

Delegated Report

Planning Ref: 24/00316/HOU
Applicant: Mr Anthony Ajanaku
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 7 Saffron Close Barwell Leicester Leicestershire LE9 8FW

Proposal: Single storey rear extension to replace existing conservatory, garage conversion and alteration to dwelling.

1. Recommendations

Refused planning permission for the reason set out below

2. Planning application description

- 2.1. This householder application seeks planning permission for a single storey rear extension to replace an existing conservatory and a garage conversion to dwelling, 7 Saffron Close, Barwell. There are also alterations to all four elevations in terms of windows and the addition of new rooflights on both front and rear elevations. The dwelling is not listed and not within a conservation area.
- 2.2. The proposed single storey rear extension measures 3.4 metres in depth and a full width of 9.4 metres. The rear extension incorporates the existing conservatory, creates a mono pitched roof to a ridge height of 3 metres and eaves height of 2.4 metres. The proposal includes conversion of existing garage into a cinema room. Minor alterations to the dwelling are relocating the side entrance gate, inserting two new windows to the south side elevation and a new window to the north side elevation. Replacement of existing first floor rear window, new rooflights, bricking the front elevation of the garage and insert new window and a new bay window to the other side of the front elevation. The extension is constructed with red bricks and white uPVC windows to match with the existing external materials.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barwell. It is a two storey detached dwelling with gable sided roof, white uPVC windows and located on a cul-de-sac. The dwelling is set back from the public highway, has an attached garage, a front paving driveway and trees to the north of the site. The surrounding estate comprises predominantly two storey detached dwellings of similar design and appearance.

4. Relevant planning history

02/00153/FUL – Two Storey side extension and rear conservatory – Planning Permission – 28.03.2002.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Neighbour re-notification was done on the amended plans.
- 5.2. No responses have been received to date.

6. Consultation

- 6.1. Barwell Parish Council has no objections to the application.

7. Policy

Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006 – 2026 (2014).

- No relevant policies
- 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 2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide
 - Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

- 8.1. Extensions and alterations to existing dwellings 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 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 and in respect of rear extensions 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.'

- 8.3 The proposed dwelling extension project 3.4 metres in depth and a full width of 9.4 metres. It incorporates the existing conservatory has a mono pitched roof form and to a ridge height of 3 metres and eaves height of 2.4 metres. The conversion of existing garage into a cinema includes bricking the front elevation and inserting a new bay window. Other alterations to the dwelling are relocating the side entrance gate while keeping its existing height, two windows on the south facing elevation; one on the ground floor and a replacement on the first floor, a new window to the north side elevation, replacement of existing first floor rear window, new bay window to the front elevation and rooflights. The extension is constructed with red bricks and white uPVC windows to match with the existing external materials.

- 8.4 The extension has a single storey scale and is subservient to the main dwelling. The roof form complements the main dwelling. The new windows and door sizes are proportional to the existing windows on the main dwelling. The dwelling is not listed and not within a conservation area. The rooflights do not protrude more than 0.2 metres from the roof slope and therefore are not harmful to the visual character of the dwelling. Matching materials are proposed in the construction of the extension and therefore reflect the design of the existing dwelling.
- 8.5 The overall design of the extension and conversion of the garage is acceptable in design terms and does not have any significant adverse visual impacts on the surrounding area.
- 8.6 By virtue of its siting to the rear, single storey scale, proportional windows and door size, design and matching appearance, the proposal respects and complements the scale, character and appearance of the existing dwelling and is not visually prominent or result in any significant adverse visual impacts on the surrounding area. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 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. The Good Design Guide requires that a principal window to a habitable room should ideally not be less than 8 metres from the blank side of a single storey neighbouring property, rising to 14 metres for a two storey property. The Guide requires that occupiers and neighbours are provided with adequate amenity.
- 8.9 The application dwelling is detached, set further back from other dwellings on Saffron Close. The south side facing elevation of the dwelling directly faces the private gardens of dwelling on Charnwood Road. The proposal has a first floor bedroom (bedroom 2) with a principal window that faces directly into the gardens of dwellings on Charnwood Road (135, 137 and 139 Charnwood Road, Barwell). The window is less than the generally accepted 1.7m above floor level that is considered necessary to avoid overlooking and loss of privacy.
- 8.10 The application site has a 2.3 metres high fence that separates the gardens of the dwellings on Charnwood Road from the garden of 7 Saffron Close and a 1 metre separation distance from the dwelling to the side boundary fence. As a result of the direct facing first floor south side principal window so close to the common boundary, the proposal will result in direct overlooking into the rear gardens of 139 Charnwood Road. Residents of 139 would be likely to feel overlooked to a far greater extent than is currently the case and to experience a significantly reduced level of amenity when using their rear garden as a result of this overlooking and loss of privacy. This will have a significant adverse impact on the privacy of these neighbouring properties and therefore this aspect of the application does not comply with Policy DM10 of the SADMP and the Good Design Guide.
- 8.11 The new window to the north side facing elevation of the dwelling faces the gable and bathroom window of 9 Saffron Close which does not result in any significant adverse effects on 9 Saffron Close.

