

Delegated Report

Planning Ref: 24/00267/HOU
Applicant: Mr Harold Scattergood
Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 43 Highfields Thornton Leicestershire

Proposal: Lift shaft and rear dormer (Retrospective)(revised scheme of 23/00665/HOU)

1. Recommendations

- 1.1. **Refuse retrospective planning permission** for the reasons at the end of this report.

2. Planning application description

- 2.1. This householder application seeks retrospective planning permission for a lift shaft and dormer window on the rear elevation of a dwelling, 43 Highfields, Thornton.
- 2.2. The structures have already been completed and occupied. The lift shaft is located towards the centre of the rear elevation and is approximately 2 metres in external width and 1.7 metres in external depth and has a flat roof to a height of 7.5 metres matching the flat roof height of the rear dormer window. This revised scheme proposes that the appearance of the existing structure would be altered with the addition of a false window with opaque glazing in the rear elevation of the lift shaft at roof height, the addition of brick slips to match the existing facing brick style of the dwelling at first floor level on the lift shaft and the addition of green cladding on the roof level of the lift shaft to match that of the existing rear dormer. The lift shaft gives access from the ground floor rear conservatory to the first floor and loft space accommodation served by the dormer window. The dormer window is constructed directly off the rear elevation wall plate with a width of 6 metres, a depth of 2.5 metres and a height of 2.7 metres to within 0.4 metres of the main roof ridge. It is constructed with sage green composite cladding to its rear elevation and side cheeks and with white uPVC windows. No alterations are proposed to the existing dormer window. The unauthorised structures are subject to a planning enforcement notice.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Thornton on a residential estate. It is a two storey semi-detached house with horizontal design emphasis and gable sided main roof form. It is constructed with red/brown facing bricks, brown interlocking concrete roof tiles and white uPVC windows. It has a front porch extension with hipped roof form, a garage attached to the side elevation and extending well beyond the rear elevation which has a part lean-to roof and part asymmetric dual pitched roof behind a front stepped parapet wall and a white uPVC conservatory with red brick side parapet wall and shallow lean-to roof attached to the rear elevation. The lift shaft on the rear elevation is constructed in blockwork with grey rendered external walls. The flat roof dormer window in the rear roof elevation is constructed with sage green composite cladding to its rear elevation and side cheeks and with white uPVC windows. The site frontage is surfaced in concrete hardstanding and concrete paving slabs providing off-street parking for up to three cars in addition to the garage. The rear garden is enclosed by a mix of concrete panel and timber fencing and hedgerow.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No response has been received from Bagworth and Thornton Parish Council.

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
- 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 SPD (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Extensions and alterations to existing domestic properties 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

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:

'Wherever possible, locate roof extensions to the rear of properties to minimise potential impact on the street scene. Dormer windows, which allow for additional headroom within roof spaces can be appropriate in certain situations, however these will be considered in the context of impact upon the character of the building and on neighbours' amenity. Material selection, and scale of window opening and position within the roofscape is critical in the success of dormers. Care should be taken to ensure that the existing horizontal and vertical rhythm together with the proportion of openings is either reflected or complemented.' and,

'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.' and,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

