the Lanes does ensure that its visual impact upon each respective street scene and presence within key views of the conservation area townscape is limited. Consequently, the bungalow is considered to make a neutral contribution to the character and appearance and thus significance of the conservation area.
- 8.9 Immediately to the north of the application site at the junction of Shenton Lane and Sutton Lane is Rainbow Cottage, a one and a half storey timber framed cottage with thatched roof that dates from the late 17th to early 18th century. The cottage is a grade II listed building of special historic and architectural interest. Due to its position at the edge of the Lanes it is a prominent building within this section of the conservation area and it contributes positively to its character and appearance. The historically larger plot of Rainbow Cottage has been incrementally developed over time, with the subdivision of the plot and the development of 3 Shenton Lane occurring during the mid-20th century. There remains a respectful distance between the cottage and 3 Shenton Lane. Due to the distance between the two properties, the softening effect of vegetation within the garden of Rainbow Cottage, and the single storey scale of 3 Shenton Lane, the application bungalow is not a dominant presence when viewed and appreciated in conjunction with the listed cottage, so overall it is considered that 3 Shenton Lane is a neutral presence within its setting.
- 8.10 There are other grade II listed buildings and structures within the vicinity of the application site; these include 25 Market Place, 9 Sutton Lane, and the pump on Sutton Lane. There are no known key historic, functional or other relevant relationships between the application site and these heritage assets, and due to the siting and generally limited extent of the proposed development it is considered that no further listed buildings would be sensitive to or affected by an appropriate form of development within the application site.
- 8.11 The amended proposals include a single storey extension to the north side elevation with a width of 4.3 metres and depth of 5.6 metres and a substantial set back of 5 metres from the front elevation of the bungalow facing Shenton Lane. This would have the same eaves height as the main roof of the bungalow and a subordinate 4 metres high flat roof with hipped roof edges which would conceal the uncharacteristic flat roof and reflect the hipped roof form of the existing dwelling. A small corner front porch is also proposed with a similar flat/hipped edge roof form. A single storey extension of just 2.6 metres in width and 2 metres in depth is also proposed to the south side elevation attached to the rear elevation of the existing garage and integrated with it through the proposed new hipped roof of subordinate 3.9 metres ridge height extending over both structures which would also reflect the hipped roof form of the existing dwelling. By virtue of the reduction in the footprint of the original scheme, it is considered that the amended proposals would retain marginal, but nevertheless acceptable, amenity space to serve the resulting three bedroomed bungalow and not result in overdevelopment of the site.
- 8.12 By virtue of their siting, subordinate scale, acceptable design and the proposed use of matching and appropriate sympathetic external construction materials, it is considered that the amended proposed extensions together with the proposed retention of the existing established site frontage landscaping would respect and complement the scale, character and appearance of the application dwelling and the wider Market Bosworth Conservation Area, including the roofscape. By virtue of

the retained separation distance and retained landscaping it is considered that the amended proposals would have no adverse impacts upon the significance of the grade II listed Rainbow Cottage located to the north or its setting.

- 8.13 The proposals include the installation of two small arrays of solar panels to the south slope of the existing main roof. Both Market Bosworth Parish Council and Market Bosworth Society have raised objections and concerns regarding the visibility of the solar panels from public highways and potential adverse visual impacts on the Market Bosworth Conservation Area.
- 8.14 Policy DM2 of the adopted SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. It further states that planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts.
- 8.15 Paragraph 157 of the NPPF (2023) states that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 163 of the NPPF (2023) states that *'When determining planning applications for renewable and low carbon development, local planning authorities should: a) recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.'*
- 8.16 It is therefore considered that there is strong support in principle within both local and national planning policies for the development of domestic scale renewable energy installations such as that proposed subject to all other planning matters being satisfactorily addressed.
- 8.17 The proposed solar panels would be installed on the southern slope of the main roof and face towards private gardens rather than directly towards any public highway. Due to their siting, they would have no adverse impacts upon the setting of Rainbow Cottage, the listed building which lies to the north of the site. The solar panels would be well screened from public views from Shenton Lane to the west by the proposed construction of the new hipped roof over the existing flat roof garage and the slightly higher ground level of the bungalow relative to the public highway. The solar panels would be well screened from public views from Sutton Lane to the east by a combination of screening by the dual pitched roof of the existing southern wing of the application dwelling, the existing 1.8 metres high solid timber fence to the southern boundary, the higher ground level of the bungalow relative to the public highway and the existing two storey cottages to the south which lie closer to Sutton Lane. Notwithstanding the objection and concerns raised, as a result of their siting, scale and screening it is considered that steps have been taken to avoid/mitigate any adverse visual impacts and that only acute unobtrusive glimpsed views of small sections of the solar panels would be available from public areas. It is considered that this would have no more than a negligible, and not adverse, visual impact upon the character and appearance, and thus significance, of the Market Bosworth Conservation Area and that this would be offset by the small but positive environmental benefits of the renewable energy generated by the solar panels and the consequent reduction in carbon emissions.
- 8.18 By virtue of the siting, scale, design, and subject to the proposed use of matching and appropriate sympathetic external construction materials, the amended proposals would respect and complement the scale, character and appearance of the existing dwelling and would have a neutral impact upon the character and

appearance of the Market Bosworth Conservation Area thus preserving its significance. The amended proposals is also considered to be compatible with the significance of the grade II listed building Rainbow Cottage and its setting. The amended proposals are therefore considered to be in accordance with Policy CE1 of the 'made' MBNP, Policies DM2, DM10, DM11 and DM12 of the adopted SADMP, the principles of the Council's adopted Good Design Guide, Section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon residential amenity

