

Delegated Report

Planning Ref: 23/00887/HOU

Applicant: Mr and Mrs Haydon

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: Dunvegan Wood Lane Cadeby Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Erection of rear and side extensions and front porch, new dormer windows and other alterations to dwelling and detached outbuilding.

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 rear and side extensions, a front porch, new dormer windows and other alterations to a dwelling and a detached ancillary outbuilding at Dunvegan Wood Lane, Cadeby.
- 2.2. The proposed rear extension would extend up to 5.55 metres from the main rear elevation and for a width of 10.8 metres to adjoin and incorporate an existing single storey extension of similar depth to span the full width of the dwelling. Part of the extension would have a dual pitched roof to a width of 6.1 metres with an eaves height of 2.5 metres and a ridge height of 5.4 metres and a wide glazed panel in the rear gable with bi-fold doors at ground floor and full height apex windows at first floor. The remainder of the extension would have a flat roof to a height of 3 metres with four raised flat skylights and additional bi-fold doors and windows in the rear elevation. The proposed side extension would be attached to this and extend 3.6 metres in width and 6.6 metres in depth to provide a third garage space. It would have a dual pitched roof with gables to front and rear with an eaves height of 2.2 metres and a ridge height of 3.4 metres. An entrance porch, additional dormer window and small rooflights are proposed to the front elevation. The porch would have a width of 4.6 metres and a depth of 0.9 metres. It would have a dual pitched gable fronted roof with an eaves height of 2.3 metres and a ridge height of 4.5 metres. The proposed front dormer window would have a dual pitched gable fronted design with a width of 2.8 metres and height to ridge of 2.3 metres. Other alterations proposed include the removal of a number of bay windows, two chimney stacks and an external metal staircase and conservatory.
- 2.3. The proposed designs and external materials including white through render to all external walls with western red cedar cladding panels, slate roofing, new and replacement grey uPVC windows, oak timber frames with full height glazing, the replacement of hanging tiles to dormers with cedar cladding and new horizontal panel garage doors, would result in a contemporary restyling of this dormer bungalow.
- 2.4. The existing detached outbuilding within the rear garden would have a similar contemporary restyling with alterations to existing fenestration, horizontal red cedar cladding to all external walls, dark grey low profiled dual pitched roof, new grey uPVC windows and doors and the installation of a wood burning stove.
- 2.5. Re-consultations on the amended plans have been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary and historic core of the rural hamlet of Cadeby and within the Cadeby Conservation Area. It is a mid-20th century dormer bungalow with gable sided main roof form and double integral garaging with up and over doors. It has ground floor bays to front and side elevations, a front dormer with dual pitched roof and rear dormers with flat roof, a flat roofed rear extension, shallow pitched lean-to roofed rear conservatory and metal staircase to a first floor rear balcony. It is constructed with red facing bricks, grey plain clay tiled roof and white uPVC windows. There is a minimum of 5 off-street parking spaces within the double garage and on the double width block paved driveway and loose stone surfaced site frontage which is part enclosed by a low level stone retaining wall and low level highway boundary hedgerow. The rear garden is enclosed by a 3.5 metres high hedgerow to the northeast boundary and a variety of types and heights of fencing and planting to the other boundaries.
- 3.2. There is a detached outbuilding adjacent to the rear garden boundary. It measures 8 metres in width by 6.5 metres in depth and has a low profiled dual pitched roof form with side gables with an eaves height of 2.3 metres and ridge height of 3.4 metres. It is constructed of pebble-dashed concrete panelled walls, grey profiled metal sheet roof and white framed windows and blue painted access doors.
- 3.3. There is a recently constructed two storey detached dwelling to the northeast of red brick and plain clay roof tile construction and a two storey detached period cottage with white rendered walls with black stained timber framing and plain clay tiled roof to the southwest. Opposite to the west there are modern red brick and concrete roof tiled detached bungalows and a white rendered two storey dwelling. There is a large, grassed garden/paddock to the southeast (rear).

4. Relevant planning history

99/01014/FUL

- Insertion of dormer window
- Permitted
- 06.01.2000

99/00132/FUL

- Extension to dwelling
- Permitted
- 22.09.1999

85/00250/4

- Kitchen and conservatory extension
- Permitted
- 17.04.1985

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 and a notice was displayed in the local press.
- 5.2. One response has been received as a result of public consultation objecting to the siting of the proposed air source heat pump due to potential adverse impacts on residential amenity from noise.

