

Delegated Report

Planning Ref: 23/00406/HOU

Applicant: Mr C. Mee

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: Edgwick 59 Main Street Barton in the Beans Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: First floor and single storey rear 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 the construction of a first floor and single storey rear extension to a dwelling, Edgwick, 59 Main Street, Barton in the Beans.

2.2. The proposed first floor extension would extend up to 3.37 metres from the rear elevation with a width of 4.77 above an existing single storey rear extension. It would have a dual pitched roof forming a rear gable to the same 4.6 metres eaves height, 7.75 metres ridge height and roof pitch as an existing rear gable from which it would extend. The single storey extension below would be extended by 1.34 metres in depth from the main rear elevation to the same 4.8 metres width and with a dual pitched roof forming a rear gable with the same 2.5 metres eaves height, 3.86 metres ridge height and roof pitch as the existing single storey structure. The existing single storey extension would be extended in width by 3.7 metres across the rear elevation with a flat roof to a height of 3 metres and then by a further 7.8 metres in width by a proposed brick and timber framed sunroom with a lean-to glazed roof with an eaves height of 2.25 metres and maximum height of 3.5 metres which would extend across the remainder of the rear elevation and wrap around the rear corner and extend 2.47 metres beyond the main side elevation to a maximum depth of 5.1 metres. The use of matching corresponding external materials is proposed in their construction.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Barton in the Beans and occupies an extensive corner plot. It is set back in relation to both Main Street and Congerstone Lane. It is a part two storey part 1½ storey end terraced period cottage (of three). It has dominant dual pitched front and rear gable projections and a subordinate dual pitched gable sided roof form over the remainder of the cottage with feature brick chimney stacks. It has a single storey extension attached to the rear elevation with dual pitched gabled roof. There are two dormer windows with dual pitched gabled roof form to both the front and rear elevations and a dual pitched porch attached to the front elevation. The dwelling is constructed of red rustic facing bricks, grey slate roof and cream uPVC windows. The site has a block paved surfaced vehicular access off Congerstone Lane to the rear which leads to an extensive loose stone surfaced area providing ample parking and turning space within the site. There is also a substantial garden area and grassed paddock and detached outbuilding to the rear facing open fields to the south (rear) of the site.

4. Relevant planning history

98/00387/FUL

- Extensions to dwelling
- Permitted
- 22.07.1998

93/00636/4

- Siting of LPG tank
- Permitted
- 27.08.1993

79/01531/4M

- Extension and alterations to dwelling
- Permitted
- 13.09.1979

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. One response has been received as a result of public consultation raising concerns in respect of compliance with the 45 degree rule and interference with Right to Light with reference to a ground floor kitchen and first floor bathroom window in close proximity to the site boundary.

6. Consultation

- 6.1. No response has been received from Shackerstone 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
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - 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 settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Assessment against strategic planning policies
- 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.

- 8.3 The Council's adopted Good Design Guide 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.' 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.'

- 8.4 The proposed first floor rear extension would extend an existing two storey dual pitched gable up to 3.37 metres further to the rear with matching 4.77 metres width, 4.6 metres eaves height, 7.75 metres ridge height and roof pitch and therefore would not be subordinate in height, resulting in a degree of in conflict with the adopted design guide in this respect. Notwithstanding this, the proposal would be to the rear elevation where it would not be overly prominent and it would result in a balanced main roof form to both front and rear elevations. A subordinate extension is not considered to be practical in design terms in this case as the proposal is to be constructed above an existing single storey extension and to achieve a subordinate height would require either an impractical reduction in its width or an uncharacteristic reduction in the roof pitch or an alternative roof form, both of which would be likely to unbalance the overall design and appearance of this attractive period dwelling. Therefore, the siting, height, width, depth and design of the proposed first floor extension are considered to be appropriate and acceptable in terms of scale in this particular case.

- 8.5 The proposed modest 1.34 metres extension in the depth of the existing single storey rear extension below it, to the same 4.8 metres width and dual pitched rear gabled roof form with the same 2.5 metres eaves height, 3.86 metres ridge height and roof pitch would also be appropriate in terms of its height, width, depth and design and be a subordinate addition to the dwelling. The proposed matching brick plinth and timber framed sunroom would extend 7.8 metres in total width across the rear elevation, including 2.47 metres beyond the main side elevation, to wrap around the rear corner to a maximum depth of 5.1 metres. It would have a clearly subordinate and appropriate lean-to glazed roof with an eaves height of 2.25 metres and maximum height of 3.5 metres. The proposal is considered to be appropriate in terms of its siting, subordinate scale, design and complementary appearance. To provide a link between these single storey structures, a 3 metres high flat roof

central single storey extension with a width of 3.7 metres and depth of 4.9 metres is proposed. The flat roof design is to avoid compromising an existing staircase window in the rear elevation. Notwithstanding that this would be uncharacteristic of the existing period dwelling, by virtue of its siting in a central position to the rear elevation and between two pitched roof structures where it would not be a prominent feature and would not result in any significant adverse visual impacts on the street scene or surrounding area, the proposal is considered to be an acceptable design solution in this case.

