

Delegated Report

Planning Ref: 23/00971/HOU
Applicant: Antonino Puglisi
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 6 Shakespeare Drive Hinckley Leicestershire

Proposal: Single storey rear extension, extension and conversion of loft space, increase in roof height and alteration to dwelling

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 planning application seeks full planning permission for the conversion of existing loft space into bedrooms, and rear extensions at 6 Shakespeare Drive, Hinckley. Within this application, several rooflights are also added into the roof on both front and rear of the property.
- 2.2. The rear extensions increase the depth of the living/kitchen area on the ground floor and Bedroom 02 by 2.5m in depth, and the depth of Bedroom 03 on the ground floor and Bedroom 01 on the first floor by 3.5m. The extensions are separated by 2.7m and both feature 16-degree pitched roofs that have a ridge height that matches the ridge height of the existing dwelling. The rear extensions utilise a smoother white render finish and roofing materials to match the existing dwelling.
- 2.3. Originally, the development increased the ridge height of the property from 5.7m to 6.8m and incorporated two dormer windows on the principal elevation. These elements were removed from the proposal following the Planning Officer's concerns regarding the design of the scheme as well as the development's potential harm to the character and significance of the Hollycroft Conversation Area.
- 2.4. The development also initially increased the capacity of the dwelling to a four-bedroom property, which has been reduced following the Planning Officer's concerns in relation to the inadequate proposed floor-to-ceiling of Bedroom 04 and its impact upon the residential amenity of the future occupants of the scheme.

3. Description of the Site and the Surrounding Area

- 3.1 6 Shakespeare Drive is a semi-detached three-bedroom, bungalow that is located within the Hollycroft Conservation Area. The appeal site is bordered by residential dwellings to the north, east, south, and southwest, but to the west of the site is Hollycroft Park.
- 3.2 The property was originally constructed in the 1930s and it is largely typical of the informal residential layout of mid-20th century development that is located around Hollycroft Park. Development around Hollycroft Park is characterised by semi-detached and detached dwellings of various scales, designs, and styles that are reflective of this period of architecture.
- 3.3 Although the dwelling was originally of some architectural interest, the property, and its once larger plot, have undergone several modern extensions and other changes that are not in keeping with its original character. These changes include

subdividing and extending the bungalow to create an additional bungalow, which is known as 5A Shakespeare Drive, and the erection of a one-and-a-half storey gable-fronted garage to the side of the property.

- 3.4 This garage has subsequently been extended and converted to create a further dwelling, which is known as 6A Shakespeare Drive. The property itself has also had its original roof covering changed to concrete roof tiles and it has had replacement cottage-style windows.
- 3.5 6 Shakespeare Drive is set back from the street scene behind a relatively large front garden with some soft landscaping and low brick wall to the front, which is typical of the leafy and green streetscape of Shakespeare Drive. The set back from the street does slightly limit the detrimental visual effect from the various inappropriate alterations that have been made to the property. As a result, the dwelling is considered to make a neutral contribution to the character and appearance, and thus significance of, the Hollycroft Conservation Area.
- 3.6 Outside of the appeal site, and the properties created as a consequence of the subdivisions of 6 Shakespeare Drive such as 5A and 6A Shakespeare Drive, there are eight further properties along Shakespeare Drive. Seven of these dwellings are identified as, 'Important Historic Buildings' within the Hollycroft Conservation Area Appraisal (HCAA). The HCAA does not consider the buildings within the appeal site, or 5A and 6A Shakespeare Drive, as Important Historic Buildings.
- 3.7 The Hollycroft Conservation Area was declared in January 1998 in order to preserve and enhance the appearance of the inter-war Hollycroft Park, and the properties in the adjoining streets that were developed at the same time. The Conservation Area is one of the smallest in the area and consists of Hollycroft, Shakespeare Drive, St. George's Avenue, and Hollycroft Park. The HCAA identifies Shakespeare Drive as a distinctive character area within the Hollycroft Conservation Area.
- 3.8 Shakespeare Drive consists of high-quality, detached properties that are set in large gardens with high levels of vegetation. The houses are stepped back from the sweeping curve of the road and are generally behind tall hedges and mature vegetation. Their frontages face Hollycroft Park, which creates an interesting spatial arrangement that emphasises the close relationship between the 1930s style suburban architecture and its 'quasi-rural' surroundings. Dense vegetation and tall hedges combined with wooden fences and low brick walls of varying designs have been used to define the building plots, such that the architecture is only occasionally glimpsed from the road itself, which provides a sense of seclusion and privacy to the area.
- 3.9 The architecture along Shakespeare Drive predominantly includes pitched roofs that are covered by either natural slate or clay roof tiles, brick or rendered walls, and buildings that are typically two-storeys in massing. The piecemeal development of Shakespeare Drive is reflected in the variety of built forms. Windows vary in size and are mainly of timber and are set regularly across the facades.
- 3.10 The gardens throughout the conservation area compliment the properties through their size, design, and planting schemes. However, a number of building plots have been sub-divided in the late 20th century and more recently. This has led to the destruction of the setting of some of the structures, which now feel over-sized and cramped within their building plots, and has also eroded the leafy, high-quality character of the area.

