

## Delegated Report

**Planning Ref: 23/00960/HOU**  
**Applicant: A Greenwell**  
**Ward: Hinckley DeMontfort**



Hinckley & Bosworth  
Borough Council

**Site: 14 Dean Road Hinckley Leicestershire LE10 1LG**

**Proposal: Proposed two storey side, rear and front extensions, with a single storey rear extension, to increase the living and sleeping accommodation.**

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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 householder application seeks full planning permission for the construction of two storey side, rear and front extensions and a further single storey rear extension to a dwelling, 14 Dean Road, Hinckley.
- 2.2. The proposed extensions wrap around three sides of the dwelling. To the front the existing porch is replaced and the adjacent dining room is extended forward by 1.4 metres. The garage extends 1 metre forward of the existing footprint and 1.6 metres to the side closer to The Rills. The two storey side extension projects forwards by just 0.4 metres and extends 4.4 metres closer to The Rills at first floor level and has a total depth from front to back of 9.6 metres. To the rear corner of the dwelling closest to 16 Dean Road, a small two storey extension levels off the back of the property with a further 2.7 metres projection at ground floor. To the rear of the two storey side extension the ground floor projects a further 7 metres. From front to back the ground floor extension has a total depth of 18.3 metres and sits on the line of the existing 1.8m high brick boundary wall that separates the curtilage of the property from the grass verge adjacent to The Rills. The extension has an overall height of approximately 8 metres, matching eaves of 5.10 metres and front, side and rear facing gable roof forms. The roof matches that of the existing dwelling with the front and rear gable projections sitting slightly lower. The proposed extension is constructed with concrete roof tile, uPVC windows and brickwork to match existing dwelling.
- 2.3. The proposed site plan shows the extension of the rear garden to include a small amount of the highway verge but this does not form part of the application. The fencing would require permission as it is adjacent to the highway and permission would also be required to extend the private rear garden onto what is currently an open amenity area adjacent to the highway and the boundary of the garden.
- 2.4. Amendments have been made to the original plan to reduce the forward projection of the garage, retain the one remaining tree and remove a proposed 2.4 to 2m high wall enclosing the strip of land between the existing boundary wall and the footway that contained the trees that were indicated as being protected by Tree Preservation Order.
- 2.5. The application follows a revision of the 2017, 2018 and 2021 planning applications.
- 2.6. The application does specifically not include the erection of fencing that is indicated on the revised site plan submitted on 2 July 2024.

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

- 3.1. The application dwelling is located within the settlement boundary of Hinckley on a corner plot of Dean Road (south) and The Rills (east). It is a two storey detached dwelling with an attached garage. The dwelling is built with bricks, white uPVC windows and concrete roof tiles. Adjacent to the dwelling is a long strip of grassed area with four trees that have been removed since the application was submitted. These trees are shown on the Council's Tree Preservation Order database to be protected by TPO No.2 dated 2018. However, the Order itself refers to oak trees only. None of the trees was an oak and therefore the trees were not protected. The dwelling is not listed and not within a conservation area. The surrounding street scene is predominantly detached residential properties of varied scale, all built in bricks, a mixed of two storey and bungalows.
- 3.2. A provisional Tree Preservation Order relates to a mature Swedish Whitebeam tree (*Sorbus x intermedia*) situated to the front of the site to the eastern boundary. This tree lies within the area covered by TPO No.2 2018 but which was not protected given that the Order related only to oak trees

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

| Planning Ref | Description                                                                                                               | Decision            | Decision Date |
|--------------|---------------------------------------------------------------------------------------------------------------------------|---------------------|---------------|
| 17/00687/HOU | Two storey front, side and rear extension, single storey rear extension, extension to residential curtilage and new fence | Refused             | 20.10.2017    |
| 11/00388/FUL | Change of use of land from open space to residential curtilage and erection of boundary fence                             | Planning Permission | 20.07.2011    |
| 18/00351/HOU | Two storey side, single storey front extension and two storey and single storey rear extensions                           | Planning Permission | 24.05.2018    |
| 21/01086/HOU | Two storey side, rear and front extensions with a single storey rear extension                                            | Planning Permission | 26.08.2022    |
| 75/00351/4M  | Erection of front porch and utility room                                                                                  | Planning Permission | 22.04.1975    |

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A re-consultation on amended plans were also conducted.
- 5.2. No responses have been received as a result of public consultation.

### **6. Consultation**

- 6.1. Arboricultural Officer was consulted both on original and amended plans.
- 6.2. No other consultations are necessary or have been undertaken.