6. Consultation

- 6.1. Cadeby Parish Council raise a concern regarding the proposed new/additional access which would affect the street scene and rural environment and impact on the conservation area and the street view in the green/wooded landscape.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

- 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance

- Cadeby Conservation Area Appraisal (CCAA) and Map (2007)
- 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:

- Design and impact upon the character and appearance of Cadeby Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character and appearance of Cadeby Conservation Area

- 8.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.3. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

- 8.4 Policy 13 of the adopted Core Strategy requires new development to respect the character and appearance of the Cadeby Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment including conservation areas and national and locally important heritage assets and should ensure the significance of a conservation area is preserved and enhanced. Proposals which seek to improve identified neutral and negative areas inside conservation areas will be supported and encouraged.
- 8.6 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.
- 8.7 The Cadeby Conservation Area Appraisal (CCAA) (2007) provides general conservation area guidance. The CCAA states that to maintain the distinctive character and appearance of the conservation area it will be necessary to ensure new development contributes positively to the character and appearance of the conservation area regarding siting, scale, design and materials used.
- 8.8 Dunvegan is a detached mid-20th century dormer bungalow with a character and appearance typical of a construction from that period. It is located within the boundary of the Cadeby Conservation Area but is identified as being a weak/negative area within the adopted Cadeby Conservation Area Appraisal (2007) by virtue of it not reflecting the traditional characteristics of the conservation area that is defined by other buildings of much greater historical and architectural interest such as the timber framed cottages Church Cottage and Old House Farmhouse sited near the application site in Wood Lane, both of which are grade II listed buildings.
- 8.9 The proposals seek to modernise the overall appearance of the dwelling with a contemporary design approach which provides limited opportunity for any particular enhancement to the character and appearance of the wider conservation area.
- 8.10 A slightly off-centre entrance porch, an additional dormer window and two small conservation style flush fitting rooflights are proposed to the front elevation. The porch would have an appropriate width of 4.6 metres and appropriate depth of 0.9 metres. It would have a clearly subordinate dual pitched gable fronted roof with an eaves height of 2.3 metres and a ridge height of 4.5 metres. Its contemporary design would reflect that of a similar glazed gable feature to the front of the recently constructed dwelling to the northeast (Lilac House). The proposed front dormer window to the right of the new porch would have a dual pitched gable fronted design with a width of 2.8 metres and height to ridge of 2.3 metres which would closely match the scale, set back and form of the existing front dormer window to the left and would therefore provide balance to the appearance of the front elevation. Other alterations proposed include the removal of a number of bay windows from the front and side elevations and the removal of two brick chimney stacks. In this particular case, these alterations are considered to be acceptable in design terms as these features would not complement the overall contemporary restyling of the dwelling and do not contribute significantly to the character or appearance of the wider conservation area.
- 8.11 The remodelling of the rear elevation is more extensive, but the development proposed for this elevation continues the contemporary design concept. The proposed rear extension would extend to an appropriate depth of up to 5.55 metres

from the main rear elevation and for a width of 10.8 metres to adjoin and incorporate an existing single storey extension of similar depth to span the full width of the dwelling. Part of the rear extension would have a dual pitched roof to an appropriate width of 6.1 metres with an eaves height of 2.5 metres and a clearly subordinate ridge height of 5.4 metres. It would have a wide glazed panel in the rear gable with bi-fold doors at ground floor and full height apex windows at first floor. The remainder of the extension would have a clearly subordinate flat roof to a height of 3 metres with four raised flat skylights and additional bi-fold doors and windows in the rear elevation. The proposals would result in a more integrated design to the rear elevation and the removal of an external metal staircase and a lean-to conservatory which would enhance the overall appearance of the rear elevation of the dwelling. By virtue of their siting, form and subordinate scale it is considered that the proposals to the rear elevation would have no adverse visual impact upon the wider conservation area street scene.

