

Delegated Report

Planning Ref: 24/00850/HOU

Applicant: Mr Jeffery Kerr

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 2 Pennant Road Burbage Leicestershire

Proposal: First floor and two storey side and rear 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 first floor and two storey side/rear extension to a dwelling, 2 Pennant Road, Burbage.

2.2. The amended proposed first floor and two storey side/rear extension would be constructed above and to the rear of an existing attached garage. It would extend 2.6 metres in width from the existing first floor side elevation and be set back by 0.5 metres from the main first floor front elevation. It would extend for a total depth of 10.2 metres including 3.4 metres beyond the main rear elevation. It would have the same dual pitched gable sided roof form with matching 4.9 metres eaves height as the main roof and a slightly lower ridge height of 7.2 metres. The rear section projecting beyond the main rear elevation would have a hipped roof form of 3.2 metres in width with matching eaves height as the main roof and a clearly subordinate ridge height of 6.3 metres. Matching corresponding external materials and window styles are proposed in the construction.

2.3. Amended plans have been submitted to set back the first floor of the side extension, denote glazing restrictions and to address inconsistencies within the submitted plans. Notwithstanding the objections/comments received, by virtue of the nature of the amendments no re-consultations are considered to be necessary in this case or have been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Burbage and occupies a prominent corner plot with open plan frontage within a large residential estate. It is a detached two storey house with dual pitched gable sided main roof form and garage with similar roof form attached to the side elevation. It has a lean-to roof extending over the ground floor accommodation and central porch across the front elevation and a conservatory with hipped tiled roof attached to part of its rear elevation. The application dwelling is constructed with light brown facing bricks, a cream rendered panel around the ground floor bay window on the front elevation, red/brown interlocking concrete roof tiles and white uPVC windows. It has a feature brick chimney to the east (highway) side elevation and a stone corner feature. One of the original double garages has been converted to living accommodation but the site still provides three off-street parking spaces within the retained attached garage and on the double width concrete block paved driveway within the site frontage. The rear garden is enclosed by a 2 metres high wall to the highway boundary and 2 metres high solid close boarded timber fence panels.

- 3.2. The surrounding area is a typical modern residential estate comprising predominantly two storey detached dwellings with a variety of design, style and appearance.

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 as a result of public consultation seeking the use of obscure glazing to the first floor rear elevation window to prevent loss of privacy from overlooking.
- 5.3. A second response has been received objecting to the proposals on the grounds that the rear extension would result in loss of privacy from overlooking of the rear garden, obstruct natural light to the rear elevation of the dwelling and its rear garden, would negatively affect the aesthetic feel of the garden and would devalue property.

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) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (GDG) (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 (GDG) provides further advice in respect of the siting and 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 (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.' and, *'In assessing the merit of the planning application, consideration will be given to the impact on local character created by reducing the space between buildings.'* and,

'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.'

- 8.3 The amended proposed first floor and two storey side/rear extension would be constructed above and to the rear of an existing attached garage. It would extend for an appropriate width of 2.6 metres from the existing first floor side elevation, much less than half the width of the existing dwelling and be set back by 0.5 metres from the main first floor front elevation in accordance with the adopted Good Design Guide. It would have the same dual pitched gable sided roof form with matching eaves height as the main roof and a slightly lower ridge height of 7.2 metres. It would have an appropriately proportioned window of matching leaded style within the front elevation. By virtue of its setback, width and height the proposal would appear as a clearly subordinate addition to the existing dwelling from within the street scene.
- 8.4 The rear two storey section would extend beyond the main rear elevation for an appropriate depth of 3.4 metres, less than half the 8 metres depth of the two storey section of the existing dwelling and for an appropriate width of only 3.2 metres. It would have a contrasting, but nevertheless acceptable, hipped roof form with matching 4.9 metres eaves height as the main roof and a clearly subordinate ridge height of 6.3 metres. It would have appropriately proportioned windows of matching style within the rear and side elevations. By virtue of its depth, width and height the proposal would appear as a clearly subordinate addition to the existing dwelling.
- 8.5 The proposal would extend for a total depth of 10.2 metres but would be set in from the side boundary of the site by 1 metre and by approximately 2.5 metres from the main side elevation of the neighbouring dwelling (No. 4). By virtue of the separation distance between them and the setback and subordinate scale of the extension, it is considered that it would not result in any significant potential terracing effect and the detached character of the dwellings would be maintained in this case. Access to the rear garden would also be maintained. The proposed use of matching corresponding external materials in its construction would ensure a satisfactory and uniform appearance.

- 8.6 By virtue of the siting, scale, amended design and subject to the proposed use of matching corresponding external materials in its construction to ensure a unified appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and wider street scene. The amended proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general design principles of the BNDP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 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. The adopted GDG 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.'

