

Delegated Report

Planning Ref: 23/00335/HOU
Applicant: Michael Andrews
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 56 Lychgate Lane Burbage Leicestershire

Proposal: Single storey rear extension and front porch

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 rear extension and a front porch to a dwelling, 56 Lychgate Lane, Burbage.
- 2.2. The amended proposed single storey rear extension would extend 4 metres from the main rear elevation at 0.15 metres inside the side boundary and for the full 5.9 metres width of the rear elevation to incorporate an existing single storey rear projection. It would have a hipped pitched roof form with an eaves height of 2.56 metres and ridge height of 3.75 metres. It is proposed that the side walls be rendered to match the existing dwelling, the rear elevation to be constructed in unspecified facing bricks and the roof be surfaced in similar /matching colour roof tiles to those of the existing dwelling.
- 2.3. The proposed front porch would extend 1.2 metres forward of the main front elevation with a width of 2.2 metres and a dual pitched gable fronted roof form with an eaves height of 2.27 metres and ridge height of 3.4 metres. It is proposed to be constructed with facing bricks and horizontal boarding to the gable apex and similar/matching colour roof tiles.
- 2.4. An amended plan has been submitted to reduce the depth of the rear extension along the common side boundary, square off its footprint and provide a hipped pitched roof form in order to reduce any potential amenity impacts on the neighbouring adjoining occupier. As the amendments relate to a reduction and no objections to the original scheme were received, no additional consultations were considered to be necessary or have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. It is a semi-detached two storey house with a gable sided main roof form and a large flat roof dormer to the rear roof elevation. It has a single storey flat roof extension across part of the rear elevation and a timber framed glazed front porch with lean-to roof. The dwelling is constructed with cream rendered walls, slate roof and leaded white uPVC windows and with dark grey horizontal cladding to the rear dormer window. There is a detached flat roof garage to the side and rear of the dwelling accessed by a 26 metres long driveway (currently in the process of being re-surfaced) that provides at least three off-street parking spaces. The rear garden is enclosed by 1.8 metres high close boarded timber fencing.

- 3.2. The application dwelling lies within a row of similarly scaled and designed semi-detached houses with gable sided roof form, predominantly with cream rendered walls and occasional front porches with either dual pitched or lean-to roof forms. Many have single storey additions to part of their rear elevations, which may have originally been outbuildings. The adjoining dwelling has such an addition on the far side of its rear elevation with a dual pitched roof and a flat timber framed gazebo type canopy to a depth of approximately 2 metres across the remainder of the rear elevation above the principal ground floor rear elevation window.

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 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) (2021)
 - 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 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 In respect of rear extensions, 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.'
- 8.4 The amended proposed single storey rear extension would extend for an appropriate depth of 4 metres from the main rear elevation at 0.15 metres inside the side boundary and for an appropriate 5.9 metres width across the rear elevation to incorporate an existing single storey rear projection. It would have an appropriate hipped pitched roof form with an eaves height of 2.56 metres and ridge height of 3.75 metres. The amended proposal would therefore be clearly subordinate in terms of its height and footprint to the original dwelling and would have appropriately proportioned fenestration to its rear elevation and high level roof lights to each side roof elevation in accordance with the adopted Good Design Guide. It is proposed that the side walls be rendered to match the existing dwelling, the rear elevation to be constructed in unspecified facing bricks and the roof be surfaced in similar /matching colour roof tiles to those of the existing dwelling.
- 8.5 The proposed replacement front porch would extend only 1.2 metres forward of the main front elevation with a clearly subordinate width of only 2.2 metres and a clearly subordinate dual pitched gable fronted roof form with an eaves height of 2.27 metres and ridge height of 3.4 metres. There are occasional front porches with either dual pitched or lean-to roof forms on similar neighbouring dwellings within the street scene and therefore the proposal would not be uncharacteristic of the surrounding area. It is proposed to be constructed with unspecified facing bricks and horizontal boarding to the gable apex and similar/matching colour roof tiles.
- 8.6 As no specific additional external materials details have been provided, a condition to require their submission for prior approval before any development above ground level commences would be reasonable and necessary in this case to ensure that the proposals would have a satisfactory appearance.
- 8.7 By virtue of their siting, subordinate single storey scale, and subject to the prior approval and use of a satisfactory mix of matching and complementary external materials to be secured by a planning condition, it is considered that the proposals would respect the scale, character and appearance of the existing dwelling and the surrounding area. The proposals would therefore 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

- 8.8 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.