- 8.12 The proposed side extension would be attached to the rear extension and would be set back 7 metres from the main front elevation of the dwelling. It would extend for an appropriate width of 3.6 metres and depth of 6.6 metres to provide a third garage space. It would have a dual pitched roof with gables to front and rear with an eaves height of 2.2 metres and a clearly subordinate ridge height of 3.4 metres. Notwithstanding its functional character and form, by virtue of its subordinate scale and set back of 7 metres from the front elevation and 7 metres separation from the neighbouring listed building, it is considered that the proposal would have no significant adverse visual impacts on the application dwelling, the setting of the listed building or wider conservation area street scene.
- 8.13 The existing dwelling is constructed of modern red brick walls and a clay tile roof. It is proposed to alter these materials with white through render to all external walls with western red cedar cladding feature panels, slate roofing, new and replacement grey uPVC flush fitting Georgian bar casement windows, oak timber frames with full height glazing, the replacement of hanging tiles to dormers with red cedar cladding and new horizontal panel garage doors, all of which would reflect the proposed contemporary design approach and restyling of the dwelling. It is nevertheless considered that the construction materials proposed would reflect the external materials of neighbouring dwellings and therefore respect the overall rural character and appearance of the wider conservation area in general terms.
- 8.14 There is a detached outbuilding adjacent to the rear garden boundary. It has a functional form and appearance but is well hidden from the street scene due to its siting and a great number of surrounding mature trees. It measures 8 metres in width by 6.5 metres in depth and has a low profiled dual pitched roof form with side gables with an eaves height of 2.3 metres and ridge height of 3.4 metres. It is constructed of pebble-dashed concrete panelled walls, grey profiled metal sheet roof and white framed windows and blue painted access doors. This would also have a contemporary restyling with alterations to existing fenestration, horizontal red cedar cladding to all external walls, dark grey low profiled dual pitched roof, new grey uPVC windows and doors and the installation of a wood burning stove. The proposals would significantly enhance its appearance and result in a more natural appearance that would better reflect its rural context on the edge of the hamlet. It is therefore considered that the alterations to the outbuilding would preserve the character and appearance of the wider conservation area.
- 8.15 There is a hedgerow along most of the site frontage which provides a sense of enclosure to Wood Lane and adds to the green and verdant character of the conservation area. However, the existing hedge is currently in a poor condition, so it is proposed to replace it with a new hedgerow of native species and continue additional hedgerow planting within the gap along the side boundary between the

application site and the adjacent grade II listed building Old House Farmhouse. It is considered that this is a positive aspect of the proposal which can be secured by condition and would result in an improvement to the character of the conservation area due to the re-establishment of a traditional means of enclosure to Wood Lane.

- 8.16 Cadeby Parish Council has raised concerns regarding the creation of an additional vehicular access off the lane and its potential impact on the rural character and appearance of Wood Lane and the wider Cadeby Conservation Area. However, the proposed new/additional access has subsequently been removed from the scheme.
- 8.17 The proposed scheme includes the installation of an air source heat pump. Policy DM2 of the adopted SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments including at the domestic scale and where all reasonable steps have been taken to avoid or mitigate any adverse impacts. The NPPF in section 14 provides strong support for such development at all scales.
- 8.18 The proposed air source heat pump would be installed at ground level towards the rear of the northeast side elevation facing a retaining wall where it would not be prominent within the street scene. By virtue of its discreet siting, it is considered that reasonable steps have been taken to avoid or mitigate any significant adverse visual impacts arising from the installation and that the environmental benefits of the proposal would outweigh any very limited visual harm to the dwelling or surrounding conservation area. The proposal would therefore be considered to be in accordance with Policy DM2 of the adopted SADMP in visual terms.
- 8.19 Overall, it is considered that by virtue of the siting, amended layout, scale, form, design and proposed use of appropriate complementary external materials, the proposals would respect and complement the scale of the existing dwelling and enhance its overall character and appearance and would result in a neutral impact upon the character and appearance of the Cadeby Conservation Area and the setting of the adjacent grade II listed building Old House Farmhouse. The alterations to the outbuilding would have a negligible but minor positive impact upon the character of the area. The replacement of the hedgerow to the site frontage with a native species hedgerow, including extending its length, would strengthen a positive characteristic of the conservation area and would therefore result in a minor enhancement and would preserve the character and appearance and thus significance of the Cadeby Conservation Area. It is therefore considered that the amended proposals would comply with Policies DM2, DM10, DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF, and the statutory duties of Section 72 of the Planning (Conservation Areas and Listed Buildings) Act 1990.

Impact upon neighbouring residential amenity

- 8.20 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.
- 8.21 The neighbouring dwelling to the northeast (Lilac House) is a two storey detached house occupying a slightly higher ground level than the application dwelling and whose rear elevation is set back approximately 2 metres from that of the application dwelling. The respective dwellings are set off the common side boundary by approximately 2 metres either side and the side boundary from the rear elevation is defined by a hedgerow of approximately 3.5 metres in height. As a result, notwithstanding the 5.55 metres depth of the proposed rear extension, by virtue of its siting, single storey scale and dual pitched roof design that slopes away from the side boundary, the proposal would not result in any significant adverse overbearing

or overshadowing impacts on any principal habitable room windows in the rear elevation or near side elevation of Lilac House or its rear amenity area. There are no windows proposed in the extension that would result in any loss of privacy to the occupiers of Lilac House from potential direct overlooking.