- 8.8 Two responses have been received as a result of neighbour consultations, one of which objects to the proposal on the grounds that the rear extension would result in loss of privacy from overlooking of the rear garden, obstruct natural light to the rear elevation of the dwelling and its rear garden, would negatively affect the aesthetic feel of the garden and would devalue property. The other seeks the use of obscure glazing to the first floor rear elevation window to prevent loss of privacy from overlooking.
- 8.9 The neighbouring dwelling to the north (12 Herald Way) is a two storey detached house constructed at right angles to the application dwelling. The proposed two storey rear extension would extend to within 7.5 metres of the common boundary and its rear elevation en-suite window would face directly across the rear elevation and garden of No. 12. The application proposes that the window would be obscurely glazed and non-openable below a height of 1.7 metres above the floor level of the room. These proposed window restrictions could be reasonably and necessarily conditioned to be so implemented and thereafter permanently retained to protect the privacy and amenity of the neighbouring occupiers from potential direct overlooking as suggested in the consultation response.
- 8.10 The neighbouring dwelling to the southwest (No. 4) is a two storey detached house constructed with a similar front and rear building line as the application dwelling. It has a blank near side elevation set off the side boundary of the application site by approximately 1.5 metres and with a separation distance to the side elevation of the proposed extension of approximately 2.5 metres. The quarter-points of the nearest principal habitable room windows at both ground and first floor in the rear elevation of No. 4 are set in from the rear corner by just over a further metre. Therefore, notwithstanding that the proposed two storey rear extension would extend for an additional depth of almost 3.4 metres from the main rear elevation of the application dwelling, by virtue of the separation distance, it would not extend beyond a 45 degree line drawn from the relevant point of the nearest habitable room windows of No. 4 and would be in accordance with the adopted Good Design Guide in this respect. An additional plan has been submitted to demonstrate this relationship. Therefore, notwithstanding the objection received it is considered that the proposal would not result in any significant adverse overbearing impacts on the rear

elevation of the neighbouring dwelling or its large rear garden. The rear elevations and gardens of the dwellings face to the northwest and therefore whilst the proposal may result in some potential loss of light through the existing gap at first floor between the dwellings this would be for a very limited period early in the day and it is considered that this would not result in any significant adverse overshadowing impacts on the residential amenities of No. 4. The proposed first floor rear side elevation window facing No. 4 would be a high level window and would face the blank side gable of No. 4 rather than directly towards any sensitive private amenity areas and therefore would not result in any significant loss of privacy to the occupiers of No. 4 from any direct overlooking. The first floor rear elevation window in the proposed extension would not face directly over the rear garden of No. 4 but as previously discussed above, would be obscurely glazed and non-openable in part and therefore would not result in any significant loss of privacy to the occupiers of No. 4 from any direct overlooking.

- 8.11 Notwithstanding the objections and comments received, by virtue of the siting, scale, design and separation distances and subject to the controlled use of obscure and non-openable glazing where necessary, it is considered that the proposed extension and alterations would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the Burbage Neighbourhood Development Plan and the adopted Good Design Guide. Whilst raised in a consultation response, property values are not a material planning consideration.

Impact upon parking provision

- 8.12 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.13 The proposal would result in the addition of a fourth bedroom to the dwelling. The local highway authority design guide would seek three off-street parking spaces within the site to serve a dwelling of this size. The site currently provides three off-street parking spaces within the attached garage and on the double width concrete block paved driveway of appropriate length within the site frontage and these would be unaffected by the proposal. This level of retained existing provision would remain adequate to serve the resulting four bedroomed dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative more sustainable transport means. Therefore, the proposal is considered to 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 an 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, amended design and subject to the proposed use of matching corresponding external materials in its construction to ensure a unified appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and wider street scene. Notwithstanding the objections and comments received, by virtue of the siting, scale, design and separation distances and subject to the controlled use of obscure and non-openable glazing where necessary, it is considered that the proposed extension and alterations 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 of three spaces and private amenity space of 110 square metres would be retained within the site to serve the resulting four bedroomed dwelling. The amended proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general design principles of the Burbage Neighbourhood Development Plan and the adopted Good Design Guide and is 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: Site Location Plan and Block Plan Drawing No. 4806/24-1 and amended Proposed Floor Plans, Proposed Roof Plan and Proposed Elevations Drawing No. 4806/24-3 Rev B received by the local planning authority on 14 October 2024.

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 alterations 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. The first floor rear elevation window serving the en-suite (facing north towards 12 Herald Way, Burbage) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a minimum height of 1.7 metres above the floor level of the room that it serves in accordance with the approved amended Proposed Elevations Drawing No. 4806/24-3 Rev B received by the local planning authority on 14 October 2024. Once so provided the window 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).

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.