

Delegated Report

Planning Ref: 24/00260/HOU
Applicant: Ms Vicky Hackett
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 33 Kensington Avenue Burbage Leicestershire

Proposal: Construction of car port and first floor side extension

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 car port and first floor extension above supported by brick piers to the side of a dwelling, 33 Kensington Avenue, Burbage. The proposal would be 4.6 metres in width, set back 2 metres from the front elevation with a depth of 7.1 metres with a 1 metre set in from the rear elevation. The proposal would have matching 5.5 metres eaves height as the existing dwelling and a subordinate 9 metres ridge height. The use of matching corresponding external materials and architectural detailing is proposed in the construction.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage on a corner plot within a residential estate. It is a two storey detached house with rectangular footprint and gabled main roof form. It is constructed with beige coloured roughcast render and red brick plinth to two walls and red facing bricks to the remaining two walls, plain brindle concrete roof tiles and white uPVC windows. It has two ground floor bay windows, red brick chimney, red brick soldier headers and stone cills, corbelled brick eaves and brick verge detailing, and white painted Georgian front door surround with shallow flat roof canopy. The site provides a total of three off-street parking spaces within the detached garage and on the 12 metres long tarmac driveway and hard standing to the side of the dwelling. The enclosed rear garden provides over 80 square metres of private amenity space.
- 3.2. The surrounding estate is characterised by two storey detached and semi-detached dwellings of the same age and style but with variety in terms of design and appearance as usually found on modern residential estates. To the west of the application site there is an area of grassed incidental public open space set around a mature tree.

4. Relevant planning history

None.

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. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objections have been received from:

LCC (Archaeology)
LCC (Ecology)
Burbage Parish Council

7. Policy

- 7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)
- No relevant policies
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. 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
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. 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. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

- 8.3. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states:

'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a 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 directions) unless in design terms this in itself would create an imbalance in the overall design of the property.'

8.4 By virtue of its 4.6 metres width, the proposed two storey side extension would extend for over half the 7 metres width of the existing dwelling but would be set back 2 metres from the highway elevation and set in 1 metre from the opposite elevation, a total depth of 7.1 metres. It would have the same 5.5 metres eaves height but a subordinate 9 metres ridge height to the main roof of the dwelling. Notwithstanding its width, by virtue of its set back/set in and subordinate height, the proposal would not overwhelm the existing dwelling or appear overly prominent in the wider street scene and would still appear as a clearly subordinate addition in general accordance with the adopted Good Design Guide for side extensions. The design includes appropriately proportioned windows of matching style and the use of matching external materials and architectural detailing is proposed to ensure a satisfactory and unified appearance. Notwithstanding that the proposal would extend up to the west boundary of the site, this is not critical in this case as it abuts an area of grassed incidental public open amenity space and by virtue of the separation distance would have no adverse impacts on the mature tree within it. The rear of the plot provides over 80 square metres of private amenity space and is considered to be acceptable to serve the resulting six bedroomed dwelling, particularly given the close proximity of the public open amenity space immediately to the west.

8.5 By virtue of the siting, scale, design and proposed use of matching corresponding external materials and architectural detailing, the proposal would respect and complement the scale, character and appearance of the existing dwelling and notwithstanding the proposed brick piers design would not result in any significant adverse visual impacts on the wider street scene. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the principles of the BNDP and the principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.6 Policy DM10 of the adopted SADMP and the adopted 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 proposal includes new first floor windows in the south elevation of the dwelling facing towards the double garage and blank side gable of No. 31 but these would be at a separation distance of 15 metres to the boundary of the site with the neighbouring rear garden. Similarly, there is a first floor window proposed in the north elevation but this would face over the public highway and at a separation distance of 16 metres to the front elevation of the neighbouring flats to the north (No. 35 and 2 Craigowan Close). The new first floor window in the west elevation faces across an area of public open space and would be 22 metres from the main windows of the nearest neighbouring dwelling to the west (1 Craigowan Close).

8.8 By virtue of its siting, scale, design and separation distances it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts, or any significant adverse impacts from loss of privacy from direct overlooking to the occupiers of any neighbouring dwellings. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections to the proposal have been received from the occupiers of any neighbouring properties.

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 proposal would result in the creation of two additional bedrooms (fifth and sixth) but would maintain a minimum of three off-street parking spaces within the site on the 12 metres long and 4 metres wide tarmacadam surfaced driveway/car port and within the existing garage. This level of existing/retained provision would be in accordance with the local highway authority design guide which requires three spaces for dwellings of three or more bedrooms. The dwelling is also located in a sustainable urban location with easy access to a full range of services and facilities by alternative more sustainable transport means. The proposal is therefore considered to be acceptable in terms of Policy DM18 of the adopted SADMP and local highway authority design guidance.

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 is for an extension and alterations to an existing dwelling within the urban settlement boundary of Burbage 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, design and proposed use of matching corresponding external materials and architectural detailing, the proposal would respect and complement the scale, character and appearance of the existing dwelling and notwithstanding the proposed brick piers design would not result in any significant adverse visual impacts on the wider street scene. By virtue of its siting, scale, design and separation distances it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. Adequate off-street parking for three vehicles and private rear amenity space of over 80 square metres would be retained within the site to serve the resulting six bedroomed dwelling. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the

principles of the Burbage Neighbourhood Development Plan and 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 and Proposed Site Plan Drawing No. B23/25/S01, Proposed Floor Plans Drawing No. B23/25/P01 and Proposed Elevations Drawing No. B23/25/P02 received by the local planning authority on 19 March 2024.

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 extension and alterations hereby permitted shall match the corresponding materials of the existing dwelling in accordance with the approved Proposed Elevations Drawing No. B23/25/P02 received by the local planning authority on 19 March 2024.

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 building.control@blaby.gov.uk or call 0116 272 7533.