

Delegated Report

Planning Ref: 24/01116/HOU

Applicant: Mr M Torr

Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 1 Quarrymans Court Markfield Leicestershire

Proposal: Garden outbuilding

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 detached garden room outbuilding within the rear garden of a dwelling, 1 Quarrymans Court, Markfield.

2.2. The proposal would be located towards the rear northwest corner of a sloping garden set in by 1 metre from the west side boundary and by 3.5 metres from the north (rear) boundary with Hillside. The amended proposal would be rectangular in footprint with a width of 6.64 metres and a depth of 5.14 metres. It would occupy a flat area towards the top of the garden, the ground levels of which fall appreciably from north to south towards the rear elevation of the dwelling. The amended design would have a dual pitched roof form with side gables with a front eaves height of almost 3 metres and a ridge height of 4.7 metres. It is proposed that the garden room would be constructed with vertical composite timber effect cladding (Antique Oak) to the external wall surfaces, a standing seam zinc sheet roof and black uPVC doors.

2.3. Re-consultation on the amended plans received has been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Markfield and within the Markfield Conservation Area. It is a late 20th century two storey detached house with gable sided main roof form, a feature chimney stack to the left side gable, open timber framed canopy porch to the front elevation with dual pitched roof and stone headers and sills to windows. An attached double garage with dual pitched roof form extends perpendicular to and forward of the front elevation. It is constructed with rustic red/brown multi facing bricks, grey slate roof and white uPVC windows. The side gable of the garage is clad in local stone. In addition to the double garage there is further off-street parking and turning available on loose stone surfaced hardstanding within the site frontage which also contains soft landscaping and is enclosed by a 1 metre high local stone wall and timber post and rail fencing. The large rear garden rises appreciably in ground level from the rear elevation of the dwelling. It is enclosed by a 1 metre high local stone wall to the rear (north) boundary with Hillside, a 1.5 metres high local stone wall to the east boundary with a public right of way and 1.8 metres high solid close boarded timber fencing to the west side boundary with the neighbouring dwelling.

3.2. The application dwelling is the first of five detached dwellings occupying generous plots within an infill residential development accessed from Queen Street to the south with no through traffic and whose rear garden levels extend upwards to Hillside to the north.

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 and a notice was displayed in the local press.
- 5.2. As a result of the consultation process, responses have been received on behalf of one neighbouring property objecting to the proposal on the following grounds:
- 1) Overbearing impact on neighbour due to relative height, siting, scale and construction materials
 - 2) Loss of privacy from overlooking from glass doors to neighbouring rear elevation windows and garden/patio areas due to relative height, siting, separation distances and design
 - 3) Outbuilding would be out of context with landscaping and heritage of the area
 - 4) Engineering footings will be required as it is on made-up ground.
 - 5) Restrictive covenant in sale deeds of properties relating to no use of land or buildings of nuisance or annoyance to neighbouring occupiers.

6. Consultation

- 6.1. No responses have been received from:
- Leicestershire County Council (Public Rights of Way)
Ramblers Association
Markfield Parish Council
- 6.2. Environmental Services (Drainage) suggests an informative note to applicant in respect of the collection of rainwater.

7. Policy

- 7.1. Markfield Neighbourhood Plan (MNP) 2020-2039 (2021)
- Policy M9: Locally Valued Heritage Assets
 - Policy M10: Design
- 7.2. Core Strategy (2009)
- Policy 8: Key Rural Centres Related to Leicester (Markfield)
- 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Markfield Conservation Area Appraisal and Map (2010)

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions and alterations to existing domestic properties, including the provision of incidental detached outbuildings in their residential curtilage, and 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 and appearance of the Markfield Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Biodiversity

Design and impact upon the character and appearance of the Markfield Conservation Area

- 8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212 - 215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the Markfield Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 8.5 Policy M10 of the 'made' Markfield Neighbourhood Plan (MNP) states that to be supported development must be sympathetic to local character and history and be in keeping with the scale, form and character of its surroundings and protect important features such as traditional walls, hedgerows and trees.
- 8.6 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. All development proposals will need to accord with Policy DM10. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, design and for materials to respect 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.
- 8.7 An objection to the proposal has been received on the grounds that the outbuilding would be out of context with the landscaping and heritage of the area.
- 8.8 The application dwelling, 1 Quarryman's Court, is one of a row of large modern detached dwellings constructed on an infill site within the Markfield Conservation Area (MCA). By virtue of its age, design and appearance it is considered to be a neutral presence within the conservation area as defined on the adopted MCA Appraisal Map (2010). The levels of the rear garden of the dwelling rise appreciably