### **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) (Dec 2023)
- 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 to existing dwellings 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 adopted Good Design Guide states that:

*'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.'* and,

*'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.'* and

*Two storey front extension should not be visually prominent within the street scene. It 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. They should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation and result in the loss of existing parking space.*

8.4 The proposed extension wraps around the dwelling from the front to the east side and to the rear on both ground and first floor. The extension increases the scale and massing of the dwelling. The front extension creates a lobby, canopy and extends the garage. The overall forward projection of the lobby, canopy and garage is beyond the existing building line except for 18 Dean Road which has large front garage extension. The proposed front extensions have dual pitched roof forms

mirroring roof designs elsewhere on the street. Although canopies are not predominant features within the street, the proposed front canopy does not harm the visual character of the street. There are several front projecting garages and therefore the proposed front extensions are not significantly detrimental to the visual street character. The street character is also characterised with detached two storey dwellings and bungalows. The height, width, depth, roof design, architectural detailing and external materials of the proposed extension matches the main dwelling and surrounding properties. Although substantial in size the proposed extensions do not dominate the dwelling and while the overall scale, layout and massing of the dwelling increases, when considering the size of the site, siting, roof form, overall design and architectural detailing, the extensions are not considered to be overly prominent. The removal of the existing trees is regrettable, particularly where the intention was that they were to be protected by Tree Preservation Order, and given the contribution that they made to the character and appearance of the area it is considered that a condition requiring the planting of new trees is warranted.

- 8.5 By virtue of its siting, reduced scale, appropriate width, height and depth, roof design and proposed construction in matching external materials, retaining of the tree and grass verge, the proposal is considered acceptable with regard to the scale, character and appearance of the application dwelling and is considered to have no significant adverse visual impacts on the surrounding area. The amended proposal is therefore acceptable and in 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 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 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 application site is adjoined to the west by 16 Dean Road and The Rills to the east. The front and side extensions are set away from 16 Dean Road. They face the street and therefore do not significantly result in overbearing or overshadowing effects on any house. The rear extension to the west of the site extends to create a part single storey and two storey extension. It measures 4 metres in depth at the ground floor and 1.6 metres in depth on the first floor. It has a low dual pitch roof of 7.1 metres in height and retains the existing separation distance of approximately 1.3 metres from the dwelling to the west boundary fence. Due to its roof height and separation distance, there is no significant overbearing impact on 16 Dean Road. There is no side facing window that looks into the garden of 16 Dean Road that results in any overlooking. The existing 1.9 metres high boundary fence separates the gardens of both properties (14 & 16 Dean Road). 16 Dean Road has a side facing window that faces 14 Dean Road, however there is a principal window to the front that serve the habitable room. The separation distance between the two dwellings and the orientation of the site result in no significant loss of sunlight to the bedroom window.

- 8.9 The proposed side extension introduces secondary habitable room windows at first floor level facing The Rills and the side elevation of approximately 16 metres, a distance that is considered acceptable given that it is across a road and the garden of 12 Dean Road contains screening boundary treatment.
- 8.10 By virtue of the above, the proposal does not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of either 12 or 16 Dean Road. There is no loss of privacy to the occupiers from potential overlooking. Following the receipt of amended plans the extensions are not overly prominent and do not result in overdevelopment and therefore have no significant adverse impacts on the residential amenity and they are therefore 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**

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The proposal increases the number of bedrooms from three to four. The local highway authority design guide requires the provision of a minimum of three off-street parking spaces to serve a four bedroomed dwelling. The site frontage has the capacity to hold two off street car and the garage to hold one car. This is enough to serve the dwelling. The application site is located within a highly sustainable urban location with easy access to a full range of services and facilities by alternative more sustainable transport means. Therefore, the proposal is unlikely to result in any significant adverse impacts on highway safety issues. The proposal has adequate private rear amenity space and is 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 proposal relates to extensions and alterations to an existing dwelling located within the urban settlement boundary of Hinckley 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 the siting, reduced scale, design, separation distance, available parking and amenity space, retaining of existing tree and highway verge and the proposed use of matching external materials, it is considered that the proposed extensions are acceptable with regard to the scale, character and appearance of the existing dwelling. The proposed extensions have no significant adverse visual impacts on the street scene or surrounding area. There is no significant adverse impact on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking and private rear amenity space are retained within the site. The amended proposal is therefore acceptable and in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general 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 requirement 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 & Block Plan Drawing Number 120 Rev D, Existing & Proposed Site Plan Drawing Number 115 Rev E, Proposed Elevation & 3D Visuals Drawing Number 115 Rev F, Proposed Floor Plan Drawing Number 110 Rev G. received by the local planning authority on 02 July 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 extensions and alterations hereby permitted shall match the corresponding materials on the approved plans and elevation.

**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. The development shall be carried out in strict accordance with the revised Arboricultural Method Statement received by the Local Planning Authority on 27 August 2024.

**Reason:** To ensure that existing tree is adequately protected during and after construction in the interest of the visual amenities and character of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The extensions hereby approved shall not be brought into use until a scheme of replacement tree planting to replace the trees between the property and The Rills, including an implementation scheme, has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include at least three extra heavy standard trees and shall be carried out in full accordance within the first planting season following the first occupation of the extensions (October to March). The trees shall be maintained for a period of five years from the date of planting. During this period any trees which die or are damaged, removed, or seriously diseased shall be replaced by trees of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To safeguard the visual amenity of the area and landscaping in accordance with Policy DM10 of the adopted Site Allocation and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the approved proposed site plan 115 Rev E, this permission does not include the erection of any fencing and does not include any extension to the existing private rear garden.

**Reason:** For clarity and in the interests of the character and appearance of the site and surrounding area in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

#### 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop the footpath the appropriate legal steps must be taken before development commences.