

## Delegated Report

**Planning Ref: 23/01245/HOU**

**Applicant: Mr & Mrs D Patel**

**Ward: Newbold Verdon With Desford & Peckleton**



Hinckley & Bosworth  
Borough Council

**Site: Wiseacre, Leicester Lane, Desford**

**Proposal: Raising of existing roof to create two storey property, single storey and two storey side, rear and front extensions, new boundary treatments and landscaping. (re-submission of 20/00870/FUL)**

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### 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 application seeks planning permission to remodel Wiseacre, Leicester Lane, Desford. The changes include:

- Single storey and two storey side, rear and front extensions
- New boundary treatment and access to front
- Raising of roof over existing property to create an additional floor of accommodation and a habitable loft space.

#### 2.2. This application is a resubmission of a similar proposal previously approved (20/00870/FUL) and the submitted plans indicate that much of the existing dwelling is retained and extended. The differences between the two schemes are as follows:

- Double garage increased to triple garage, increasing the width of the single storey side extension and the overall footprint;
- Depth of the single storey rear extension increased, thus increasing the footprint;
- An increase in the main roof ridge height; and
- Altered design for the two storey entrance lobby.

### 3. Description of the site and surrounding area

#### 3.1. The application site comprises a detached one and a half storey bungalow of large footprint outside of the Desford settlement boundary. The property is located on a generous plot, set back from the highway. The dwelling is finished in cream render, brown roof tiles and white UPVC windows and doors. There is a detached outbuilding to the east side of the dwelling; both the outbuilding and dwelling are designed with a hipped roof. The side and rear boundaries of the application site are marked by a mix of high close boarded timber fencing and soft landscaping. The front of the site is lined with low close boarded fencing, no higher than 1 metre. Land levels slope gradually down towards the rear of the application site. The access onto the site is currently central along the front boundary of the site. There are large amounts of off street parking in front of the dwelling, spanning the plot's entire width.

#### 3.2. Properties within the vicinity are varied in design character and are positioned sporadically within the landscape.

#### **4. Relevant planning history**

##### **82/00277/4**

- Extensions and alterations to property
- Planning permission granted
- 25.05.1982

##### **88/01417/4**

- Boarding kennels and stabling own horses and other farm animals
- Planning permission refused
- 20.12.1988

##### **90/00427/4**

- Extension to bungalow
- Planning permission granted
- 29.06.1990

##### **07/01374/CLU**

- Certificate of lawful use for childcare services
- Planning permission refused
- 16.01.2008

##### **08/00500/COU**

- Proposed change of use from class C3 dwelling house to class C2 children's care home
- Planning permission granted
- 11.07.2008

##### **09/00176/COU**

- Change of use from class C3 dwelling house to class C2 children's care home (amended scheme) including alteration to site access
- Planning permission granted
- 05.05.2009

##### **16/00937/COU**

- Change of use from residential institution (C2) to dwellinghouse (C3)
- Planning permission granted
- 25.11.2016

##### **19/00823/FUL**

- Raising of existing roof to create two storey property, single storey and two storey side and rear and front extensions, new boundary treatments and access to front of property
- Planning permission granted
- 06.11.2019

#### **20/00870/FUL**

- Raising of existing roof to create two storey property, single storey and two storey side and rear and front extensions, new boundary treatments and access to front of property
- Planning permission granted
- 22.10.2020

### **5. Publicity**

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

### **6. Consultation**

- Desford Parish Council – no response.
- LCC Highways – conditions recommended.
- HBBC Drainage – no objection.
- LCC Arboricultural Office – no response.

