

Delegated Report

Planning Ref: 26/00310/CONDIT
Applicant: Mr and Mrs Gadd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 16 Hornsey Rise, Wellsborough

**Proposal: Application to vary condition 2 of planning permission 25/01134/HOU.
Amendments to approved drawings.**

1. Recommendations

1.1. Grant planning permission subject to:

- Planning condition outlined at the end of this report

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. In this case, planning permission reference **25/01134/HOU** granted planning permission for the erection of a garden outbuilding and single storey rear extension to 16 Hornsey Rise, Wellsborough. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted.

2.3. This application seeks planning permission for the variation of condition 2. Variation of condition to amend the approved plans, including a reduction in the overall footprint and scale of both the single-storey rear extension and the garden outbuilding. All other aspects of the development remain as previously approved.

2.4. The revised scheme includes a reduction in the width of the sunroom from 5,615mm to 5,513mm, whilst the depth remains largely unchanged. The associated corridor no longer spans the full width of the sunroom, providing some relief to the sunroom front elevation and shared boundary. The garden room has also been reduced slightly in width from 3,165mm to 3,140mm, with the depth remaining the same. All proposed heights and materials remain as previously approved.

3. Description of the site and surrounding area

3.1. The application site is located at 16 Hornsey Rise, within the open countryside and to the east of the settlement of Wellsborough. The property comprises a substantial detached dwelling, situated on a generous plot measuring approximately 1,573m².

3.2. The dwelling is constructed in brown brick and features notable windowed gable to both the front and rear elevations, with stone and timber detailing. The property is set back 25m from the highway by a large grassed front garden and driveway and features a double integrated garage to its front right elevation.

3.3. The surrounding area is predominantly residential in character and features similarly designed dwellings, recently constructed. Properties in the vicinity are generally of similar scale and design, with minimal design variations.

3.4. Beyond the wider residential estate lies open countryside, resulting in a small, contained pocket of residential development. The site is accessed via Bosworth Road, with most properties, including the application site, benefiting from generous private driveways.

3.5. The site is not located within a conservation area, nor is the property listed.

4. Relevant planning history.

25/01134/HOU

- Single storey side and rear extension and the erection of a detached outbuilding to the rear.
- Permitted
- 10.02.26

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.

6. Consultation

6.1. Sheepy Parish Council supports the application.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. 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

7.3. Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):

- Policy S8: Design

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 (2020)
- National Design Guide (2019)

8. Appraisal

8.1. The principle of development, siting, layout and overall design of the proposed extensions and alterations have already been established through the earlier grant of planning permission **25/01134/HOU**. The key issues in respect of this application are therefore:

- Impact of the amendments upon the character and appearance of the area
- Impact of the amendments upon neighbouring residential amenity
- Conditions

Impact of the amendments upon the character and appearance of the area

- 8.2 The adjustments are minor in scale, and in proportion of the main dwelling and for these reasons the LPA looks upon them favourably.
- 8.3 Given that the form of the development would remain near-identical to the previously approved scheme. Both elements of the proposal; the detached garden room and sun-room to the rear are reduced in scale and footprint, there continues to be no material impact of the scheme on the character and appearance of the area.
- 8.4 The sun-room extension would remain subordinate to the main host dwelling by scale and dimensions. The proposed materials of facing brick and timber detailing, as previously approved, would complement and accord with the host dwelling. Following the variation of condition, the amendments would not have a detrimental impact upon the host dwelling and surrounding area.
- 8.5 Despite the reduction in footprint, the sunroom continues to disrupt the established separation distances along Hornsey Ruse. However, regardless, views of the proposals from the public realm continue to be minimal.
- 8.6 This amendment remains in accordance with Policy DM10 of the adopted SADMP and the guidance set out in the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.2. The previous scheme complied with the guidance on residential extensions, as set out in the Good Design Guide. Given the increase in shared boundary separation distances as a result of the reduction in sun-room footprint, the amended scheme is seen as a betterment in terms of its impact upon neighbouring residential amenity.
- 8.3. The garden outbuilding, although appearing less dominant than previously approved, would maintain a 0.5m shared boundary separation distance as previously and any residential impact is negligible.
- 8.7 As such, the amended development remains in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Conditions

- 8.8 The previously approved planning permission **25/01134/HOU** was subject to 2 conditions.
- 8.9 The time limit imposed by Condition 1 has been amended to match that of the previous permission.
- 8.10 Condition 2 has been updated to reflect the newly amended plans, which now supersedes those originally approved - this is detailed in the revised Condition 2 below.

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 variations to the previously approved extension and garden outbuilding are considered to continue to respect and complement the scale, character, and appearance of the existing dwelling and wider street scene, and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties, nor impact the parking provision at the site. The development is therefore considered to remain in accordance with the existing dwelling and wider countryside. The proposal would adhere to Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies and the general principles of the Council's Good Design Guide. It is recommended for approval, subject to amended Condition 2 (Plans), which defines the new planning permission.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2 **Conditions**

1. The development hereby permitted shall be begun before 10 February 2029.

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:

- Proposed Drawings, Drg No. 369 PL- 01A
- Application form
- Both received by the Local Planning Authority on 01.04.26

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 outbuilding shall match the corresponding materials of the existing dwelling.

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

Notes to Applicant

- a) 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.