4. Relevant Planning History

4.1 23/00481/FUL

- Demolition of existing semi-detached bungalow and erection of two dwellings
- Refused
- 13.07.2023

4.2 23/00006/PP

- Demolition of existing bungalow and erection of two dwellings
- Dismissed
- 24.04.2023

4.3 21/00937/FUL

- Demolition of existing bungalow and erection of two dwellings
- Refused
- 16.06.2022

4.4 18/01169/FUL

- Conversion of, and front extension and alterations to, detached garage to form residential dwelling
- Permitted
- 08.01.2019

4.5 14/00633/CONDIT

- Variation of Condition 2 of planning permission 14/00127/HOU for the erection of detached garage and formation of new vehicular access with associated driveway extension
- Permitted
- 20.08.2014

4.6 14/00127/HOU

- Erection of detached garage and formation of one new vehicular access with associated driveway extension
- Permitted
- 30.04.2014

4.7 11/00811/FUL

- Subdivision of dwelling to form two dwellings and extensions and alterations
- Permitted
- 29.11.2011

4.8 11/00575/FUL

- Subdivisions of dwelling to form two dwellings and extensions and alterations
- Withdrawn
- 16.09.2011

4.9 93/00335/4

- Extension to dwelling
- Permitted
- 26.05.1993

4.10 **79/00214/4M**

- Extension to bungalow
- Permitted
- 01.03.1979

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 One member of the public objected to the planning application because they believe internal works have already begun and the proposal is likely to result in loss of light to neighbouring properties. This member of the public has also requested several conditions in relation to maintaining and improving internet access to the dwelling and the neighbouring properties and ensuring that the scheme is built in accordance with Building Regulations.

5.3 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer (subject to conditions)

6.2 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Hollycroft Conservation Area Appraisal (HCAA) (2011)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. Extensions to existing domestic properties 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 Hollycroft Conservation Area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Hollycroft Conservation Area

8.9 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.10 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.

8.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.12 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 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.

8.13 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.14 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.15 In accordance with the Good Design Guide, 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.

8.16 The Hollycroft Conservation Area Appraisal (HCAA) highlights that a vulnerability to the character and significance of the Conservation Area is the introduction of inappropriate alterations to elevations and extensions to existing buildings, including street-facing dormer windows. To maintain the distinctive character and appearance of the Hollycroft Conservation Area, the HCAA advises that new development

should contribute positively to the character or appearance of the Conservation Area by virtue of its siting, scale, design, and use of materials.

