

Delegated Report

Planning Ref: 24/01140/HOU

Applicant: Megan Spence

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 2 Folly Farm Cottages Shilton Road Kirkby Mallory

Proposal: Two storey side/rear extension and front boundary timber fence and gates

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 side/rear extension and timber fence and gates to the front boundary of a dwelling, 2 Folly Farm Cottages, Shilton Road, Kirkby Mallory.

2.2. The proposed two storey side/rear extension would be set back from the front elevation by 1.5 metres and extend 5 metres in width from the main side elevation. It would extend for a total of 7.1 metres in depth, including 3.2 metres in depth from the main rear elevation and extend for a total of 8.4 metres in width including 3.4 metres across part of the main rear elevation. It would have a pitched roof form with a side gable and twin gables to the rear elevation with matching eaves heights as the main roof and subordinate ridge heights of 6.8 metres. The proposal includes a single storey lean-to of 1.2 metres in width on the new side elevation which would be set back over 3.5 metres from the front elevation. Matching corresponding external materials as the existing dwelling are proposed in the construction. A single storey section of the dwelling would be demolished to enable the proposed development. Timber ranch style fencing and field gates of 1.5 metres in height are proposed to the front boundary of the site.

2.3. Amended plans submitted propose a more traditional design to the rear elevation and replace the originally proposed brick boundary wall with timber fencing and gates to the front boundary. Re-consultation on the amended plans has been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located in the countryside at some considerable distance to the southeast of Kirkby Mallory and to the east of Shilton Road along a shared farm access track. It is a two storey semi-detached house with dual pitched gable sided roof form with central and side brick chimney stacks. It has a single storey section extending from its side elevation with a similar dual pitched roof form and an open porch to its front elevation with low level wall and dual pitched gable fronted canopy roof supported by white painted timber posts. A former rear conservatory and detached garage had already been removed at the time of the site visit. The dwelling is constructed with plain red facing bricks, small red/brown roof tiles and white uPVC windows which have stone headers and sills. The front and rear gardens are enclosed predominantly by timber post and rail fencing other than the side boundary with the adjoining dwelling which has a 2 metres high double privacy panel extending from the rear elevation and 1.2 metres high timber fence panels thereafter. There is loose surfaced hard standing to the front and side of the dwelling providing off-street parking for at least three vehicles.

- 3.2. The adjoining dwelling occupies a similarly sized plot and is similar in scale, design and appearance other than for the front canopy porch. There is a farmhouse (Folly Farm) and associated farm complex of large scale agricultural buildings further along the track to the east. The site is otherwise surrounded by agricultural fields.

4. Relevant planning history

18/00861/HOU

- Two storey side extension and part two and part single storey rear extension
- Permitted
- 29.10.2018

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. Responses from two separate addresses have been received as a result of public consultation. These raise objections to the proposals on the following grounds:
- 1) Size of extension is disproportionate and unsympathetic to the scale and character of this matching pair of vernacular style cottages and the agricultural landscape setting
 - 2) Adverse impact on views within the wider agricultural landscape
 - 3) Adverse impact on amenity from overshadowing of the rear garden and loss of open views from rear windows.
 - 4) Adverse impact on amenity from noise, disturbance and traffic during construction phase
 - 5) Loss of water supply pressure from increase in size/increased use of dwelling
 - 6) Land ownership issue in respect of the position of the front boundary and gates.

6. Consultation

- 6.1. No objection has been received from Kirkby Mallory, Peckleton and Stapleton Parish Council.
- 6.2. No response has been received from National Grid.

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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - 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. Notwithstanding the countryside location, extensions and alterations to existing dwellings within established residential curtilages 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 dwelling and surrounding countryside
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Biodiversity
- Other issues

Design and impact upon the character of the dwelling and surrounding countryside

8.2 Policy DM4 of the adopted SADMP allows extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside.

8.3 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 various forms of house extensions and 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.'

8.4 Objections have been received on the grounds that the size of the extension is disproportionate and unsympathetic to the scale and character of this matching pair of vernacular style cottages and the rural setting and would result in an adverse impact on views within the wider agricultural landscape.

8.5 The proposed two storey side/rear extension would be set back from the front elevation by an appreciable 1.5 metres (1 metre more than required by the adopted GDG) and would extend 5 metres in width from the main side elevation. It would extend for a total of 7.1 metres in depth, including an appropriate depth of 3.2 metres from the main rear elevation and extend for a total of 8.4 metres in width, including 3.4 metres across only part of the main rear elevation. The proposal would have a similar footprint to that of a previously approved scheme on the site (18/00861/HOU) other than for the addition of a small 1.2 metres wide lean-to on the side elevation which would again be set back by an appreciable 3.5 metres from the front elevation. The proposed two storey extension would have an appropriate pitched roof form with a subordinate side gable that would reflect the form of the

main roof but with subordinate twin gables to the rear elevation with matching eaves heights as the main roof and clearly subordinate ridge heights of 6.8 metres, 0.8 metres lower than the 7.6 metres high main roof ridge (and 0.3 metres more than the 0.5 metres required by the adopted GDG). Notwithstanding the width of the proposal, it would replace a single storey structure of almost the same width and a two storey extension of the same width and depth has already previously been approved. Notwithstanding the objections received, by virtue of the appreciable set back and lower roof ridge heights, the proposal, whilst substantial in size, is nevertheless considered to appear as a clearly subordinate addition to the existing dwelling that would not overdevelop the site and would remain compatible with the size of the plot.

