

Delegated Report

Planning Ref: 23/00586/HOU

Applicant: Mrs Denise Parkin

Ward: Newbold Verdon with Desford & Peckleton

Site: 24 Main Street Kirkby Mallory Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Single storey front extension to replace existing conservatory

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 single storey extension to the front elevation of a dwelling, 24 Main Street, Kirkby Mallory.

2.2. The proposed single storey front extension would extend 4.4 metres from the main front elevation and for its full width of 3.7 metres. It would have a parapet wall design to a height of 2.9 metres concealing a flat roof. It would have full length glazed double doors with fixed full length glazed windows either side on the front elevation, a high level window in the west side elevation, a blank east side elevation and a concealed flat roof flight. It is proposed to be constructed with facing bricks and white uPVC windows and doors to match those of the existing dwelling. It would replace an existing white uPVC framed conservatory with polycarbonate sheet roof. The existing 2 metres high close boarded timber panel fence to the east boundary would be retained.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Kirkby Mallory in a residential area and is set well back from the highway boundary and within its plot. It is a two storey end-terraced cottage style house constructed with gable sided roof form. It has a white uPVC framed conservatory with brick plinth and polycarbonate sheet roof attached to its front elevation which would be demolished to enable the scheme. The application dwelling is constructed of light red/brown multi facing bricks, brindle plain clay roof tiles to the main roof and white uPVC windows. It has a single storey extension attached to its rear elevation with a dual pitched gable ended roof form. There is an open framed flat roof car port towards the front of the site which screens the dwelling from the highway and loose stone surfaced driveway together providing off-street parking for up to three cars.

3.2. There is a smaller white uPVC conservatory with lean-to roof attached to the front elevation of No. 20 and a more substantial hipped roof brick and tile extension attached to the front elevation of No. 18 both within the terrace of 5 dwellings.

4. Relevant planning history

None.

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. No response has been received from Kirkby Mallory, Peckleton and Stapleton Parish Council.

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 dwellings within 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 and states:

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

- 8.3 The proposed single storey front extension would extend 4.4 metres from the main front elevation and for its full width of 3.7 metres. It would have a contemporary parapet wall/flat roof design to a height of 2.9 metres. Notwithstanding that the proposed parapet wall/flat roof is not a feature of the existing dwelling and that it would be sited on the front elevation, in this case, it would be located 24 metres from the highway boundary and screened from the street scene by an existing car port structure and landscaping and therefore it would not be a prominent feature.

8.4 By virtue of its footprint and single storey scale the proposal would appear as a clearly subordinate addition to the existing two storey dwelling and its contemporary parapet wall/flat roof design, together with extensive full length glazing to its front elevation that would reflect the contemporary design, is considered to be acceptable in terms of the general design principles of the adopted Good Design Guide. This is particularly the case as it would replace a more incongruous white uPVC framed conservatory with polycarbonate sheet roof and that there are other more prominent and/or larger structures attached to the front elevations of other cottages within the same terrace. Furthermore, it is proposed to be constructed with facing bricks and white uPVC windows and doors to match those of the existing dwelling to ensure a unified appearance.

8.5 On balance, notwithstanding its parapet wall/flat roof design, by virtue of its siting well back from the highway, adequate screening, clearly subordinate single storey scale, acceptable contemporary design and the proposed use of matching external materials, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and would have no adverse visual impacts on the character or appearance of the surrounding area. The proposal is therefore considered to be in general accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.6 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.

8.7 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.'

8.8 The proposal would extend 4.4 metres from the main front elevation adjacent to the east side boundary of the site and with a parapet wall/flat roof height of 2.9 metres. The adjoining cottage to the east has a pair of patio doors serving a lounge at ground floor close to the side boundary with a centre-point approximately 1.4 metres in from the existing 2 metres high close boarded timber panel fence which would be retained. By virtue of its depth, the proposal would extend well beyond a 45 degree line drawn from the centre-point of the patio doors. Notwithstanding this, there is an additional window much further from the boundary that serves the same lounge. In addition, the proposal would replace an existing structure that extends to a slightly greater depth, albeit slightly off the side boundary and with an eaves height of just 2.2 metres and a hipped roof that slopes away from the boundary. Notwithstanding the proposed 0.7 metres increase in the height of the structure along the boundary, by virtue of there being two windows serving the neighbouring habitable room and the replacement nature of the proposal it is considered that it would not result in any unacceptable or significant/additional overbearing or overshadowing impacts on the adjoining dwelling. The proposal would have a blank wall facing the adjoining dwelling and therefore would improve the privacy of the occupiers by removing the existing facing windows of the conservatory. No objections to the proposal have been received from neighbour consultations.

- 8.9 The neighbouring dwelling to the west is a detached two storey house with a blank gable facing towards the proposal and therefore the residential amenity and privacy of the occupiers would be unaffected by it.
- 8.10 On balance, by virtue of its single storey scale, flat roof design, relationship to neighbouring habitable room windows and replacement nature, it is considered that the proposal would not result in any unacceptable or significant/additional adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The proposal does not increase the number of bedrooms to the dwelling, simply replacing an existing structure. There are up to three off-street parking spaces available within the car port and loose stone surfaced site frontage. This existing provision would be unaffected by the proposal and would remain adequate to serve the existing/resulting dwelling in accordance with Policy DM18 of the adopted SADMP and current local highway 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 extension and alteration of an existing dwelling located within the settlement boundary of Kirkby Mallory 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. Notwithstanding its parapet wall/flat roof design, by virtue of its siting well back from the highway, adequate screening, clearly subordinate single storey scale,

acceptable contemporary design and the proposed use of matching external materials to ensure a unified appearance, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts on the character or appearance of the surrounding area or the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking for three cars and adequate private amenity space of approximately 80 square metres would be retained within the site to serve the existing/resulting dwelling. The proposal is therefore considered to be in general 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 at scale 1:1250, Proposed Block Plan at scale 1:500 and Proposed Ground Floor Plan and Elevations Drawing No. 23023-05 received by the local planning authority on 13 June 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.

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.