### **7. Policy**

- 7.1. Desford Neighbourhood Plan (DNP)

- Policy H1: Settlement Boundary
- Policy H6: Housing Design

- 7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.2. National Planning Policies and Guidance

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

- 7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

### **8. Appraisal**

- 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

### **Assessment against strategic planning policies**

- 8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside. Policy H1 of the emerging DNP states that development outside of the settlement boundary will be carefully controlled in line with local and national strategic planning policies. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

### **Design and impact upon the character of the area**

- 8.3. Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.4. Policy DM10 of the SADMP and Policy H6 of the emerging DNP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.
- 8.5. The application proposes a single storey extension to the rear of the host dwelling. The extension would be constructed using sympathetic materials and designed with a flat roof. The extension would be 15.9m in width (by virtue of no longer extending beyond existing bedroom 3 as per 20/00870/FUL). According to its footprint, location, single storey scale and appropriate design and finish, this aspect of the proposed development alike the assessment made under 20/00870/FUL would still be relatively subordinate in relation to the overall scheme, with no severe impacts upon the character of the site and the countryside surrounding.
- 8.6. To the front, the application proposes a small two storey extension, again, of sympathetic appearance and designed with a steep dual pitched roof. It would measure 4 metres in width, 1.8m in depth, 3.3m to the eaves and 6.3m to the ridge. Albeit projecting from the principal elevation of the host dwelling, the extension would be a subservient addition that would by no means overbear the proposed overall dwelling.
- 8.7. To the east side, a two storey and single storey extension is proposed. The ground floor element would measure 8m in depth. It would not project beyond the principal elevation of the host dwelling. The increase upon the width from that approved under 20/00870/FUL is not considered to be adverse and would not encroach upon the open countryside significantly more than the built form already on site.
- 8.8. The single storey element as part of this extension would continue to the rear of the dwelling, measuring 8m in depth. The width of the overall extension would be 11.8m. The roof over the two storey element would be dual pitched, and flat over the single storey. Again, materials used would be sympathetic to the host dwelling. The width of this element does not diminish the spacious and isolated character of the rural plots along Leicester Lane.

- 8.9. The application also proposes to raise the ridge over the existing one and a half storey host dwelling, to create a two storey property with habitable loft space. So that the scale increase is proportionate to the mass of the host dwelling, this proposed expansion also includes a two storey rear extension to the property's existing footprint, by way of a triple gable end. The proposed single storey rear extension would project beyond this. With the exception of the two storey front extension, the roof over all upper floors would be dual pitched with small hipped ends. The roof over the main dwelling would feature a slightly higher roof at its ridge than that approved under 20/00870/FUL. Notwithstanding this, it is still considered that the roof design would reflect the varied street scene and would not be detrimental to the visual amenity of the countryside. The ridge and eaves height of the two storey and single storey side extension would be set below, giving this element a discernible, subordinate appearance against the main dwelling. The overall scale proposed would match the two storey farmstead west of the application site, Stud Farm, and would create a gradual and balanced roofline in the street scene when sat alongside Baron Park, the neighbouring bungalow to the east. This aspect of the proposed development is considered acceptable with no adverse impact being caused upon the visual amenity of the host dwelling when viewed along Leicester Lane.
- 8.10. The application also proposes a 1 metre (approx.) brick boundary wall along the front of the application site, as per that approved under 20/00870/FUL. When bearing in mind the enclosed frontages along Leicester Lane, along with the site's countryside location, it is considered that this boundary treatment by virtue of its height would be an acceptable addition into this out-of-settlement location.
- 8.11. By virtue of the siting, scale and design of the proposed scheme, along with the proposed use of sympathetic external materials, and notwithstanding the development approved under 20/00870/FUL, the proposal would be proportionate to and sit comfortably within the existing plot and wider area. It would not be overly prominent within the street scene and would not adversely impact the openness of the surrounding countryside. The development would also not have an adverse impact upon the open landscape character of the surrounding countryside. The proposal would therefore be in accordance with Policy DM4 and DM10 of the adopted SADMP and policy H6 of the emerging DNP.