to the north towards Hillside, with the garden and the rear elevation of the application dwelling and the neighbouring row of dwellings being visible when looking southwards over the traditional 1 metre high local stone boundary wall on Hillside. The MCA Appraisal Map identifies a wide ranging vista looking southwards from Hillside, away from Markfield and over the surrounding countryside. The MCA Appraisal seeks to protect this vista as it reinforces the rural origins of the settlement and contributes to the significance of the MCA. However, this vista is further to the west and not readily apparent from the rear of the application dwelling on Hillside due to the presence of neighbouring development along Quarrymans Court and varying forms of vegetation within the rear garden of the application dwelling which provides it with a pleasant suburban character.

- 8.9 The proposal would be located towards the rear northwest corner of a sloping garden set in by 1 metre from the west side boundary and by 3.5 metres from the north (rear) boundary with Hillside. The amended proposal would be rectangular in footprint with a width of 6.64 metres and a depth of 5.14 metres. The amended design would have a dual pitched roof form with side gables with a front eaves height of almost 3 metres and a ridge height of 4.7 metres. It is proposed that it would be constructed with vertical composite timber effect cladding (Antique Oak) to the external wall surfaces, a standing seam zinc sheet roof and black uPVC doors.
- 8.10 Whilst the rear roof plane and a small section of the facing wall of the outbuilding would be publicly visible from Hillside, by virtue of its siting, clearly subordinate scale, amended more sympathetic design and proposed complementary appearance it is considered that the proposal would sit comfortably within the large rear garden of the dwelling, reflecting its suburban character, and having no adverse effects upon any key characteristics of the conservation area, including the aforementioned important countryside vista from Hillside. Whilst the rear garden is also currently visible from the adjacent public right of way to the east over the 1.5 metres high local stone boundary wall, additional soft landscaping has been planted that will provide additional privacy to the occupiers and restrict such views in the near future.
- 8.11 Notwithstanding the objection received, by virtue of its siting, scale, amended design and the proposed use of appropriate external materials to ensure a satisfactory appearance along with its incidental use, it is considered that the amended proposal would have a neutral impact upon the character and appearance of the Markfield Conservation Area and would therefore preserve its significance. The proposal would therefore be in accordance with Policy M10 of the 'made' MNP, Policies DM10, DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF (2024) and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.12 Policy M10 of the 'made' MNP seeks to ensure that the amenities of residents in the area are not significantly adversely affected including by loss of daylight/sunlight, privacy, air quality, noise and light pollution. Policy DM10 of the adopted SADMP seeks to ensure that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 An objection to the proposal has been received on the grounds that it would have an overbearing impact on the neighbour property and result in a loss of privacy to the neighbouring occupiers due to overlooking to rear elevation windows and garden/patio areas due to its relative height, siting, scale, separation distances and dark construction materials. The objection received refers to the adopted Good Design Guide which seeks a separation distance of at least 21 metres between

principal habitable room windows and to the proposal being within a 45 degree line drawn from rear elevation windows of No. 2 and at an elevated height.

- 8.14 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. If it does, the new extension could impact upon the outlook from or daylight to the neighbour. Application of the 45 degree rule alters depending on the individual characteristics of the site and existing boundary treatment.'

