

Delegated Report

Planning Ref: 24/00044/HOU

Applicant: Mr And Mrs Whittingham

Ward: Ratby, Bagworth and Thornton

Site: 7 Mill Lane, Thornton

Proposal: First floor side extension and loft conversion with dormer to rear



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. The application proposes a first floor side extension, loft conversion with a dormer to the rear serving the bedroom within the proposed loft conversion. Amended plans were sought throughout the application which sets the extension down from the ridge height of the main dwelling and includes a window to the first floor side extension on the front elevation to break up the previously proposed massing.

3. Description of the site and surrounding area

- 3.1. The property is located within the settlement boundary of Thornton. It is a two storey semi-detached property located on Mill Lane. The property is located with the rear elevation facing onto the rear gardens of Main Street, with arable fields to the South West.

4. Relevant planning history

12/00718/HOU

EXTENSIONS AND ALTERATIONS TO DWELLING.

Planning permission

25.10.2012

5. Publicity

- 5.1. The application has been publicised by sending letters to neighbours and a site notice posted within the vicinity of the site.
- 5.2. One letter has been received objecting to the proposal. The objection did not relate to the side extension but to the dormer window proposed within the loft conversion which the neighbour has concerns in relation to loss of privacy and overlooking.

6. Consultation

- 6.1. Thornton Parish Council: No comments made.

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) (2023)

- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2023)

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. 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 first floor side extension, a loft conversion with dormer window to the rear. The existing property has a balcony which sits atop the existing single storey side extension, and it is considered that the first floor side extension which is set down from the ridge height of the main dwelling, would be acceptable in terms of design and would not detrimentally impact the character of the area beyond the existing situation. It is noted that the Juliet balcony and glass balustrade is acceptable when considering what is existing on site.
- 8.4. The proposed loft conversion and rear dormer would not be visible from public vantage points and as such would not have impact upon the character of the area or the visual amenity of the area.
- 8.5. The works are proposed to use matching materials to the host dwelling which includes a rendered finish to the walls, matching roof tiles and timber windows and doors.
- 8.6. As such it is considered that the proposal is in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.7. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.8. The proposed side extension and juliet balcony is not considered to cause any detrimental impact on neighbouring residential amenity when considering the location of windows and doors, the relationship of the orientation of the extension to neighbours and the existing side extension and balcony which exists on site. It is considered that there would be no detrimental impacts upon neighbouring residential amenity in terms of loss of light, loss of privacy, overlooking or overbearing impacts.
- 8.9. The proposed loft conversion and dormer window, which faces towards the rear gardens of the properties located along Main Street, Thornton does have some impacts of overlooking and loss of privacy. However, when considering the fallback position of the applicant, it is considered that the dormer window and loft conversion

to a degree could be delivered under permitted development and as such would bypass the need to apply for formal planning permission. When considering the fall-back position, the proposal is considering in general accordance with Policy DM10 of the SADMP.

- 8.10. Overall the proposed first floor side extension, loft conversion and rear dormer are considered acceptable in terms of the impact on neighbouring residential amenity, and is in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.11. 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.
- 8.12. The proposal for the first floor side extension, loft conversion and rear dormer is not considered to have any detrimental impact on highways safety or vehicle parking standards.
- 8.13. As such the proposal is considered to be in accordance with Policies DM17 and DM18 of the 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 erect a first floor side extension, loft conversion and rear dormer window. 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:

Site Location Plan Drg No. Pg.09 received by the LPA on 15/02/2024
Proposed GF Plan Drg No. Pg.02 received by the LPA on 12/03/2024
Proposed FF Plan Drg No. Pg.04 received by the LPA on 12/03/2024
Proposed Loft Plan Drg No. Pg.06 received by the LPA on 12/03/2024
Proposed Elevations Drg No. Pg.08 received by the LPA on 12/03/2024

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 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.