8.9 The 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.'

8.10 The principal ground floor habitable room patio door/window in the rear elevation of the adjoining dwelling to the east (No. 58) is in close proximity to the common side boundary. As a result, the proposed amended 4 metres depth of the rear extension just inside the side boundary would still exceed a 45 degree line drawn from the centre point of that window contrary to the adopted design guidance. Notwithstanding this, the proposal would be only single storey with an eaves height of just 2.56 metres and ridge height of 3.75 metres at 3 metres inside the side boundary, and with a hipped roof form that would further reduce any potential overbearing or overshadowing impacts on the neighbouring window. In addition, the proposal would extend only approximately 2 metres further than an existing flat roof gazebo type covered canopy that has been constructed above the neighbouring window. This together with the existing 1.8 metres high close boarded timber panel fencing to the boundary is considered to provide a suitable degree of screening. No objection has been received from the adjoining neighbour to the originally submitted scheme that extended further and had a rear gable roof form.

8.11 By virtue of its single storey scale, 4 metres depth and separation distance of approximately 2.5 metres from the side boundary with the neighbouring dwelling to the west (No. 54), together with screening provided by existing structures and the 1.8 metres high close boarded timber panel fencing, the proposal would have no adverse impacts on the residential amenity or privacy of those neighbouring occupiers. By virtue of its single storey scale and separation distance of approximately 17 metres to the rear garden boundary the proposal would have no adverse impacts on the residential amenity or privacy of the neighbouring occupiers to the south (19 Flamville Road).

8.12 By virtue of its limited 1.2 metres projection and separation distance of over 2.5 metres to either side boundary, the proposed front porch would not result in any adverse impacts on the residential amenity or privacy of any neighbouring occupiers.

8.13 By virtue of the siting, single storey scale, amended design and blank side elevations, together with existing screening from boundary fencing and existing neighbouring structures, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties in this case. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and acceptable in terms of the adopted Good Design Guide. No objections to the proposals have been received from the occupiers of any neighbouring properties.

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 proposal does not result in any increase in bedrooms to the dwelling and the existing off-street parking provision for a minimum of three vehicles remains unaffected and adequate to serve the existing/resulting four bedroomed dwelling

which is located in a highly sustainable urban location where a full range of services and facilities are available by alternative and more sustainable transport means. The existing/retained parking provision would therefore remain in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards for a four bedroomed dwelling.

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 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. By virtue of their siting, single storey scale, amended design and subject to the use of appropriate external materials in their construction to ensure a satisfactory appearance, the proposals would respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts on the street scene or the surrounding area. By virtue of its single storey scale, amended depth and design and screening by existing neighbouring structures and boundary fencing, it is considered that the proposals would have no significant or unacceptable adverse impacts upon the privacy or residential amenity of any neighbouring properties. The proposal would retain more than adequate private rear amenity space of approximately 100 square metres and a minimum of three off-street parking spaces to serve the four bedroomed dwelling. 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. 1599/SL received by the local planning authority on 4 April 2023 and Proposed Block Plan Drawing No. 1599/BP Rev A and Proposed Floor Plans and Elevations Drawing No. 1599 Rev A Sheet 1 received by the local planning authority on 26 May 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. Notwithstanding the submitted details, no development above ground level shall take place until further details/representative samples of the materials to be used on the external elevations of the extensions and alterations hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials details.

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.