

Delegated Report

Planning Ref: 26/00078/CONDIT
Applicant: Mrs Alison Hazlewood
Ward: Bagworth, Merry Lees and Thornton



Hinckley & Bosworth
Borough Council

Site: 124 Station Road, Bagworth

**Proposal: Application to vary condition 2 of planning permission 25/00794/HOU.
Change of roof from gabled to flat roof.**

1. Recommendations

1.1. Grant planning permission subject to:

- Planning condition outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.
- 2.2. In this case, planning permission reference **25/00794/HOU** granted planning permission for the erection of a 1.5 storey rear extension to 124 Station Road, Bagworth. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted, with particular regard to a windowed clipped-gable end and associated fenestration at the rear of the property.
- 2.3. This application seeks planning permission for the variation of condition 2. This change sees to alter the permitted clipped-gable end rear roof form projection to a first floor flat-roof section. The ground floor footprint remains as the configuration previously approved (a depth of 3.5m by a width of 8.81m) and there are no design alterations at ground-floor level. The alteration to the first floor is, therefore, considered a visible external change, which constitutes a material amendment.
- 2.4. In addition to the alterations above, proposed fenestration includes a full-length window measuring a width of 1.2m, a Juliet-style balcony measuring a width of 1.7m and a standard casement window at the right hand side measuring a width of 1.2m, replacing any previously approved windowed gable under 25/00794/HOU.

3. Description of the site and surrounding area

- 3.1. The application site is located at 124 Station Road within the settlement boundary of Bagworth. The property comprises a detached dormer bungalow situated between a two-storey detached dwelling and another single-storey (non-dormer) bungalow.
- 3.2. The dwelling is constructed in red brick with a tiled roof and features a side-facing gable-to-gable roof form, which with the side elevation windowed gables serving the first-floor rooms on the side elevations. It has a small projecting mono-pitched elevation at the front elevation and the rear elevation benefits from a conservatory and a rear facing projecting windowed gable which acts as a dormer.
- 3.3. The property is set back 10m from the highway by a generously sized half-grassed, half-paved driveway and is bounded by a mixture of soft and hard boundary treatment. It has a detached garage to the rear of the dwelling, within the property curtilage and is accessed via a sheltered driveway.

- 3.4. The surrounding area is predominantly residential in nature. Properties in the vicinity are generally of varying scale and design, with two-storey detached/semi-detached dwellings sitting to the north of the site, single-storey detached dwellings to the south of the site and historical Victorian terraced-dwellings and newly built terraced dwellings to the west of the site.
- 3.5. Bagworth is a village which is primarily linear designed along the arterial Station Road, and there are very few sub-arterial roads. To the north, west and south of the application dwelling lies further residential dwellings. To the rear (east) lies agricultural farmland and a rural buffer separating the site from the village of Thornton.
- 3.6. The site is not located within a conservation area, nor is the property listed.

4. Relevant planning history

25/00974/HOU

- 1.5 storey rear extension
- Permitted
- 15.10.2025

5. Publicity

- 5.1. No neighbouring properties were consulted as this proposal relates to a Section 73 application.

6. Consultation

- 6.1. No objections were received from 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
- Policy DM18: Vehicle Parking Standards

- 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 (2020)
- National Design Guide (2019)

8. Appraisal

- 8.1. The principle of development, siting, layout and overall design of the proposed extensions and alterations have already been established through the earlier grant of planning permission 25/00974/HOU. The key issues in respect of this application are therefore:

- Impact of the amended flat roof rear extension upon the character and appearance of the area
- Impact of the amended flat roof rear extension upon neighbouring residential amenity
- Conditions

Impact upon the character and appearance of the area

- 8.2 The Council's Good Design Guide states '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'.
- 8.3 The original variation of condition proposed first-floor extension spanned the whole width of the first-floor. The applicant has since amended the width of the first-floor extension so that it now retains a clearance of 0.6m at each side elevation, resulting in a total reduction of 1.2m since the original plans were submitted.
- 8.4 The proposed flat roof is generally screened from the public realm and would only be visible in glimpses from the street. In addition, any visibility of the rear flat roof element is further mitigated by the dwelling's 16m separation distance from the highway. The first-floor element as part of this proposal represents a significant reduction in depth and massing from the original permission, and its visual impact is therefore substantially reduced.
- 8.5 The original report states:
- 'A PRow lies approximately 180m to the east of the rear garden boundary and views of the extension may be possible from the footpath. Views would however be distance and the extension would be viewed against the backdrop of a varied rear streetscene.'*
- This element of the previous assessment remains valid, and although flat-roof designs are generally resisted in design terms, the significant reduction in scale and massing at first floor level is considered to appropriately mitigate this.
- 8.6 The materials of the first-floor extension element remain consistent with the ground-floor and the main host dwelling, by its use of hanging tiles and facing brickwork. This is compliant with the guidance of the Good Design Guide and the particulars of Policy DM10.
- 8.7 The windows proposed remain largely consistent with the established opening patterns, dimensions of existing windows and established material pallet, which aligns with the Good Design Guidance on fenestration.
- 8.8 The proposal therefore remains in accordance with Policy DM10 of the adopted SADMP and the guidance set out in the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.2. The previous approval report states:

'the rear extension is likely to cast a larger shadow over the rear gardens of properties perpendicular and to the north, Nos. 6, 7 & 8 Warwick Close, however, this overshadowing pre-exists to a degree and by virtue of the separation distance and scale of the extension the additional loss of light is insufficient to warrant refusal.'

- 8.3. The substantial reduction in scale and massing at first floor level means that any overbearing impacts would be reduced as part of the revised proposal (a reduction of approximately 4.2m in depth).

- 8.4. With regards to windows, the original report states:

'There are no properties to the rear (east) of the application site, where most of the new proposed windows face, and therefore any amenity impact for neighbouring dwellings is largely reduced. The small rooflight proposed to adjoin the existing rooflight on the frontage roof will not cause any amenity impact for any neighbouring dwelling.'

- 8.5. This assessment remains valid for the revised proposal. Furthermore, there are no windows at the side elevation of the first-floor extension and thus poses no further harm by way of loss of privacy to what was previously approved.

- 8.9. As such, the amended development remains in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Conditions

- 8.10. The previously approved planning permission 25/00974/HOU was subject to 2 conditions. The time limit imposed by Condition 1 remains as three years from the date of the original planning permission 25/00974/HOU. Condition 2 has been updated to reflect the amended plans, which now supersede those originally approved.

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 are for variations to a previously approved planning permission for an extension to an existing dwelling within the settlement boundary of Bagworth, where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted Site Allocations and Development Management Policies and the overarching principles of the NPPF.
- 10.2. The variations to the previously approved extension are considered to continue to respect and complement the scale, character, and appearance of the existing dwelling and wider street scene, and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties, nor impact the parking provision at the site. The development is therefore considered to remain in accordance with the existing dwelling and wider countryside. The proposal would adhere to Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies and the general principles of the Council's Good Design Guide. It is recommended for approval, subject to amended Condition 2 (Plans), which defines the new planning permission.

Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 25/00974/HOU (15/10/2025).

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 Plans - Drg No. 124SR-A6 (received by the Local Planning Authority on 12.03.26)
- Proposed Elevations - Drg No. 124SR-B7 (received by the Local Planning Authority on 12.03.26)
- Proposed Site and Location Plans - Drg No. 124SR-SLP(2) (received by the Local Planning Authority on 12.03.26)

- Application form (received by the Local Planning Authority on 27.01.26)

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).

Notes to Applicant

- a) Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Standing Advice valid from 1st January 2025 until 31st December 2026 2.

- b) 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.