

Delegated Report

Planning Ref: 23/00814/HOU
Applicant: Mr And Mrs D Coley
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 15 Elm Tree Drive Burbage Leicestershire

Proposal: Two storey and first floor rear extension, first floor front extension, and new pitched roofs to existing front dormer windows

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 and first floor rear extension, a first floor front extension and new pitched roofs to existing front dormer windows of a dwelling, 15 Elm Tree Drive, Burbage.
- 2.2. The proposed rear extension would extend 2.5 metres from the main rear elevation for its full 9.8 metres width and would incorporate an existing single storey rear projection of the same depth. It would have twin dual pitched roof gables to the rear elevation with eaves heights of 4.9 metres similar to that of the main roof and marginally subordinate ridge heights of 7.2 metres. The proposed first floor front extension would extend up to 11.8 metres forward of the existing front roof elevation over the existing forward projecting tandem garage and with a width of 3.5 metres. It would have a dual pitched gable fronted roof form with an eaves height of 4.9 metres and subordinate ridge height of 6.7 metres. The front elevation would have a full height glazed door/apex window combination with a Juliette balcony. The existing 8 metres wide flat roof dormer to the front roof elevation would be replaced by two dual pitched roof gable fronted dormers with the same subordinate ridge height as the proposed front extension and similar apex glazed window panels. Matching corresponding external materials are proposed throughout.
- 2.3. Amended plans have been submitted to address some drawing inconsistencies of a minor non-material nature. No re-consultation was therefore considered necessary or has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage at the end of a cul-de-sac in a residential area. It is a detached house with an asymmetric gable sided main roof form with a flat roof dormer window extending across the front roof elevation and being full two storey height to the rear elevation. It has a forward projecting tandem garage with a flat roof and a front porch with flat roof. There is a single storey extension across part of the rear elevation that has a lean-to roof form. The application dwelling is constructed of a mix of external materials which include light brown facing bricks and panels of off-white render, stone slips and horizontal dormer cladding, brown interlocking concrete roof tiles and white uPVC windows. There is a large rear garden enclosed in part by a 3 metres high rear brick wall and 2 metres high solid close boarded timber panel fencing to each side. There are four off-street parking spaces within the site, one in the undersized tandem garage and three on loose stone surfacing within the site frontage and driveway.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. One response has been received as a result of public consultation which supports the proposed front extension but objects to the proposed rear extension on the following grounds:
- 1) The gable detail on the rear elevation is not in keeping with the rest of rear elevations on Elm Tree Drive, a hipped roof would be more in keeping maintaining the eaves line.
 - 2) Overdevelopment – the rear extension is not subservient as required by the Good Design Guide SPD and the ridge height should be reduced along with its width.
 - 3) Overlooking from new habitable room first floor windows which are closer to the dwellings to the rear.

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 (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).
- 8.3 The Council's adopted Good Design Guide states:
'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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.'
- 8.4 The guide also states that two-storey extensions to the front of properties are unlikely to be acceptable where they will be visually prominent within the street scene but, if proposed, should take the form of the existing building, mirroring the roof pitch, replicate or have lower eaves height and the ridge should be below the existing ridge height. In addition, the proposal should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation.
- 8.5 One response has been received as a result of public consultation which supports the proposed front extension but objects to the proposed rear extension on design grounds, in particular to the gable detail on the rear elevation and it not being subservient to the existing dwelling in terms of its height or width.
- 8.6 The proposed two storey/first floor rear extension would extend to a modest and appropriate depth of 2.5 metres from the existing main rear elevation, much less than half its existing depth, and across the full 9.8 metres width of the dwelling to be flush with both side elevations. It would have twin 4.9 metres wide gables to its rear elevation with a central valley gutter and with similar 4.9 metres high eaves heights as the main roof but with very marginally subordinate 7.2 metres high ridge heights such that the existing main rear roof elevation would remain dominant overall. Notwithstanding its full width, almost matching ridge height and the objection received, by virtue of its siting entirely to the rear where it would not be prominent in any public street scene and there being no detrimental impact on any adjacent properties in respect of the 45 degree rule, a fully integrated rear extension would not be unacceptable in design terms in respect of the adopted Good Design Guide. In addition, the existing dwelling has no hipped roof features and neither do any of its immediate neighbours in Elm Tree Drive and the twin gable design to the rear elevation would not form part of any street scene. As such, notwithstanding the objection received, the submitted scale and design of the proposed rear extension is considered to be acceptable and to respect the scale and character of the existing dwelling and neighbouring development.
- 8.7 The proposed first floor front extension would have an appropriate and clearly subordinate width of 3.5 metres and a dual pitched gable fronted roof form with an appropriate eaves height of 4.9 metres and clearly subordinate ridge height of 6.7 metres. However, it would extend up to a substantial 11.8 metres forward of the existing front roof elevation over the existing forward projecting tandem garage. Under most circumstances a forward projection of such length would be considered excessive and likely to be visually prominent resulting in an adverse visual impact

on the street scene. However, in this particular case, the application dwelling is located in a discreet corner at the end of a small cul-de-sac and adjacent to a number of mature trees that provide substantial screening in respect of the street scene such that only the front gable would be clearly visible other than from the neighbouring dwelling to the west (No. 14). The front elevation gable would have a full height glazed door/apex window combination with a Juliette balcony. This design would be replicated on the proposed two dual pitched roof gable fronted replacement dormer windows of similar subordinate ridge and eaves heights. Notwithstanding that overall, this would result in a somewhat 'top-heavy' appearance, the applicant refers to a very similar proposal having been approved and constructed on a similar house type within a cul-de-sac in Burbage (6 Marlborough Close) which influenced the submitted design, and to other dwellings in Elm Tree Drive having prominent forward projecting gables including one over a double garage at 4 Elm Tree Drive.

