

Delegated Report

Planning Ref: 23/00562/HOU

Applicant: Mr Martyn Lloyd

Ward: Hinckley Trinity

Site: 76 Teign Bank Road, Hinckley

Proposal: Demolition and replacement of existing garage, conservatory and balcony



Hinckley & Bosworth
Borough Council

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 application proposes to demolish the existing garage, rear extension and first floor rear balcony, and replace with a single storey rear extension, garage and first floor rear balcony.

3. Description of the site and surrounding area

- 3.1. The property is located on Teign Bank Road, Hinckley, and is a two storey detached dwelling. The road is made up of a mix of detached and semi-detached two storey dwellings, constructed of a mix of materials including brick and render finishes. The development site benefits from a large elongated garden to the rear.

4. Relevant planning history

17/00240/FUL

Erection of a garage and storage outbuilding

Planning permission

22.05.2017

21/00410/CLE

Certificate of (existing) lawful development for 2nd floor balcony to the rear accessible from a second storey door and a garage to the side of the property

Certificate granted

11.06.2021

23/10061/PREHMO

Replacement garage, ground floor extension and balcony

Advice given

30.05.2023

5. Publicity

- 5.1. The application has been publicised by sending letters to neighbours.
- 5.2. No comments have been received.

6. Consultation

- 6.1. None.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.2. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3. The proposal includes a single storey rear extension and redevelopment of the existing balcony, alongside a replacement attached garage to the side and rear. The proposals would not be highly visible from the street scene or public vantage points to the degree that it could cause any detrimental impacts upon the character of the area. It is considered that the materials proposed are satisfactory and the garage element, which is viewable from the street scene is set back from the principal elevation of the dwelling significantly therefore having limited impacts.

8.4. Overall due to the position of the proposed extensions and works, alongside the details of design and materials, it is considered that the proposed single storey side and rear extension would not cause detrimental impacts upon the character of the area and as such it is in accordance with Policy DM10 of the SADMP and the Good Design Guide (2020).

Impact upon neighbouring residential amenity

8.5. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.6. It is considered that the proposed garage and single storey rear extension will not impact upon the neighbouring residents amenity, in terms of loss of privacy, loss of light or overbearing impacts. This is due to the single storey nature and existing boundary treatments in situ at the property, consisting of 2m wooden close boarded fence. The proposals also do not extend significantly beyond the rear

elevation line of both adjacent neighbours existing single storey rear extensions.

- 8.7. With regard to the proposed replacement balcony, it is important to understand the applicants fall back position with regard to this element. The balcony has been granted as lawful under a certificate of lawful development application. Whilst it is acknowledged that if the applicant was to remove the balcony, then the replacement would not be lawful and would require planning permission. The newly proposed balcony, through improved design and construction is to have a lower overall floor level, in turn reducing the overlooking and loss of privacy impacts. Whilst it is acknowledged that the balcony does have a degree of overlooking into the rear amenity space of the two neighbouring properties, no objections have been received in relation to this and the overall design is preferable to the existing structure.
- 8.8. It is therefore considered that the impacts upon neighbouring residential amenity through this proposal are not significant to warrant a refusal of planning permission, and are in general accordance with Policy 10 of the SADMP.

Impact upon highway safety

- 8.9. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.10. The proposed application for a single storey rear extension, replacement garage and balcony, does not increase the number of bedrooms at the property, nor does it reduce the number of available parking spaces. The provision of one off-street car parking space, is sufficient to serve the two bedroom property as per the Leicestershire Highways Design Guidance. The larger garage will be able to accommodate one vehicle, with room for an additional two vehicles to the sites frontage and side.
- 8.11. Overall the proposal would not result in adverse impacts upon highways safety and would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

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 seeks to demolish and replace the existing single storey rear extension, balcony and garage. The proposal is deemed acceptable due to the limited adverse impacts upon the character of the area, neighbouring residential amenity and highway safety.

- 10.2. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

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:

Proposed First Floor Plan
Proposed Ground Floor Plan
Site Location Plan
Proposed Building Plan (Revised)
Block Plan

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 proposed elevations of the extensions shall accord with the approved materials detailed within the application form.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies 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.