- 8.15 The neighbouring dwelling to the west (No. 2) is a detached 1½ storey house with the upper floor served by dormer windows within its roof. It's main rear elevation is constructed approximately 5 metres further to the rear than that of the application dwelling and its rear garden rises appreciably towards Hillside to the north on a similar ground level to that of the application dwelling. The amended proposal would be located towards the rear northwest corner of the applicant's sloping garden set in by 1 metre from the west side boundary with No. 2. It would have a width of 6.64 metres with glazed sliding doors within its south facing elevation and a dual pitched roof form with side gables with a front eaves height of almost 3 metres and a ridge height of 4.7 metres.
- 8.16 By virtue of the ground levels rising appreciably from south to north away from the rear elevations of the dwellings, the roof ridge of the amended proposal would sit approximately 8 metres higher than the ground floor level of the dwellings, (comprising 3.3 metres to garden room floor level, an additional 3 metres to eaves level and an additional 1.7 metres to roof ridge). The proposed glazed doors of the garden room would therefore be at a higher level than the rear elevation ground floor windows and at a comparable level to the rear elevation first floor dormer windows of No. 2. In addition to the relative heights, the proposal would also sit within a 45 degree line drawn from rear elevation windows of No. 2.
- 8.17 The adopted GDG makes it clear that every application will be assessed on its own merits depending on the individual characteristics of the site including orientation, ground levels and window positions. In this case, the nearest openings on the rear elevation of No. 2 at ground floor are a timber door to a utility room and a kitchen window with the main habitable room spaces of dining room and lounge set further in from the side boundary. The nearest openings at first floor on the rear elevation of No. 2 are dormer windows to an en-suite and a bathroom with the bedroom dormer windows set further in from the side boundary.
- 8.18 In this case there would be a separation distance of approximately 16 metres between the nearest principal habitable room kitchen window and the proposed glazed doors and they would not be directly opposing windows but instead would be offset from each other by 7 metres. This separation distance and offset would be even greater in respect of the other ground floor rear elevation dining room and lounge habitable room windows and the first floor dormer bedroom windows above. In addition, the near side boundary is defined by a solid timber panel fence of approximately 1.8 metres in height that follows the ground levels of the rear gardens and there are shrubs and individual trees within both gardens along the side boundary that provide a degree of screening and reduce intervisibility between the rear gardens.

- 8.19 Notwithstanding the relative ground levels and that the proposal would also sit within a 45 degree line, by virtue of the proposed separation and offset distances which are considered to result in a satisfactory relationship, it is considered that the proposal would not result in any significant adverse overbearing impacts upon the neighbouring rear elevation windows or garden/patio areas or result in any significant adverse impacts upon the outlook of those windows or loss of privacy from direct overlooking to the neighbouring property.
- 8.20 It is considered that the proposed use of timber effect cladding (Antique Oak) to the external wall surfaces and a standing seam zinc sheet roof would not result in any significant adverse overbearing or oppressive visual impact upon the neighbouring dwelling.
- 8.21 In respect of the buildings construction, the requirement for appropriate footings, would be a matter assessed under a separate building regulations application. Restrictive covenants are a legal matter and not a material planning consideration.
- 8.22 By virtue of its siting, scale, screening and separation distances the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any other neighbouring properties.
- 8.23 On balance, and notwithstanding the relative ground levels in relation to the nearest neighbouring dwelling to the west, by virtue of its siting being set in from the side boundary, its scale, amended design and being offset from principle habitable room windows together with separation distances and existing screening, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy 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

- 8.24 Policy M10 of the 'made' MNP seeks that development provides adequate external space for vehicles. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.25 The site currently provides ample off-street parking and turning for a minimum of four vehicles within the double garage and on the extensive loose stone surfaced hardstanding and driveway within the site frontage. The proposed garden room would be located within the rear garden and would have a neutral impact on the existing parking provision which would therefore remain adequate to serve the dwelling in accordance with Policy DM18 of the adopted SADMP and the local highway design guide standards which would require a minimum of three spaces for a dwelling of this size.

Biodiversity

- 8.26 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).

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 the construction of a detached garden outbuilding within the rear garden of an existing dwelling within the settlement boundary of Markfield 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 (2024).
- 10.2. Notwithstanding the objection received, by virtue of its siting, scale, amended design and the proposed use of appropriate external materials to ensure a satisfactory appearance along with its incidental use, it is considered that the amended proposal would have a neutral impact upon the character and appearance of the Markfield Conservation Area and would therefore preserve its significance. Notwithstanding the objection received and relative ground levels, by virtue of its siting, scale, amended design, separation and offset distances and existing screening, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate off-street parking and turning and private amenity space would be retained within the site to serve the resulting dwelling. The proposal is considered to be in accordance with Policy M10 of the 'made' MNP, Policies DM1, DM10, DM11, DM12 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, Section 16 of the NPPF (2024) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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, Block Plan, Proposed Site/Floor Plan and Proposed Elevations and Section Drawing No. 4155-02 Rev C received by the local planning authority on 27 January 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 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 garden outbuilding hereby permitted shall accord with the external materials details submitted on the approved Proposed Elevations Drawing No. 4155-02 Rev C received by the local planning authority on 27 January 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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. Rainwater from the detached outbuilding roof should be positively drained into a suitable water butt, soakaway or domestic drainage system and not be permitted to discharge directly onto the surface of the application site or neighbouring property.