- 8.17 Following amendments to the scheme, no alterations are proposed to the principal elevation of the property with the exception of the insertion of five rooflights. The Council's Conservation Officer has requested that these rooflights should be conservation style and fitted flush to the roof plane to ensure that their visual impact is limited, which is secured via planning condition.
- 8.18 Due to their siting to the rear of the property, the two rear extensions are not considered to result in any significant visual harm to the character, and thus significance, of the Conservation Area from Shakespeare Drive. By virtue of their size, scale, and volume, the proposed development appears subordinate to the main dwelling and does not over dominate the character of the existing property, which respects the character of the application site.
- 8.19 Whilst the existing property does not feature a smooth rendered finish, the use of this material on the rear extensions is reflective of materials utilised in the wider Conservation Area and is not considered to result in any significant harm to the character of the site or the wider Conservation Area.
- 8.20 Given the above, the development results in limited alterations to the principal elevation of the property that is not considered to cause any significant adverse harm to the character, and thus significance, of the Hollycroft Conservation Area. Furthermore, by virtue of their limited prominence, design, scale, height, size, and use of materials, the rear extensions are considered to be subordinate to the host dwelling and preserve the character of the area. Therefore, the development is considered to be acceptable with the Good Design Guide, the Hollycroft Conservation Area Appraisal, Policies DM10, DM11, and DM12 of the SADMP, Section 16 of the NPPF, and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

- 8.21 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.22 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.23 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.24 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m.

- 8.25 However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.26 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.27 The rear extension for the living/ kitchen area does not extend further than the rear elevation of the adjacent property, 5A Shakespeare Drive. Whilst the second rear extension may extend slightly further than the rear elevation of this adjacent property, the development is over 10m from the shared site boundary. As a result, the development is not considered to result in any significant adverse overbearing or loss of light impacts to this neighbouring dwelling.
- 8.28 One side window is incorporated into the living/ kitchen area that faces towards 5A Shakespeare Drive. To reduce any potential loss of privacy or overlooking to either property, this window is obscured glazed, which is secured via planning condition.
- 8.29 Consequently, it is not considered that the scheme results in any significant harm to the residential amenity of the occupants of 5A Shakespeare Drive.
- 8.30 There is also a side window within Bedroom 01's en-suite on the first floor, which faces towards 6A Shakespeare Drive. To prevent any potential loss of privacy or overlooking to this neighbouring property, this window is also obscured glazed, which is secured via planning condition.
- 8.31 6A Shakespeare Drive extends further to the rear than 6 Shakespeare Drive and its proposed rear extensions. Given the distance between the development and the neighbouring property, and the lack of principal habitable windows on 6A Shakespeare Drive's northern side elevation, as per the approved plans within planning permission 18/01169/FUL, the development is not considered to result in any significant adverse impacts to the residential amenity of 6A Shakespeare Drive in comparison to the existing situation.
- 8.32 By virtue of the distance between 6 Shakespeare Drive and the properties to the southeast, the development is considered to result in any material harm to the residential amenity of the occupants of the dwellings along Manor Street.
- 8.33 To comply with the Good Design Guide, four-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.34 It is considered the development retains sufficient private outdoor amenity space for the dwelling in accordance with the Good Design Guide.
- 8.35 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal is not considered to result in any significant adverse harm to neighbouring residential amenity or the residential amenity of the future occupants of the scheme. Therefore, the development is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.36 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.37 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.38 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.40 The development utilises, and makes no amendments to, the existing site access and off-street parking provision.
- 8.41 Ultimately the provision of an additional dwelling within the limitations of Use Class C3 (dwellinghouse) is not considered to result in a significant intensification of the use of the application site and its access.
- 8.42 Given the above, it is considered that there is already adequate off-street parking for the dwelling and that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate 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 received by the Local Planning Authority as follows:

- Existing and Proposed Floor Plans, Elevations, and Sections 1621-Rev A (submitted: 28.11.2023)
- Proposed Block Plan 1621-Rev A (submitted: 28.11.2023)
- Site Location Plan, Drg No. 1621/SL (submitted: 02.10.2023)

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. No development above floor plate level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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. Further to Condition 03 regarding materials, the proposed roof lights on the property shall be Conservation Roof lights that shall lie flush with the roof.

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).

5. The window on the northern side elevation of the kitchen on the ground floor and the window on the southern side elevation of Bedroom 01's en-suite shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

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

a. **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.