

Delegated Report

Planning Ref: 23/00822/HOU
Applicant: Mr Joff Musson
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 13 Sunnyside Hinckley Leicestershire LE10 1TE

Proposal: Two storey side extension and garage conversion

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 extension and conversion of existing ground floor garage into a study. The originally plans have been amended to set down and set back the first floor and to extend further at the rear. The ground floor rear extension projects approximately 1.7 metres to the side of the dwelling with a depth of 6.5 metres joining the existing garage at its rear elevation to create a utility room. The first floor extension is set back from the front elevation by 0.5 metres. It measures 3.7 metres to the side boundary line and has a depth of 10.5 metres. This provides a new main bedroom and dressing area at first floor level. The overall height of the two storey extension is 7.5 metres at the ridge with matching eaves of 4.5 metres. The proposal includes a front canopy, a window to the front elevation of the former garage.
- 2.2. External materials to the extension are brick, concrete roof tiles and white uPVC windows to match the existing.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley in a row of similarly built, scaled and designed semi-detached dwellings. It is a two storey semi-detached dwelling with off white upper floor render, brick at ground floor, white uPVC windows and a flat roofed attached garage with parapet wall to the front elevation. The first floor of the building has a small side projection set back and set down from the front elevation and height of the main dwelling. The dwelling has a dual pitched roof and a side gable end. The site frontage has a paved driveway.
- 3.2. The surrounding street scene has a mix of two storey semi-detached and detached bungalows constructed with a mix of render and brickwork. The property is not listed and not within a conservation area.

4. Relevant planning history

18/00971/HOU – Single storey rear extension – Planning Permission – 20.11.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A re-notification was undertaken as a result of amended plans. No responses have been received as a result of the public consultation.

6. Consultation

- 6.1. Not required.

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 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

8. Appraisal

8.1. Extensions and alterations to existing domestic properties within urban 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 states:

'Two-storey extensions side extension should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for 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 direction).'

8.3 The proposed side extension on the ground floor projects out by 1.7 metres to a depth of 6.5 metres beyond the existing garage. The first floor extension is set back and set down, with a dual pitched roof and matching eaves height. The first floor measures 3.7 metres to the side boundary line and a depth of 10.5 metres. It has a ridge height of 7.5 metres and creates a hipped roof at the rear of the extension.

8.4 The overall extension is set back and set down to create a break between the main dwelling and the proposed extension, reduce the terracing effect on the street scene and complementing the character of the area. The proposed external materials match the existing. The roof design fits with the character of the street scene and is not harmful to the surrounding character. The garage conversion

remains incidental to the use of the dwelling. The extension is considered to have appropriate scale, design, and height and complies with the adopted Good Design Guide.

- 8.5 The proposed extension is clearly subordinate to the main dwelling by virtue of siting, scale, design and proposed use of matching external materials in its construction to ensure a unified appearance, it is considered that the proposal respects the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.6 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.

- 8.7 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.'

- 8.8 The proposed two storey extension extends to the side boundary. It is set down and set back with a gable to the side. The two storey element extends 2.6m beyond the existing two storey part of the dwelling. There are no windows to the side elevation at either ground or first floor level. 15 Sunnyside has two side windows to the first floor, a single side window to the ground floor side extension. These are not principal windows and not serving habitable rooms and therefore there is no conflict in terms of the 45 degree rule. The sun path is not significantly obstructed by the proposed side extension as a result of the orientation of the site and therefore the proposal does not result in significant loss of light. The existing fence separates both 13 and 15 Sunnyside and there is no significant impact on the gardens of adjoining properties. The proposal does not result in any significant adverse overbearing or loss of light/overshadowing impacts on the residential amenity of the occupiers. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP.

Impact upon parking provision

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.10 The site is within a sustainable urban location with easy access to full range of services and facilities by alternative and more sustainable transport means. The Leicestershire Highways Design Guide Part 3 states that a minimum of 2 parking spaces are required for dwellings with 3 or less bedrooms. The proposal does not increase the number of bedrooms. The loss of the garage does not impact on parking arrangement on the site. The current front driveway provides up to two off-street parking and therefore, the proposal is therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 extensions and alterations to an existing dwelling located within the urban settlement boundary of Hinckley 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 siting, scale, set down and set back of the extension, separation distance, design and proposed use of matching corresponding external materials, it is considered that the proposal respects the scale, character and appearance of the existing dwelling and the surrounding area. The proposal does not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. Two off-street parking are available for the three bedroom dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and not unacceptable in relation to 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 application details, as follows: Location Plan Licence No. 100047474 (submitted on 18/08/2023), Block Plan Licence No. 100047474 (submitted on 20/11/2023), Proposed Front Elevation SS/2023/008A (submitted 07/11/2023), Proposed Side Elevation Drawing No. SS/2023/010A, Proposed Rear Elevation Drawing No. SS/2023/009A, Proposed First Floor Drawing No. SS/2023/007A, Proposed Ground Floor Drawing No SS/2023/006, received by the local planning authority on 06/11/2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 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 extensions and alterations hereby permitted shall match the corresponding materials on the approved plans and elevation.

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

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.