- 8.22 By virtue of the separation distance of approximately 7 metres from the proposed garage to the side elevation of the neighbouring dwelling to the southwest (The Old House) and there being no new/additional side facing windows, the proposals would not result in any significant adverse overbearing or overshadowing impacts on any principal habitable room windows or garden area or result in any loss of privacy to the occupiers of The Old House from potential direct overlooking. By virtue of the substantial separation distances to other neighbouring dwellings, the proposals would not result in any significant adverse overbearing or overshadowing impacts or any loss of privacy from potential direct overlooking to those occupiers.
- 8.23 The proposed alterations to the existing detached outbuilding would result in replacement fenestration to the front elevation and one new window in the northeast side elevation which both face directly into the applicants own garden. The number of existing windows in the southwest side elevation facing towards the rearmost part of the garden of The Old House would be reduced and the rear elevation facing the garden/grassed paddock of Church Farm House would remain blank. The proposed new wood burning stove flue would be located at approximately 10 metres from the nearest part of any neighbouring dwellings. As a result, it is considered that the proposed alterations to the outbuilding would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings.
- 8.24 An objection has been received in respect of the siting of the proposed air source heat pump in close proximity to the neighbouring dwelling and potential adverse impacts on residential amenity from noise. The proposed air source heat pump would be installed at ground height on the northeast side elevation which faces a small retaining wall and the side elevation of the adjacent dwelling, Lilac House, which has a first floor window. The Environmental Health (Pollution) team have assessed the proposal and, whilst suggesting siting to the rear elevation would be preferable raise no objection, but suggest a condition to require that the air source heat pump comply with Microgeneration Certification Scheme planning standard MCS 020 in respect of noise generation should be included. Subject to the imposition of a planning condition to require compliance with this standard for such equipment, the proposed air source heat pump would not be considered to result in any significant adverse noise impacts on the residential amenity of the occupiers of the neighbouring property.
- 8.25 Notwithstanding the objection received, by virtue of the siting, layout, scale, design, separation distances and existing screening, and subject to a condition in respect of the proposed air source heat pump, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and that they are therefore in accordance with Policies DM2 and DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.26 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.27 The site currently provides a minimum of five off-street parking spaces within the integral double garage and on the double width block paved driveway and loose stone surfaced site frontage. The proposals would increase this provision to 7

spaces with the addition of a further garage and block paved hardstanding to the side.

- 8.28 The proposals would not increase the number of bedrooms but would provide larger rooms with additional ensuite etc. facilities. The existing and proposed off-street parking provision would therefore remain more than adequate to serve the existing/resulting dwelling and 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 proposals relate to extensions and alterations to an existing dwelling within the settlement boundary of Cadeby 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. Notwithstanding the objection and concerns received, by virtue of the siting, amended layout, scale, form, design and the proposed use of appropriate complementary external materials, it is considered that the amended proposals would respect and complement the scale of the existing dwelling and enhance its overall character and appearance and would result in a neutral impact upon the character and appearance of the Cadeby Conservation Area and the setting of the adjacent grade II listed building and would therefore preserve the character and appearance and thus significance of the Cadeby Conservation Area. By virtue of the siting, layout, scale, design, separation distances and existing screening and subject to a condition in respect of the proposed air source heat pump, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking at least six vehicles and adequate private amenity space of over 600 square metres would be retained within the site to serve the resulting dwelling. The

proposals are considered to be in accordance with Policy 13 of the adopted Core Strategy, Policies DM1, DM2, DM10, DM11, DM12 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, section 16 of the NPPF (2023) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 Drawing No. 12 and Proposed Outbuilding Floor Plan and Elevations Drawing No. 11a received by the local planning authority on 8 September 2023 and Proposed Dwelling Floor Plans and Elevations Drawing No. 03b received by the local planning authority on 6 October 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 , DM10 and DM12 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 shall be in accordance with the materials details submitted on the approved Proposed Outbuilding Elevations Drawing No. 11a received by the local planning authority on 8 September 2023 and Proposed Dwelling Elevations Drawing No. 03b received by the local planning authority on 6 October 2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The replacement of the native hedgerow to the site frontage shall be carried out in accordance with the approved Ground Floor Plan Drawing No. 03b received by the local planning authority on 6 October 2023 in the first planting season following the removal of the existing hedgerow. The replacement native hedgerow shall then be permanently maintained in situ at all times thereafter. Any native hedgerow plants which die or are damaged, removed, or seriously diseased shall be replaced by native hedgerow plants of a similar size and species to those lost.

Reason: To preserve and enhance the character and appearance of Wood Lane and its contribution to the significance of the Cadeby Conservation Area

and to ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The air source heat pump hereby permitted shall comply with Microgeneration Certification Scheme planning standard MCS 020 and once installed shall be permanently so maintained at all times thereafter.

Reason: To ensure that its use and operation does not result in any unacceptable noise impacts on the residential amenity of any neighbouring properties in accordance with Policies DM2 and 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.