- 8.6 The front elevation would remain as a plain fronted cottage as previously approved. The amended plans propose similar cottage style windows within the design to the first floor rear elevation that better reflect the existing dwelling with the more contemporary bi-fold glazed doors restricted to the ground floor where they would have less visual impact. The proposed twin gables design would contrast with the existing plain roof design of the currently well matched pair and would dominate the rear elevation to a degree. However, a two storey gable has already been approved previously and it is considered that the current proposal would not be an overly prominent feature within views from any nearby public areas and would not result in any significant adverse visual impacts upon the open character and appearance of the wider surrounding agricultural landscape. Matching corresponding external materials as the existing dwelling are proposed in the construction which would ensure a satisfactory and unified appearance.
- 8.7 The amended proposal includes the replacement of an existing timber post and rail fence across the site frontage with a new timber ranch style fence and gates of appropriate appearance and height of 1.5 metres that would be appropriate for this rural setting. Whilst an objection has been received in respect of the new siting of the replacement structure, this is a legal/civil land ownership issue between the two land owners and not a material planning consideration. Completed land ownership certificates have been submitted with the application.
- 8.8 Notwithstanding the objections received, by virtue of its siting, scale, amended design and subject to the proposed use of matching corresponding external materials in the construction to ensure a satisfactory and uniform appearance, it is considered that the amended proposal would nevertheless be compatible with the size of the plot, would respect and complement the scale, character and appearance of the existing dwelling and its rural setting and would not result in any significant adverse visual impacts on the surrounding countryside. The proposal is therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9 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:

'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 An objection has been received on the grounds that the proposed two storey rear extension would result in an adverse impact on amenity from overshadowing of the rear garden and loss of open views from the rear windows of the adjoining dwelling.
- 8.11 The proposed two storey rear extension would extend to the same 3.2 metres depth and would be set in from the common side boundary with the adjoining dwelling by 4.5 metres as previously approved. Therefore, the proposal would not extend beyond a 45 degree line drawn from any part of the adjoining dwelling or result in a significant loss of outlook from any of its rear elevation windows. By virtue of the depth of the proposal, its separation from the side boundary and its subordinate roof height it is considered that it would not result in any significant additional overshadowing of the rear garden of the adjoining neighbouring dwelling over and above the existing situation for these north facing gardens. A window is proposed in the side elevation of the proposed extension facing towards the rear garden of the adjoining neighbouring dwelling at a separation distance of 4.5 metres. However, this would be at ground floor height and would face towards an existing 1.8 metres high solid timber double privacy panel that extends along the side boundary from the rear elevation and that protects the privacy and amenity of the respective occupiers.
- 8.12 Notwithstanding the objection received, by virtue of the siting, scale, design, depth, separation distance and existing screening to the adjoining neighbouring dwelling, it is considered that the proposal would have no significant adverse impacts on the residential amenity or privacy of the adjoining occupiers or any other distant dwelling 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

- 8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.14 The site currently provides at least three off-street parking spaces on loose surfaced hardstanding within the site frontage and to the side of the dwelling. The proposal would result in the addition of two further bedrooms and a five bedroomed house. The local highway authority design guide would seek a minimum of three off-street parking spaces to serve a dwelling of this size. The proposal would result in at least three off-street parking spaces remaining available on hard standing within the site frontage. This level of existing provision would remain adequate to serve the resulting five bedroomed dwelling and therefore remain in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Biodiversity

- 8.15 The proposal would be exempt from the biodiversity gain condition by virtue of being a householder application development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

Other issues

- 8.16 The land ownership issue raised through public consultation in respect of the siting/position of the proposed front boundary structure is a legal/civil matter between the respective land owners and not a material planning consideration. Completed land ownership certificates have been submitted with the planning application.

- 8.17 The issue raised through public consultation in respect of water supply pressure from an increase in the size and use of the dwelling is a civil matter and not a material planning consideration.
- 8.18 An issue has been raised through public consultation in respect of adverse impacts on amenity from noise, disturbance and traffic during the construction phase. Such matters are controlled through separate environmental legislation relating to noise, dust pollution etc. and are short term in nature with no significant long term adverse impacts upon residential amenity.

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. Notwithstanding the location of the dwelling outside of any settlement boundary and therefore within designated countryside, the proposal is for an extension and alterations to an existing dwelling within an established residential curtilage and therefore there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF (2024).
- 10.2. Notwithstanding the objections received, by virtue of its siting, scale, amended design and proposed use of matching corresponding external materials, it is considered that the proposal would be compatible with the size of the plot, would respect and complement the scale, character and appearance of the existing dwelling and its rural setting and would not result in any significant adverse visual impacts on the surrounding countryside. Notwithstanding the objection received, by virtue of the siting, scale, design, depth, separation distance and existing screening, it is considered that the proposal would have no significant adverse impacts on the residential amenity or privacy of the adjoining occupiers or any other distant dwellings. Adequate off-street parking of a minimum of three spaces and private amenity space of over 200 square metres would be retained within the site to serve

the resulting five bedroomed dwelling. The proposal is considered to be in accordance with Policies DM1, DM4, 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 amended application details, as follows: Proposed Block Plan, Proposed Floor Plans, Proposed Roof Plan and Proposed Elevations Drawing No. AVD-369-FFC-PL02 Rev C received by the local planning authority on 28 January 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 alterations hereby permitted shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and 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. Due to comments received in respect of the proposals as a result of the neighbour consultation process, the applicant is advised to ensure that any development undertaken is on land within their ownership.