8.8 On balance and considering its discreet position and existing screening, it is considered that the proposal would not be overly visually prominent or result in any significant adverse visual impacts on the character or appearance of the existing dwelling or the wider street scene. The proposed use of matching corresponding external materials would ensure a satisfactory and unified appearance to the resulting dwelling and complement the varied appearance of neighbouring dwellings within the wider street scene.

8.9 Notwithstanding the objection received, by virtue of the particular circumstances of the case, its siting, scale, design and the proposed use of matching external materials in the construction to ensure a satisfactory and unified appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the wider street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.

Impact upon neighbouring residential amenity

8.10 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 Council's adopted Good Design Guide states that in respect of back to back distances, principal windows to habitable rooms or neighbouring dwellings should not be less than 21 metres apart unless they are across a road. It also suggest that a garden length of 7 metres is generally acceptable.

8.11 One response has been received as a result of public consultation. This objects to the proposal on the grounds that the new habitable room first floor windows in the rear elevation of the extension would be close to the 21 metres separation distance required by the Good Design Guide and therefore promotes overlooking. It suggests that only non-habitable room windows should be considered at first floor in the extension.

8.12 The proposed two storey/first floor rear extension would extend 2.5 metres from the existing main rear elevation but retain a 10 metres separation distance to the 3 metres high rear garden boundary wall which would be 3 metres in excess of the general garden length suggested as being acceptable in the adopted Good Design Guide. The 2½ storey houses currently under construction at the rear of the site were approved with a separation distance of 23 metres from the rear elevation of the application dwelling (planning permission 22/01210/FUL). As such, in accordance with the approved plans, this would be reduced to 20.5 metres by the

proposed extension. Notwithstanding the objection received, the very marginal separation shortfall of 0.5 metres is not considered to be significant in terms of any adverse impacts on the privacy or amenity of the future occupiers of the ongoing development at the rear of the site from potential overlooking or any overbearing impacts, or to justify only non-habitable room windows at first floor in the rear elevation of the proposed extension.

- 8.13 The proposed rear extension would have a modest depth of only 2.5 metres and would be 7 metres from the side elevation of No. 14 Elm Tree Drive which lies to the west and whose rear elevation is orientated away from that of the application dwelling. As such the proposed rear extension would have no significant adverse impacts on its main habitable room windows or garden area and there are no windows proposed in the west facing side elevation that would result in any loss of privacy to the occupiers of No. 14 from potential overlooking.
- 8.14 The east facing side elevation of the proposed rear extension would be 3 metres from the rear elevation of a garage block to the side and rear of Outwoods House and therefore would have no significant adverse impacts on any main habitable room windows or garden areas of that neighbouring dwelling. Whilst there are no east side elevation windows proposed in the rear extension, a new first floor en-suite window is proposed in the existing east side gable that would face towards the glazed swimming pool enclosure of Outwoods House. Therefore, a condition to require this to be fitted with obscure glazing and to be non-openable below a height of 1.7 metres above the floor level of the room that it serves would be reasonable and necessary to protect the privacy of the neighbouring occupiers. The proposed first floor front extension would extend up to 11.8 metres forward of the existing front roof elevation of the application dwelling with blank side elevations and a dual pitched roof form with an eaves height of 4.9 metres and ridge height of 6.7 metres. It would be constructed over the existing tandem garage at a distance of 1.5 metres inside the site boundary with Outwoods House and 4 metres from the side elevation of the neighbouring glazed roof swimming pool enclosure. Notwithstanding the recent removal of a section of mature vegetation to the side of the garage along the boundary, by virtue of its relative siting, scale and blank side elevation design, it is considered that the proposed front extension would not result in any significant adverse overbearing or overshadowing impacts on Outwoods House or loss of privacy from potential overlooking to the neighbouring occupiers swimming pool or garden area. The proposed first floor door/window and Juliette balcony would face towards the applicants own driveway and mature vegetation within the boundary of Outwoods House would protect the occupiers privacy from any oblique sideways views. The neighbouring occupier of Outwoods House confirmed verbally during a site visit that he had no objections to the proposals.
- 8.15 Notwithstanding the objection received, by virtue of the siting, scale, design and adequate separation distances, and subject to the use of obscure and non-openable glazing where necessary and appropriate, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.16 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.17 The site currently provides four off-street parking spaces within the garage and on the loose stone surfaced site frontage and driveway. The proposal would increase the number of bedrooms within the dwelling to four and would have no impact on

the existing parking provision. The local highway authority design guide would seek only three off-street car parking spaces for a four bedroomed dwelling and therefore the existing/retained level of provision would remain adequate in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposals are therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 extensions 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. Notwithstanding the objection received, by virtue of their discreet siting, scale, design and screening and the proposed use of matching external materials in the construction to ensure a unified appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene. Notwithstanding the objection received, by virtue of their siting, scale, design and separation distances, subject to the use of obscure and non-openable glazing where necessary, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would retain adequate private rear amenity space of 120 square metres and satisfactory off-street parking provision of four spaces to serve the resulting four bedroom dwelling in this sustainable urban setting. The proposals are considered to be in accordance with Policies DM1, DM10 and

DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan 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: Location Plan Drawing No. 1625/LP01 and Block Plan Drawing No. 1625/BP01 received by the local planning authority on 17 August 2023 and Proposed Floor Plans and Elevations Drawing No. PSS/02 Rev A received by the local planning authority on 28 September 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 extensions 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. Notwithstanding the submitted details, the first floor window in the southeast side elevation serving an en-suite shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres above the finished floor level of the room that it serves. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.