- 8.19 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.20 Paragraph 135f) of the NPPF requires that decisions should ensure a high standard of amenity is provided for existing and future users. The Council's Good Design Guide at page 44 sets out that gardens are an important part of the quality of life afforded by a house and that overdevelopment leaving a significantly reduced garden area can affect its appeal in the longer term. It goes on to say that homeowners should ensure that cumulative small extensions do not result in a significant loss of total garden space as this can render a plot out of keeping with its context.
- 8.21 Notwithstanding its position to the south, by virtue of its single storey scale, hipped/flat roof design and separation distance of approximately 11 metres from the main rear elevation of Rainbow Cottage together with the outlook of this neighbouring dwelling being offset from the proposed north side extension, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on Rainbow Cottage or its rear garden. The proposal includes two secondary windows facing towards Rainbow Cottage which would be within 2 metres of the boundary and by virtue of the existing fencing having a trellis top would enable views from within the proposed extension directly into the neighbouring garden. It is therefore considered to be reasonable and necessary to restrict these two new secondary windows to having appropriate obscure glazing and to be non-openable in order to protect the privacy and amenity of the neighbouring occupiers.
- 8.22 By virtue of its position to the north of the garden of 6 Sutton Lane, small single storey scale, hipped roof design and separation distance together with the outlook of this neighbouring dwelling being perpendicular to the proposed side extension and new garage roof, it is considered that the proposals would not result in any significant adverse overbearing or overshadowing impacts on 6 Sutton Lane or its rear garden. The proposal includes a new window facing towards the neighbouring rear garden which would be only 1 metre from the boundary, but by virtue of the existing privacy screening provided by the 1.8 metres high solid timber panel fencing along the south boundary, the proposal would not result in any loss of privacy to the occupiers of 6 Sutton Lane from potential overlooking. By virtue of their siting, scale, design and separation distance the proposals would have no adverse impacts on the residential amenity or privacy of 5 Shenton Lane which also lies to the south.
- 8.23 By virtue of the siting, scale, design, separation distances and subject to the use of obscure and non-openable glazing where necessary, it is considered that the amended proposals would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring dwellings. The amended proposals would therefore be in accordance with Policy DM10 of the

adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

- 8.24 Following the reduction in size of the proposed extension it is considered, on balance, that the proposal does not result in overdevelopment of the plot and that sufficient garden remains as required by paragraph 135f) of the NPPF and the Good Design Guide.

Impact upon parking provision

- 8.25 Policy DM18 requires adequate off-street parking space to be provided/maintained to serve the development.
- 8.26 The site currently provides adequate off-street parking for two vehicles on the concrete block paved double width driveway in addition to the undersized garage to serve the existing two bedroomed bungalow. The proposals would result in the addition of a third bedroom but the existing off-street parking provision would be unaffected by the proposals and remain available. This level of existing/retained off-street parking provision would be adequate to serve the resulting three bedroomed bungalow in accordance with local highway authority design guide standards. The proposals are therefore considered to be in accordance with Policy DM18 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 extensions and alterations to an existing dwelling within the settlement boundary of Market Bosworth 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. Notwithstanding concerns raised, by virtue of their siting, scale, design, and subject to the proposed use of matching and appropriate sympathetic external construction

materials, the amended proposals would respect and complement the scale, character and appearance of the existing dwelling, would be compatible with the significance of the neighbouring grade II listed building (Rainbow Cottage) and its setting and would have a neutral impact upon the character and appearance of the Market Bosworth Conservation Area thus preserving their significance. By virtue of the siting, scale, design, separation distances and subject to the use of obscure and non-openable glazing where necessary, the amended proposals would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring dwellings. Adequate off-street parking of two spaces would be retained within the site along with marginal but acceptable private amenity space to serve the resulting three bedroomed bungalow. The amended proposals are considered to be in accordance with Policy CE1 of the 'made' MBNP, Policies DM1, DM2, DM10, DM11, DM12 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of Sections, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 Site Plan Drawing No. SL-01 Rev C and Proposed Floor Plan and Proposed Elevations Drawing No. SL.02 Rev C received by the local planning authority on 4 June 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 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 extensions and alterations hereby permitted shall be red textured facing bricks and white uPVC windows to match the corresponding materials of the existing dwelling and the entire roof of the resulting dwelling shall be surfaced with Greys Art Stone Reproduction Welsh Slate as detailed in the email from the applicant dated 5 April 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the submitted details, the secondary windows in the new north elevation serving the lounge and bedroom shall be fitted with obscure

glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwelling from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Should the solar panel arrays hereby permitted no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months then they shall be removed from the roof within 3 months after the end of the 6 months cessation period.

Reason: In the interests of visual amenity and to protect the character and appearance of the application dwelling and Market Bosworth Conservation Area in accordance with Policies DM2, DM10, DM11 and DM12 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. There shall be no increase in the width of the access as part of the existing rockery lies within the highway and is owned by the County Council as Highway Authority.