

Delegated Report

Planning Ref: 24/00100/HOU
Applicant: Mr Paul Dickinson
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 18 Heath Lane Earl Shilton Leicestershire

Proposal: Demolition of existing side extension, garage and car port with associated alteration works

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 demolition of an existing flat roofed side extension, garage and car port attached to the side elevation of a detached bungalow and associated and other alteration works (including window and door alterations to suit an amended internal layout) to 18 Heath Lane, Earl Shilton.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Earl Shilton in a mixed use area and on a corner plot. It is a detached bungalow with dual pitched gable fronted main roof form. It is constructed predominantly of red/brown facing bricks but with a white roughcast rendered panel to the front gable elevation, plain grey concrete roof tiles and white uPVC windows and doors. There is a flat roof side extension, garage and car port attached to its east side elevation set back from the front elevation and extending part way along the east side boundary. There is a loose stone surfaced driveway and site frontage providing additional off-street parking and turning space. There is a private rear garden enclosed by 2 metres high close boarded timber fence panels and conifer hedgerow.
- 3.2. To the east there is a two storey house with gable fronted roof form, to the north (rear) a pharmacy and general practice health care surgery, to the west and south there are public highways.

4. Relevant planning history

02/01427/FUL

- Change of use with extensions and alterations to form pharmacy and flat
- Refused
- 27.02.2003

03/00586/FUL

- Change of use with extensions and alterations to form pharmacy and flat (amended scheme)
- Refused
- 19.08.2003

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. Leicestershire County Council (Ecology) raise no objections but recommend an informative to the applicant in respect of legislation regarding the protection of bats and birds relating to any potential alterations/repairs likely to affect these protected species.
- 6.2. No response has been received from Earl Shilton Town Council.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)
 - 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 (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.

8.3 The flat roofed garage, car port and side extension are set back from the dominant front gable elevation of the application bungalow by approximately 3.5 metres which together with their flat roof design and position adjacent to the neighbouring two storey house results in them having no significant visual impact in the wider street scene. It is therefore considered that their demolition and removal together with appropriate making good alterations to the main bungalow in matching corresponding external materials to ensure a uniform overall appearance would be acceptable in design terms.

8.4 By virtue of their siting, scale, design and the proposed use of matching corresponding external materials to ensure that the proposed alterations works result in a uniform appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the application bungalow and would have no significant adverse visual impacts on the wider street scene. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.5 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.

8.6 Notwithstanding the demolition of the existing garage, the applicant confirmed during the site visit that the east side garage wall along with the existing fencing and conifer hedgerow enclosing the rear garden would be retained as an east side boundary enclosure that would protect the privacy and amenity of the occupiers of both the application site and the neighbouring dwelling (No. 16).

8.7 The neighbouring dwelling (No. 16) has only an obscurely glazed entrance hall combination door/window on the near side elevation at ground floor facing across the front of the application site. Whilst there are windows in the east side elevation of the application bungalow, these are only at ground floor height and are/would be set in from the east side boundary by 7 metres and therefore with the retention of the existing side boundary treatments would not result in any significant adverse impacts on the privacy or residential amenity of the neighbouring occupiers. A condition to require them to be obscurely glazed as proposed on the submitted plans is, therefore, not considered to be necessary in this particular case.

8.8 The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

8.9 Policy DM18 requires adequate off-street parking space to be provided/maintained to serve the development.

8.10 The proposed demolition of the existing garage and car port would not result in any significant loss of off-street parking or turning provision to the side or front of the site which would therefore remain more than adequate to serve the resulting three bedroomed dwelling and would remain 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 proposals relate to alterations to an existing dwelling located within the urban settlement boundary of Earl Shilton 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 their siting, scale, design and the proposed use of matching corresponding external materials to ensure that the proposed alterations works result in a uniform appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the application bungalow and would have no significant adverse visual impacts on the wider street scene, no significant adverse impacts on the residential amenity or privacy of any neighbouring occupiers or the existing adequate off-street parking provision and private amenity space to serve the resulting three bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the principles of the adopted Good Design Guide and are 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 Site Plan Drawing No. Dickinsons-003, Proposed Ground Floor Plan Drawing No. Dickinsons-010 Rev A and Proposed Elevations Drawing No. Dickinsons-020 Rev A received by the local planning authority on 31 January 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 alteration works 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).

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.
2. The property may be suitable for roosting bats and nesting birds, which are protected under the Wildlife & Countryside Act 1981 (as amended). It is the applicant's responsibility to ensure that this legislation is not breached and therefore may need to consult with a licenced ecologist prior to commencement to ensure that bats and nesting birds will not be impacted by the works. Works must cease if bats are found whilst advice from a licenced bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.