- 8.6 The proposals are designed with appropriately proportioned windows/doors and the proposed use of matching corresponding red rustic facing bricks, grey slate roof and cream uPVC window frames in their construction along with a natural timber frame and glazed lean-to roof in the construction of the proposed sunroom would ensure a unified and satisfactory appearance.
- 8.7 Notwithstanding that the various extensions proposed would significantly increase the ground floor footprint of the dwelling, this would be predominantly to the rear and the resulting dwelling would not be at all out of scale with the extensive corner plot that it occupies or result in any significant adverse visual impacts in any street scene or the surrounding area.
- 8.8 By virtue of their siting, scales, design and proposed use of matching corresponding, and complementary natural, external materials to ensure a unified and satisfactory overall appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing period dwelling and the surrounding area and that the proposals would therefore 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

- 8.9 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.
- 8.10 The 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.'
- 8.11 A response received as a result of public consultation raises concerns in respect of compliance with the 45 degree rule and interference with Right to Light with reference to a ground floor kitchen and first floor bathroom window, being 0.45 metres and 0.8 metres respectively from their nearest point to the common side boundary.
- 8.12 The proposed first floor rear extension would project 3.37 metres beyond the rear elevation of the adjoining dwelling and be set in from the common side boundary fence by only 1.2 metres. The proposal would therefore extend beyond a 45 degree line drawn from the quarter point and centre point of the closest neighbouring windows respectively. However, following discussion with the neighbouring occupier it has been established that the kitchen of No. 57 forms part of a larger ground floor room that extends across the rear elevation of that dwelling and is served by

another much larger, and therefore principal, window to that habitable room located to the far side of the rear elevation. The nearest first floor window serves a bathroom which is not classified as a habitable room by the adopted design guidance. As a result of the much greater separation distance of the principal habitable room windows at ground and first floor on the rear elevation of No. 57, the proposals would not extend beyond a 45 degree line drawn from them and therefore the proposal would not be in conflict with the adopted design guidance in this respect. The proposal would also be constructed adjacent to a hard-surfaced yard area and detached dual pitched roof brick and tile outbuilding adjacent to the common boundary in the neighbouring rear garden rather than the main amenity space which is located further from the common side boundary and further to the rear of the neighbouring dwelling. The proposed modest 1.34 extension to the depth of the single storey extension would also be screened from the rear elevation of No. 57 by the existing neighbouring outbuilding.

- 8.13 It is considered that the proposals would not result in any significant or unacceptable loss of direct sunlight or views to/from any principal habitable room windows in the rear elevation of the adjoining dwelling or its rear garden area in planning terms. However, the neighbouring occupiers would be able to pursue any Right to Light Act issue should they wish to do so as a separate legal/civil matter.
- 8.14 Notwithstanding the concerns raised, it is considered that by virtue of their siting, scale, design and separation distances, that the proposals would not result in any significant or unacceptable adverse overbearing or overshadowing impacts upon the residential amenity of the neighbouring dwelling and there are no windows proposed that would result in any significant loss of privacy to any neighbouring occupiers from potential direct overlooking. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 The proposals would result in the addition of a fourth bedroom. The extensive plot has large areas of loose stone surfaced hard-standing to the rear of the dwelling that provides more than adequate off-street parking and turning to serve a dwelling of this size and this would be unaffected by the proposals. The proposals would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance 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 relate to extensions and alterations to an existing dwelling located within the settlement boundary of Barton in the Beans 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, scales, design and the proposed use of matching corresponding, and complementary natural, external materials to ensure a unified and satisfactory appearance, the proposed extensions and alterations are considered to respect and complement the scale, character and appearance of the existing period dwelling and the surrounding area. Notwithstanding the concerns raised through neighbour consultation, for the reasons given in the report above and by virtue of their siting, scale, design and separation distances, it is considered that the proposals would not result in any significant or unacceptable adverse overbearing or overshadowing impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would retain more than adequate private amenity space and off-street parking and turning provision within the extensive site to serve the resulting four bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and local highway authority design guidance and are 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. 59MS/2023/2/5, Proposed Floor Plans Drawing No. 59MS/2023/3/5, Proposed Elevations

Drawing No. 59MS/2023/4/5 and Proposed Roof Plan Drawing No. 59MS/2023/5/5 received by the local planning authority on 28 April 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 of the existing dwelling.

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.