- 8.3 Section 12 of the National Planning Policy Framework (2023) in paragraph 131 states that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 135 seeks to ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character including surrounding built form and landscape setting. Paragraph 139 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, taking into account any local design guidance and supplementary planning documents such as design guides.'*
- 8.4 The unauthorised flat roof dormer window is located on the rear roof elevation where under normal circumstances it would have less visual impact and prominence within the public realm. However, in this particular case, by virtue of the elevated ground level on which the application dwelling is constructed in relation to the dormer bungalows to the rear of the site, both this and the unauthorised lift shaft constructed off the rear elevation are clearly visible and are overly prominent structures within the public realm including from Merrylees Road and from the surrounding countryside. By virtue of its projection/depth beyond the rear elevation of the dwelling, its height of 7.5 metres well above the eaves of the main roof of the dwelling and both its existing and proposed appearance with the use of additional sage green cladding at roof level, it is considered that the lift shaft is, and would remain, an over-dominant and incongruous form of development that would fail to respect or complement the scale, character and appearance of the existing dwelling and results in a significant adverse visual impact on the surrounding area. The dormer window has been constructed off the rear wall plate and therefore does not sit comfortably within the roof elevation and by virtue of the oversized and disproportionate window opening appears as an over-dominant and incongruous addition to the roof which is exacerbated by the use of sage green cladding to the construction of its external walls which contrasts with the brown concrete roof tiles and further highlights its presence.
- 8.5 There is a two storey rear extension on the adjoining dwelling (No. 42) which has a flat roof design but this does not extend significantly above the height of the main eaves of the dwelling and together with the use of external materials of similar appearance and screening provided by a tall, continuous and well maintained conifer hedge across the rear boundary does not appear as an overly prominent or obtrusive structure within the public realm.
- 8.6 By virtue of their siting, scale, height, design and appearance it is considered that the lift shaft and rear dormer window result in uncharacteristic and incongruous forms of development that fail to respect, complement or enhance the scale, character and appearance of the application dwelling. By virtue of their elevated position, where they are visually prominent within the public realm, they result in significant adverse visual impacts on the character and appearance of the application dwelling and surrounding area. The development is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the general principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching design principles contained within section 12 of the National Planning Policy Framework (Dec 2023).

Impact upon neighbouring residential amenity

- 8.7 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.
- 8.8 The application dwelling occupies a significantly higher ground level in relation to the neighbouring dormer bungalow to the rear (30 Merrylees Road). Notwithstanding this, there is a separation distance of approximately 22 metres from the rear dormer window to the main rear elevation of No. 30 and there is a tall, continuous and well maintained conifer hedge across the rear boundary of No. 30 that provides effective screening between the opposing windows and for the rear garden of No. 30. By virtue of the separation distance and existing screening it is considered that the unauthorised proposals do not result in any significant adverse impacts on the residential amenity or privacy of No. 30 or any other neighbouring occupiers. The proposals would therefore have no significant conflict in terms of such impacts in respect of Policy DM10 of the adopted SADMP and the adopted Good Design Guide which requires a minimum back to back separation distance of 21 metres between windows.

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 within the settlement boundary of Thornton 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 separation distance and existing screening it is considered that the unauthorised proposals do not result in any significant adverse impacts on the residential amenity or privacy of No. 30 or any other neighbouring occupiers.

However, by virtue of their siting, scale, height, design and appearance it is considered that the lift shaft and rear dormer window result in uncharacteristic and incongruous forms of development that fail to respect, complement or enhance the scale, character and appearance of the application dwelling. By virtue of their elevated position, where they are visually prominent within the public realm, they result in significant adverse visual impacts on the character and appearance of the application dwelling and surrounding area. The development is therefore considered to be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the general principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching design principles contained within section 12 of the National Planning Policy Framework (2023) and is therefore recommended for refusal.

11. Recommendation

11.1 Refuse retrospective planning permission for the reasons at the end of this report.

11.2 Reasons

1. By virtue of their siting, scale, height, design and appearance the lift shaft and rear dormer window result in uncharacteristic and incongruous forms of development that fail to respect, complement or enhance the scale, character and appearance of the application dwelling. By virtue of their elevated position, where they are visually prominent within the public realm, they result in significant adverse visual impacts on the character and appearance of the application dwelling and surrounding area. The development is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the general principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching design principles contained within section 12 of the National Planning Policy Framework (Dec 2023).

11.3 Notes to applicant

1. This application has been assessed and determined with reference to the submitted Householder Planning Application, Location Plan reference v2c/972036/1310490, Pre-Existing Block Plan Dwg No. 43-HF-106 Issue A, Existing Block Plan Dwg No. 43-HF-105 Issue A, Existing Floor Plans Dwg No. 43-HF-101 Issue A, Existing Elevations Dwg No. 43-HF-102 Issue A, Proposed Floor Plans Dwg No. 43-HF-103 Issue A and Proposed Elevations Dwg No. 43-HF-104 Issue A received by the local planning authority on 21 March 2024.