#### **Impact upon neighbouring residential amenity**

- 8.12. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. Albeit two habitable first floor windows along the west elevation of the proposed development, there would be a 11 metre (approx.) minimum separation distance between the west elevation of the proposed development and two storey elements at Stud Farm. There would be no first floor windows along the east elevation of the proposed development. It is therefore considered that the proposal would not have any adverse overlooking impacts into neighbouring habitable windows.
- 8.14. The balcony is proposed above the flat roof of the existing bedroom 3 at ground floor level. The balcony would project approximately 2.3 metres beyond the rear elevation created by the proposal. It would be set away from the shared boundary with Stud Farm by around 7 metres. It would be set approximately 2.7 metres above the finished floor level of the host dwelling. It is understood that a balcony provides a greater, less restricted view than that of a confined window. However, it is not considered that the depth of the balcony would be significant. Bearing this in mind, along with the 7m separation distance (in accordance with the Council's Good Design Guide) and the extremely large plot and amenity spaces characterising

properties along Leicester Lane, it is not considered that the balcony and its depth of projection would have adverse overlooking impacts.

- 8.14. The development would be well contained within its plot and would establish a 10 metre (approx.) separation distance with Baron Park. Albeit this neighbour being single storey, it is considered that this distance would be sufficient in mitigating any overbearing impacts upon residential amenity. The same conclusion is reached for Stud Farm, based on the 11 metres separation distance created to the west.
- 8.15. Due to the orientation of the host dwelling and its two neighbours, the footprint of the development, its scale and the separation distances, no adverse overshadowing impacts would be caused to Baron Park or Stud Farm. Neither would the development cause any adverse loss of light to Baron Park for this reason also.
- 8.16. Despite the significant changes to be made, the size of the plot means that adequate private residential amenity space would still remain on site for current and future occupiers.
- 8.17. Overall, the proposed development would retain adequate private amenity with the curtilage of the application site and would not cause any adverse overshadowing, overlooking, overbearing impact or loss of light impacts to Baron Park or Stud Farm, in accordance with Policy DM10 of the SADMP.

#### **Impact upon highway safety**

- 8.18. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP and Policy H6 of the DNP requires new development to provide an appropriate/justified level of parking provision.
- 8.19. The application proposes the creation of a new gated access to replace existing, adjacent to the eastern boundary of the site.
- 8.20. LCC have raised no objection to the proposed access, referring its assessment to their standing advice.
- 8.21. The proposal would therefore be considered to be in accordance with Policies DM17 and DM18 of the adopted SADMP and Policy H6 of the emerging DNP.

### **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 would respect the scale and character of the dwelling and those surrounding and would not have any significant adverse impact upon the character of the countryside. It would not have any adverse neighbouring residential amenity or highways impacts. The application is considered to be in accordance with DM1, DM4, DM10, DM17 and DM18 of the SADMP, along with policies H1 and H6 of the DNP. Thus, the application is 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 Job Ref: 19.3676
- Proposed Floor Plan Drg No: 19\_3676\_36
- Proposed Ground Floor Plan Drg No: 19\_3676\_37
- Proposed First Floor Plan Drg No: 19\_3676\_38
- Proposed Second Floor Plan and Sections AA and BB Drg No: 19\_3676\_39
- Proposed Sections C, DD and EE Drg No: 19\_3676\_40
- Proposed Elevations and Sections F And GG Drg No: 19\_3676\_41
- Proposed Site Layout Drg No: 19\_3676\_42 A.

All received by the Local Planning Authority on 27/12/2023.

**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 accord with the submitted plans received by the Local Planning Authority on 27/12/2023.

**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. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the approved new access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. The new vehicular access hereby permitted shall not be brought into use until the existing vehicular access that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details as shown on Detailed Planning Proposals Sheet 1 of 3 Drg No: 19.3676.17 A received by the Local Planning Authority on 26 August 2020 under planning permission 20/00870/FUL.

**Reason:** In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

### 11.3 Notes to applicant

1. 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).