

Delegated Report

Planning Ref: 25/00636/CONDIT

Applicant: Karl Martin

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Sharnford House, 70 Clarence Road, Hinckley

Proposal: Application to vary condition 2 of planning permission 24/00750/HOU. Rear roof changed from gable end to hip and Juliette balcony mirrored onto existing dwelling.

1. Recommendations

1.1. Grant retrospective 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. In this case, planning permission reference 24/00750/HOU granted planning permission for the erection of a first-floor front and rear extension including the replacement of the garage roof from flat to pitched at No. 70 Clarence Road, Hinckley. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted, with particular regard to a gabled roof projection and fenestration at the rear.
- 2.2. This application seeks planning permission for the variation of condition 2 to alter the permitted gable-end rear roof projection (at the right of the rear elevation) to a hipped form, aligning it more closely with the existing hipped roof section at the rear of the property. This amendment is intended to create a more cohesive and balanced rear elevation. Additionally, the proposal includes the replacement of one of the existing rear-facing first-floor windows with another Juliette balcony, mirroring the permitted Juliette balcony. Both are material amendments to the original planning application.
- 2.3. This application will only assess the alterations made to the rear of the dwelling, and as such any alterations to the front of the dwelling are permitted and have previously been assessed under application 25/00750/HOU.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley on a road that links Queens Road to the B590 highway. It is a two-storey detached house with a projected flat roof section at the front elevation incorporating a garage and is finished in red brick, with white uPVC fenestration and brown concrete roof tiles. The dwelling sits adjacent to nearby properties, has a large drive with loose stone hard standing.
- 3.2. Most properties along Clarence Road are terraced dwellings, however towards the east end of the street, where the application dwelling is, there is a greater degree of variety in housing designs and styles. Most properties along Clarence Road are residential in nature, however there is a nearby care home and apartment units directly adjacent and opposite the application site. To the rear of the application site is large open space (Queen's park), with a skatepark and children's play area.

4. Relevant planning history

24/00750/HOU

- First-floor front and rear extension and replacement of garage roof.
- Permitted
- 27.09.2024

5. Publicity

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

5.2. No responses have been received from the public consultation.

6. Consultation

6.1. No consultations have taken place.

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. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. 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 24/00750/HOU. The key issues in respect of this application are therefore:

- Impact of the amended as-built development upon the character and appearance of the area
- Impact upon neighbouring residential amenity
- Conditions

Impact of the amendments upon the character and appearance 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of various forms of house extensions and the use of appropriate external materials.

- 8.3 The adopted Good Design Guide states: *‘Roofscape is a key character-forming feature of detail in residential design. This includes the shape and pitch of roofs, as well as the materiality.’*
- 8.4 In this case, the originally permitted roof detailed an open-gabled roof which differed from the existing hipped roof structure at the rear left elevation. By amending this to a hipped structure, this now provides a more consistent design element which matches the existing structure and creates two projecting hipped structures. The amendments therefore align more closely with the guidance set out in the Good Design Guide and DM10 of the SADMP.
- 8.5 The Good Design Guide also states *‘in the case of residential extensions, care should be taken to ensure that the existing horizontal and vertical rhythm together with the proportion of openings is either reflected or complemented’*.
- 8.6 The fenestration proposed alters an existing standard window at the rear left elevation to another Juliette balcony. This is now seen to be more consistent with the permitted Juliette balcony at the rear right elevation and will provide more harmonious design.
- 8.7 Both these amendments are considered to be betterments and therefore remain 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

- 8.8 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, with particular regard to light and visual intrusion.
- 8.9 The proposed Juliette balcony has larger dimensions, allowing for a wider view and increased visibility into the rear garden of No 72 Clarence Road. However, since there is an existing window in this location the overall impact is only marginally greater than before. In addition, the setback distance of neighbouring No.72 Clarence Road further mitigates this impact.
- 8.10 The presence of window muntins and the balcony structure itself mitigates some light intrusion and preserves sufficient privacy for the occupiers of the rear gardens of both neighbouring properties.
- 8.11 The roof design is being altered from a gabled structure, which previously extended 2.4m above the eaves at its ridge (at the rear elevation), to a hipped roof. This change helps reduce the sense of overbearing and is considered an improvement.
- 8.12 Given the siting, scale and design of the development, along with the changes to the roof structure, fenestration and balcony dimensions, the amended scheme is not considered to result in any significant adverse impacts on the residential amenity or privacy of neighbouring properties. The presence of existing windows, position of adjacent dwellings and design features such as window muntins and the hipped roof help mitigate visual and light intrusion. As such, the as-built development remains in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Conditions

- 8.13 The previously approved planning permission 24/00750/HOU was subject to 3 conditions. The time limit imposed by Condition 1 has been reset, resulting in a new expiry date as outlined in the Conditions section below. Condition 2 has been updated to reflect the newly amended plans, which now supersede those originally approved - this is detailed in the revised Condition 2 below. Condition 3 remains

unchanged, and any future development must continue to match the existing building materials.

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 variations to a previously approved planning permission for an extension to an existing dwelling within the settlement boundary of Hinckley, where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted Site Allocations and Development Management Policies and the overarching principles of the NPPF.

10.2. The variations to the previously approved extension 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.

Recommendation

11.1 **Grant planning permission** subject to:

- Planning condition outlined at the end of this report

11.2 **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 24/00750/HOU (27/09/2024).

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:

- Elevations, Section, 3D View, Floor Plans, Drg No.24/39 10B (received by the Local Planning Authority on 30.06.25)
- Application form (received by the Local Planning Authority on 30.06.25)

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).

Notes to Applicant

- a) The approved development may require Building Regulations Approval. For further information, please contact the Building Control team via email at building.control@blaby.gov.uk or call 0116 272 7533.