- 8.12 The rear extension has appropriate dimensions and roof height which does not impact on the existing garden area. The single storey scale of the rear extension, the separation distance from the boundary fence to the rear extension and dimension of the extension do not result in any significant overbearing or overshadowing impact on adjoining neighbours. The garage conversion does not result in any significant impact on the main dwelling and adjoining neighbours. There is no forward projection to the dwelling as a result of bricking up of the front elevation of the dwelling. The new windows to the front and rear of the dwelling do not result in any significant overlooking into the gardens of neighbouring properties. The proposed rooflights do not protrude more than 0.2 metres from the roof slope and therefore does not adversely impact on adjacent properties.
- 8.13 Turning to the effect on occupiers of the dwelling page 33 of the Good Design Guide states that delivering well-designed internal and external amenity space is critical to quality of life for residents, as it provides the setting for day to day home life. Page 36 states that wherever possible internal space standards for new residential development should aim to exceed those set by the Government's Technical Housing Standards (THS). While both this part of the Guide and the THS relate to new dwellings the fact remains that occupiers of dwellings should be provided with adequate levels of amenity.
- 8.14 The combination in bedroom 2 of floorspace of just 8.7sq.m that includes the storage space but excludes the en-suite bathroom and the small high-level window and skylight is considered to fail to provide a sufficiently high level of amenity for any occupier of the dwelling contrary to the requirements of paragraph 135 of the NPPF.
- 8.15 The issues with regard to overlooking of neighbours and the small size of the bedroom have been brought to the applicants' attention and it is noted that the study facing the rear garden has both a standard window and a larger floor area, although no en-suite bathroom. While some amendments have been made the applicants' have failed to address the concerns raised and have signalled an unwillingness to make further alterations to the proposals.
- 8.16 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.17 By virtue of the poor level of amenity provided by bedroom 2 and as a result of the principal window of bedroom 2 facing directly into the garden of 139 Charnwood Road, the proposal will result in significant adverse impacts on both the future occupier of bedroom 2 and on the residential amenity of neighbouring occupiers by reason of overlooking and loss of privacy when using their rear garden. Therefore, it is considered that the proposal fails to meet the requirements of paragraph 135 of the NPPF and is not in accordance with Policy DM10 of the adopted SADMP.

Impact upon parking provision

- 8.18 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.19 The proposal development result in the provision of four bedrooms and the loss of an integrated garage. The dwelling has a long paved front driveway which has the capacity to accommodate at least 3 cars. The existing driveway is adequate to serve the dwelling and 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 proposals are for extensions and alterations to an existing dwelling within the settlement boundary of Barwell 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 first floor principal window of bedroom 2 facing directly into the gardens of 139 Charnwood Road, Barwell, the proposal result in significant adverse impact on the privacy of the occupiers of this neighbouring property. In addition, as a result of the small size of bedroom two and its small, high-level window, occupiers of that bedroom with not be provided with adequate amenity. The proposal fails to meet the requirements of Section 12 of the National Planning Policy Framework and is not in accordance with Policy DM10 of the adopted SADMP or the general principles of the adopted Good Design Guide and the application is therefore recommended for refusal.

11. Recommendation

11.1 **Refused planning permission**

11.2 **Reason**

- 1. By virtue of the first floor principal window of bedroom 2 facing directly into the garden of 139 Charnwood Road, Barwell, the proposal results in significant adverse impacts on the amenity of the occupiers of this neighbouring property as a result of overlooking and loss of privacy. In addition, by reason of its small size and small high-level window, bedroom 2 provides future occupiers of that bedroom with insufficient amenity. The proposal fails to meet the requirements of Section 12 of the National Planning Policy Framework and is not in accordance with Policies DM10 of the adopted Site Allocations and Development

Management Policies Development Plan Document or the general principles of the Council's adopted Good Design Guide.

Note to applicant

The application has been assessed and determined with reference to Site Location Plan Drawing Number PL-01 (submitted on 03/04/2024), Block Plan Drawing Number PL-02 (submitted on 03/04/2024), Proposed Site Plan Drawing Number CA-01, (submitted on 03/04/2024), Proposed Ground Floor Plan Drawing Number PL-05 (submitted on 03/04/2024), Proposed First Floor Plan Drawing Number PL-06 Rev D (submitted on 23/05/2024), Proposed Roof Plan Drawing Number PL-07 (submitted on 23/05/2024), Proposed Front and Side Elevation Drawing Number EL-02 (submitted on 28/05/2024) and Proposed Rear and Side Elevation Drawing Number EL-03 Rev D (submitted on 28/05/2024).