

Delegated Report

Planning Reference 25/00138/CONDIT
Applicant(s) Mr T Noble
Ward Barlestone, Nailstone, and Osbaston



Hinckley & Bosworth
Borough Council

Application Site 144 Newbold Road, Barlestone, Leicestershire

Proposal Variation of Conditions 2 (Approved Plans) and 3 (External Materials) of planning permission 24/00065/HOU to allow for a larger single storey extension

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. **Grant planning permission for the variation of 24/00065/HOU** subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications for planning permission to be sought for the development of land without complying with conditions that were imposed on a previous planning permission.

2.2. In this case, planning permission for application 24/00065/HOU granted full planning permission for a single storey extension, garage conversion, and loft conversion with rear dormer and associated works at 144 Newbold Road, Barlestone.

2.3. The rear extension externally measured 8.8m in width by 4m in depth and featured a flat roof to a height of 2.9m.

2.4. The loft conversion featured a flat box roof dormer with a width of 12.1m, a height of 2.5m to just below the main ridge of the original dwelling, and a depth of 3.3m.

2.5. The loft conversion did not increase the ridge and eaves height of existing property. The double garage conversion replaced the garage doors with two three-pane windows.

2.6. The approved development features the use of contrasting dark grey Cedral cladding on the rear extension, the rear dormer, around the replacement windows in the garage conversion, and on the existing front projecting gable. Alterations to the existing fenestration on the elevation was also proposed to suit the new internal layout.

- 2.7. This Section 73 Application seeks planning permission for the variation of Conditions 02 (Approved Plans) and 03 (External Materials) of that planning permission to enable the development to allow for a larger single storey extension.
- 2.8. The rear extension is now 5.2m in depth. The windows on the first floor of the side elevation for the en-suites to Bedrooms 2 and 3 have been increased in height from 0.9m to 1.1m. The previously approved French doors are now constructed with black uPVC, and the proposed brickwork windowsills have been removed.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the east of, but within the identified settlement boundary of, Barlestone in a ribbon development of residential properties on the south side of Newbold Road. The ribbon development runs to the east and west of the site and the north (beyond Newbold Road) and south of the site comprise open agricultural fields. The properties in the surrounding area comprise detached two-storey dwellings and bungalows of a variety of individual designs, styles, and appearance that are set within large, elongated plots.
- 3.2. 144 Newbold Road is a detached two-storey dwelling with a dual pitched gable-ended. The front elevation is defined by a two-storey forward projecting gable with ground floor bay window on the east of the elevation and a cat slide roof with two rooflights across the remainder of the front elevation above the integral double garage.

4. Relevant Planning History

4.1 24/00065/HOU

- Single storey rear extension, garage conversion, loft conversion with rear dormer and associated works
- Permitted
- 02.03.2024

4.2 02/00318/FUL

- Demolition of dwelling and erection of new dwelling
- Permitted
- 03.05.2002

5. Publicity

- 5.1. In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.

5.2. In this instance, the application has been publicised by sending out letters to local residents and a site notice was also posted within the vicinity of the site.

5.3. No responses have been received.

6. Consultation

6.1 In accordance with Planning Practice Guidance (PPG), provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider the scale or nature of the change warrants consultation. Therefore, the Local Planning Authority can choose how to inform interest parties.

6.2 In this instance, Barlestone Parish Council were consulted on the planning application, who had no objections to the development proposal.

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (2024)

8. Appraisal

- 8.1. In accordance with Planning Practice Guidance (NPPG), there is no statutory limit on the degree of change permissible to conditions under Section 73 applications, but the change must only relate to conditions and not to the operative part of the permission. The operative part of the planning permission being the description of the development.
- 8.2. The principle of development, siting and design of the proposed extensions and alterations have already been established through the earlier grant of the extant planning permission on the site. Therefore, the key issues in respect of this application are:
- Design and impact upon the character of the area
 - Other Issues
 - Conditions

Design and Impact upon the Character of the Area:

- 8.5 Paragraph 140 of the NPPF confirms that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme; for example, through changes to approved details such as the materials used.
- 8.6 Policy DM10(c) of the 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.
- 8.7 No amendments are proposed to the existing front elevation of the property or the height of the development. The 1.2m increase in the depth of the single storey rear extension is not considered to result in any significant harm to the character of the site or the surrounding area. The Applicant confirmed on 24 June 2025 that the proposed external cladding of the development was unchanged from the previously approved details.
- 8.8 By virtue of these factors, the proposal respects the character of the existing dwelling and surrounding area. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Other Issues

- 8.9 Although the rear extension increases the depth of the single storey rear extension, this does not protrude passed the rear elevation of 142 Newbold Road and these amendments retain the 2m separation distance between the properties.

- 8.10 Whilst the side windows have increased in size, the requirement for these windows to be obscure glazed via planning condition 04 can be retained to safeguard the privacy and amenity of neighbouring dwellings. The proposed amendments have no material impact on off-street parking provision or highway safety. Therefore, the application and the development remain compliant with Policies DM10, DM17 and DM18 of the SADMP.

Conditions

- 8.11 Permission granted under Section 73 takes effect as a new independent permission to carry out the same development as previously permitted, subject to new or amended conditions. A new permission sits alongside the original permission, which remains intact and unamended. It is open to the Applicant to decide whether to implement a new permission or the one originally granted.
- 8.12 Therefore, in accordance with PPG, a Section 73 Decision Notice should set out all the conditions imposed on the new permission, and, for the purpose of clarity, restate the conditions imposed on earlier permissions that continue to have effect.
- 8.13 Planning permission 24/00065/HOU was subject to four planning conditions.
- 8.14 Time cannot be extended or altered for Section 73 applications and, as such, Condition 1 (Time) needs to refer to the original 3-year time scale for implementation of the development.
- 8.15 Condition 2 (Approved Plans) needs amending to secure the latest revised plans.
- 8.16 Condition 3 (External Materials) remains reasonable and necessary to ensure satisfactory external appearance of the development. dwellings in accordance with Policy DM10 of the SADMP.
- 8.17 Condition 04 (Obscure Glazing) remains reasonable and necessary to protect the privacy and amenity of neighbouring dwellings in accordance with Policy DM10 of the SADMP.
- 8.18 All the conditions remain reasonable and necessary to ensure satisfactory development of the site. No additional conditions are considered to be necessary.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to amended conditions. No additional conditions are considered necessary.

11. Recommendation

11.1 **Grant planning permission for the variation of 24/00065/HOU** subject to:

- Planning conditions detailed 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 the original planning permission 24/00065/HOU on 02 March 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, received by the Local Planning Authority as follows:

- Elevations / Second Floor Plan / Sections/ Site & Roof Plan – 23_4314_12 A (submitted: 17.02.2025)

- Existing Elevations 23_4314_01 (submitted: 19.01.2024)
- Existing Floor Plans and Sections 23_4314_02 (submitted: 19.01.2024)
- Ground Floor Plan – 23_4314_11 A (submitted: 17.02.2025)
- Location Plan Drawing No. 23.4314 (submitted: 19.01.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the 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 of the existing dwelling other than the use of dark grey cedar cladding as submitted and indicated on the Elevations / Second Floor Plan / Sections/ Site & Roof Plan – 23_4314_12 A (submitted: 17.02.2025).

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The two proposed first floor en-suite windows in the east side elevation (facing No. 148 Newbold Road) shall be fitted with obscure glazing to a minimum of Level 3 on the Pilkington Scale and be non-openable to a minimum height of 1.7 metres above the floor level of the rooms that they serve. Once so provided, the windows shall always be permanently maintained as such thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwelling from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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.