

Delegated Report

Planning Ref: 23/00319/HOU
Applicant: Mr Ryan Williams
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 5 Brenfield Drive Hinckley Leicestershire LE10 0UW

Proposal: Two storey side 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 a two storey side extension. This extension creates a car port at the ground floor level, bedroom to the first floor and a mezzanine to the roof.

2.2. The car port and first floor extension measure 2.25 metres in width, 7.3 metres in depth. The car port is set back from the main front elevation by 0.9 metres and the first floor is set back by approximately 0.50 metres. The mezzanine in the roof space measures 2.25 metres wide and 2 metres in depth with a roof light to provide light and outlook. The two storey side extension is set down by approximately 0.5 metres from the ridge with matching eaves. The extension has a dual pitched roof with matching corresponding external materials.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Hinckley. It is a two storey semi-detached property with a lean to structure to the side of the dwelling. The house is built with red bricks dual pitched roof tiles, brown uPVC windows, a hardstanding and loose stones front driveway.

3.2. The immediate surrounding street has similarly designed and styled two storey detached and terrace dwellings. The site is not in a conservation area and the building is not listed.

4. Relevant planning history

76/00904/4M – Extension to Kitchen – Planning Permission – 12.07.1976.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.
No response received.

6. Consultation

6.1. No consultations required or undertaken.

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 2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- 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 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.

8.3 The Council's adopted Good Design Guide 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.'

8.4 The proposed side extension is set back from the main front elevation, set down from the existing ridge height of 6.1 metres and matches with the eaves at a height of 4.1 metres. It mirrors the existing roof pitch and design of the existing dwelling and the surrounding street scene. The extension following the existing design at 7 Brenfield Drive which is set back and set down from the main house. This reduces the terracing effect and is considered to have appropriate height, width depth and detailing.

8.5 The surrounding area consists predominantly of white uPVC doors and windows. The host dwelling and 4 Brenfield Drive have brown uPVC windows. The roof tile, brick work and uPVC window match the existing host dwelling. The roof light does not protrude more than 0.2 metres from the roof slope.

8.6 By virtue of the above, the two storey side extension remains subordinate in scale and design. It has appropriate width, depth and height and in compliance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.7 Policy DM10 of the adopted SADMP and the adopted 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.

8.8 The Council's adopted Good Design Guide 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.'

8.9 The application proposes a domestic extension to a semi-detached dwelling to provide a car port and an extra bedroom to the first floor. The set down and set back of the extension give an appropriate design and scale. The extension extends to the side boundary of the dwellinghouse, however due to the orientation of property 5 and 3 Brenfield Drive, a separating distance of approximately 2.5 metres from the extension to 3 Brenfield Drive and the set forward of 3 Brenfield Drive by approximately 2.5 metres, there is no overbearing effect on the adjoining property.

8.10 Property 3 and 5 Brenfield Drive have detached garages to their rear gardens, one with flat roof (No. 3) and the other with dual pitched roof (No. 5). As a result of the 2 metres high fence separating the gardens of both properties, there is no loss of privacy to the adjacent dwelling. The extension has no side facing window and does not result in potential overlooking into the adjoining property.

8.11 The proposed extension is to the side and does not block the sun light as the sun moves from the east (rear) of the site to the west (front) of the site. A 45 degree line drawn from the a quarter of the first floor rear window of 3 Brenfield Drive is not crossed by the extension and therefore it does not result in adverse overbearing or overshadowing impact on the residential amenity of any neighbouring occupiers. No objection has been received from neighbours.

8.12 The host dwelling has a detached garage and attached conservatory to the rear of the property. The side extension is approximately 4.5 metres away from the detached garage. There is more than 7 metre garden length measuring from the rear elevation of the conservatory. As a result of this, there is a considerable amenity space the rear of the property and the proposed development does not cause overdevelopment at the rear garden. The separation distance and amenity space are in accordance with the adopted design guidance on garden proportion and therefore do not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers.

8.13 By virtue of the siting, scale, design, separation distances, and garden proportion, it is considered that the proposed extension and alteration do not result in any significant or unacceptable adverse overbearing or overshadowing impacts in planning terms or loss of privacy to the occupiers of any neighbouring properties and therefore in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon parking provision

8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

8.15 The Leicestershire Highways Design Guide requires 3 off street parking space to be provided for dwellings of 4 or more bedrooms, a standard garage size of 6m x 3m and parking space of 5 metres length and 2.4 metres wide.

8.16 Per guidance from the LHDG, the site has the capacity to accommodate 3 off-street cars to the front driveway. The car port does not meet the standard set out in the

LHDG. It is undersized in terms of its internal width (2 metres) to be able to be counted as a useable parking space within the current local authority design guidance and therefore it could be argued that the proposal would have a neutral impact on parking provision within the site.

- 8.17 The proposed extension results in an additional bedroom to a total of 4 bedrooms in the house. Three off-street parking spaces to the front are retained to serve the resulting four bedroomed dwelling.
- 8.18 The parking provision is adequate to serve the resulting four bedroom dwelling as it is in a highly sustainable urban setting where there is an approximately 2 minute walk from the property to Brenfield Bus Stop. The proposal is therefore considered to be acceptable in terms of 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 proposal relates to an extension and alteration to an existing dwelling located within the urban settlement boundary of Hinckley 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, design, separating distance and subject to the proposed use of matching corresponding and complementary external materials to ensure a satisfactory and unified appearance, it is considered that the proposal respect and complement the scale, character and appearance of the existing dwelling and wider street scene. The proposal does not result in any significant or unacceptable adverse impacts upon the privacy or residential amenity of any neighbouring properties and retains adequate private rear amenity space and satisfactory off-street parking provision. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the

general principles of 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: Location Plan and Block Plan Drawing No. 100035207 (submitted: 30.03.23), Existing and Proposed Floor Plans and Elevations Drawing ref: Planning received by the local planning authority on 07.06.2023.

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. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling and detailed on the approved plans.

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).

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.