

Delegated Report

Planning Ref: 26/00170/CONDIT
Applicant: Mr Wayne Aris
Ward: Barlestone Nailstone And Osbaston



Hinchley & Bosworth
Borough Council

Site: Woodville Lount Road Osbaston

Proposal: Variation of condition 2 of planning permission 24/00365/HOU.
Amendments to include a new hipped roof and the addition of a Juliet balcony to the rear

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 24/00365/HOU granted full planning permission for the for the construction of a first-floor rear extension.
- 2.2. Condition 2 of the planning permission required that the proposed scheme be carried out in accordance with the proposed plans. This application seeks planning permission for the variation of condition 2 (Plans). The application proposes a hipped roof and the addition of a Juliet balcony to the rear.
- 2.3. The hipped roof would replace the approved flat roof and would measure 5.36 metres to the eaves and 7.79 metres to the ridge. It would correspond with the finish of the existing roof.
- 2.4. The Juliet balcony would replace the approved three panel glazed window and would mirror the scale, design and finish of the approved/existing Juliet balcony's.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in a relatively isolated position in the open countryside midway between Barlestone to the east and Carlton to the west. It is a relatively modern two storey detached farmhouse style dwelling with gable sided dual pitched roof form. It has a two storey side extension with gable fronted roof form that extends both forward and to the rear of the original dwelling, a single storey rear extension with a flat roof design, a garage extension with lean-to roof design to the opposite side elevation and a front porch with dual pitched gable fronted roof design. The dwelling is constructed with red multi facing bricks, brindle plain clay roof tiles and cream uPVC windows. It has two brick chimney stacks, brick corbelled eaves and soldier brick headers. It is set within a large plot providing ample private amenity space enclosed by ranch style timber fencing. There is a 9 metres deep and 15 metres wide loose stone surfaced hard standing area across the open site frontage providing ample off-street parking and turning space.
- 3.2. The dwelling is located on the south side of Lount Road, a rural lane which has sporadic development along parts of its length on either side. The application dwelling lies to the western end of a short linear development of dwellings. There is a 1½ storey holiday let (former stables) set within a paddock area to the immediate east of the site which is also in the applicant's ownership. There is a large, grassed paddock

in the applicant's ownership to the south (rear) of the site and an open agricultural pasture field to the immediate west of the site and to the north beyond Lount Road.

4. Relevant planning history

17/00033/HOU

- Extensions and Alterations to Dwelling
- Planning Permission
- 13.02.2017

17/00599/HOU

- Single and two storey extension to house
- Planning Permission
- 07.08.2017

18/00427/HOU

- Detached garage/stables to the front elevation
- Planning Permission
- 29.06.2018

22/00970/FUL

- Change of use of existing garage and stable to holiday let
- Planning Permission
- 10.07.2023

24/00365/HOU

- First floor rear extension
- Planning Permission
- 30.05.2024

24/00702/FUL

- Single storey stable and tack room
- Planning Permission
- 20.09.2024

25/00299/FUL

- Change of use from holiday let to residential dwelling
- Planning Permission
- 01.08.2025

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. Following the publications no representations have been received.

6. Consultation

6.1. Osbaston Parish Council:

- No representations have been received.

7. Policy

7.1. Core Strategy (2009)

- None.

7.2. Site Allocations and Development Management Policies 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)
- Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Notwithstanding its countryside location, extensions and alterations to existing domestic properties 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 highway safety
- Conditions

Design and impact upon the character of the area

8.2 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside. It further states that development should lead to the enhancement of the immediate setting.

8.3 Policy DM10 of the adopted SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.4 The proposed alterations would be completely screened from the highway due to their situation to the rear.

8.5 The hipped roof would replace the approved flat roof which is considered to be a positive alteration overall as flat roofs are not generally encouraged within the borough. It would measure 5.36 metres to the eaves and 7.79 metres to the ridge as to appear subordinate to the main dwelling with a more than adequate set-down distance. The proposed materials would correspond to those of the existing dwelling.

8.6 The juliet balcony would replace the approved three panel glazed window and would mirror the scale, design and finish of the approved/existing juliet balcony's as to ensure a satisfactory and uniform appearance.

- 8.7 In light of the above, the proposal would therefore remain in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.8 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.9 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.10 The nearest neighbouring dwelling is located approximately 40.00 metres to the south-east of the site to the far side of a paddock containing a holiday let that is also in the applicant's ownership. The proposal would by virtue of the minimal alterations remain completely screened from the south-east by the existing two-storey rear gable projection of the application dwelling. The proposed juliet balcony would face onto the application dwellings rear amenity space and open fields beyond that.
- 8.11 The proposal would therefore remain in accordance with Policy DM10 of the adopted SADMP and the NPPF. No objections have been received from any neighbouring properties.

Impact upon highway safety

- 8.12 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.13 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.14 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. Policy DM18 of the adopted SADMP further seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.16 The proposed alterations would not bear any adverse impacts upon highway safety or the sites parking provision.
- 8.17 The proposal would therefore remain in accordance with Policies DM17 and DM18 of the adopted SADMP, the NPPF and the LHDG.

Conditions

- 8.18 The previously approved planning permission 24/00365/HOU was subject to 3 conditions. The development has not been implemented and therefore Condition 1 (Time) remains necessary, however, the applicant would need to refer to the

original 3 year time scale for implementation of the development, implementing the permission on or before 30th May 2027. Condition 3 (Materials) would remain necessary to ensure a satisfactory form of development. Condition 2 (Plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Location Plan and Site Plan, Drg No. 24/05/04; and
 - Proposed Front and Side (south-east) Elevations, Drg No. 24/05/03 as received by the local planning authority on 16 April 2024.
 - Proposed Rear and Side (north-west) Elevations, Drg No. 24/05/08; and
 - Proposed First Floor Plan, Drg No. 24/05/07 as received by the local planning authority on the 23rd February 2026.

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).

- 8.1. No other conditions are considered to be necessary to ensure satisfactory development.

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.

10. Conclusion

- 10.1. The proposals are for variations to a previously approved planning permission for the construction of a first-floor rear extension 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.
- 10.2. The variations to the previously approved extension are considered to continue to respect and complement the scale, character and appearance of the existing dwelling, wider street scene and open countryside and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties or impact the highway safety or parking provision at the site. The proposal would therefore adhere to Policies DM1, DM4, DM10, DM17 and DM18 of the adopted SADMP, the general principles of the Councils Good Design Guide,

the Leicestershire Highways Design Guide and the overall principles of the NPPF and is recommended for approval subject to amended conditions 2 (Plans) to define the new planning permission.

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 planning permission 24/00365/HOU (30/05/2024).

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 and Site Plan, Drg No. 24/05/04; and
- Proposed Front and Side (south-east) Elevations, Drg No. 24/05/03 as received by the local planning authority on 16 April 2024.
- Proposed Rear and Side (north-west) Elevations, Drg No. 24/05/08; and
- Proposed First Floor Plan, Drg No. 24/05/07 as received by the local planning authority on the 23rd February 2026.

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 alteration 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 Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) 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.