

Delegated Report

Planning Ref: 23/00626/HOU

Applicant: Mr J. and Mrs K. Blackman

Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 7 Hill Close Peckleton Leicestershire

Proposal: Two storey side extension with balcony to the rear and single storey side 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 two storey side extension with balcony to the rear and single storey side extension to a dwelling, 7 Hill Close, Peckleton.

2.2. The proposal would extend 5 metres from the existing side elevation and for a depth of 12.7 metres at single storey height and 7 metres at two storey height. The two storey section would extend the existing dual pitched side elevation gable with matching brick detailing and matching eaves height of 5.1 metres and matching ridge height of 8.2 metres as the existing main roof. Large full height glazing is proposed to both floors on the rear (northwest) elevation along with a 0.5 metres deep and 4.6 metres wide first floor balcony enclosed by a glazed balustrade. The single storey section would have a more contemporary flat roof design to a height of 3 metres and with extensive full height glazing to both elevations and two flat profile rooflights. Matching facing bricks and roof tiles are proposed in the construction along with either matching uPVC or powder coated aluminium windows. An external metal flue is proposed extending from the flat roof and adjacent to the two south elevation of the two storey section to serve a log burner.

2.3. Amended plans have been submitted to amend two first floor secondary windows to one larger window. Given the minor non-material nature of the amendment no re-consultation has been undertaken. A Preliminary Roost Assessment has been submitted to support the application.

3. Description of the site and surrounding area

3.1. The application dwelling lies within the settlement boundary of Peckleton on its north eastern edge and within a small residential cul-de-sac of similar detached dwellings and with open fields to the north. It is a two storey detached house with dual pitched gable sided main roof form and an 'L' shaped footprint as a result of a subordinate dual pitched two storey forward projection that includes double garaging. The front elevation has a subordinate dual pitched front gable of shallow depth with a ground floor bay window, glazed porch with lean-to roof, dual pitched half dormers at first floor, brick corbel roof verge detailing, exposed rafters to eaves, arched brick headers and slanted brick cills. The brick detailing continues on the other elevations. The dwelling is constructed of red/blue facing bricks, grey flat concrete roof tiles and white uPVC windows. The site provides five off-street parking spaces within the double garage and on the tarmac surfaced garage forecourt and the site frontage. There is a large garden to the rear providing more than adequate private amenity space and a separate grassed paddock beyond.

- 3.2. The neighbouring dwellings within the cul-de-sac are of similar scale, character and appearance with some variations in their design.

4. Relevant planning history

18/00243/CLUE

- Change of use to residential amenity land
- Certificate of lawful existing use issued
- 10.05.2018

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 objections to the scheme on the grounds of overlooking and loss of light and adverse impacts on air quality from the proposed wood burning stove.

6. Consultation

- 6.1. As the submitted Preliminary Roost Assessment found no evidence of roosting bats Leicestershire County Council (Ecology) have no further comments to make.
- 6.2. No response has been received from Kirkby Mallory, Peckleton and Stapleton 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 DM6: Enhancement of Biodiversity and Geological Interest
 - 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 SPD (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions and alterations to existing dwellings 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 of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision
 - Impact on bats

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 provides further advice in respect of the siting and design of house extensions and states:
- 'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation.'* 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 two storey side extension would extend for an appropriate and subordinate width of 5 metres from the existing side elevation and for appropriate and subordinate depths of 12.7 metres at single storey height and 7 metres at two storey height. The two storey section would extend the existing dual pitched main side elevation gable with matching characteristic brick detailing and matching eaves height of 5.1 metres and matching ridge height of 8.2 metres as the existing main roof. It would therefore not be subordinate in height to the main dwelling however, in this particular case, by virtue of its location on a discreet corner plot and the 'L' shaped footprint of the application dwelling, the proposal would be well screened from any street scene and would be a visually unobtrusive addition that would not adversely affect the character or appearance of the application dwelling or the surrounding area.
- 8.5 The single storey section would have a more contemporary flat roof design to a height of 3 metres and would be a clearly subordinate addition in respect of its width, depth and height. By virtue of its siting and scale it would not be visible from any public areas. The glazed first floor balcony and larger full height glazed windows proposed to both floors of the rear (northwest) elevation of the two storey section and both elevations of the single storey section would result in a more contemporary appearance than the fenestration of the existing dwelling but would not result in any significant adverse visual impacts on the application dwelling or the surrounding area and is considered to be acceptable in design terms. Matching facing bricks and roof tiles are proposed in the construction along with either matching uPVC or powder coated aluminium windows to ensure a satisfactory and unified appearance. An external metal flue is proposed extending from the flat roof and adjacent to the two south elevation of the two storey section to serve a log burner. By virtue of its discreet siting and small scale it would not be visually prominent.
- 8.6 By virtue of the siting, scale, design and the proposed use of matching external materials and detailing to create a satisfactory and unified appearance, the proposed extension and alterations are considered to respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or surrounding area. The proposal is therefore considered to 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

- 8.7 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.
- 8.8 One response has been received as a result of public consultation raising objections to the scheme on the grounds of overlooking and loss of light and adverse impacts on air quality from the proposed wood burning stove.
- 8.9 The proposal would extend 5 metres from the existing side elevation of the dwelling, however, the single storey section would be set inside the boundary with the neighbouring dwelling by 4.3 metres and would have a flat roof design to a height of only 3 metres and the proposed two storey section would be set in from the side boundary by 10.4 metres with a pitched roof sloping away from the boundary. The proposal would also be located to the northwest of the garden of the neighbouring dwelling where it would have no impact on any direct sunlight. By virtue of its siting, scale and separation distances it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the neighbouring dwelling to the south (No. 6), or any other neighbouring dwelling.
- 8.10 The proposed two storey section would have two first floor windows in its southeast elevation serving a dressing area and an en-suite which would face directly towards the garden of No. 6 at a separation distance of 10.4 metres. Similarly, a first floor (secondary) bedroom window is also proposed in the southwest elevation facing the extensive rear garden of Elms Farmhouse at a separation distance of only 6 metres to the boundary. It is therefore considered to be reasonable and necessary to require (by condition) the fitting and future retention of obscure glazing and for the windows to be non-openable below a height of 1.7 metres above the floor level of the rooms that they serve in order to protect the privacy and amenity of the neighbouring occupiers of No. 6 and Elms Farmhouse from potential overlooking. It is considered that by virtue of its very narrow depth, the proposed glazed first floor balcony in the northwest elevation would not result in any significant adverse impacts on the privacy or amenity of the neighbouring dwelling to the northeast (No. 8) from any potential overlooking.
- 8.11 The extension includes a narrow diameter 5.6 metres high flue to serve a log burner. Notwithstanding the concerns raised by the neighbouring occupier in respect of potential air quality/pollution, it would be located 10 metres inside the applicant's boundary and would be required to comply with separate building regulations approval. Any potential future pollution issues that may result in any nuisance to the occupiers of neighbouring dwellings would be able to be satisfactorily addressed through separate environmental legislation should it be necessary.
- 8.12 Notwithstanding the objection received, by virtue of the siting, scale, design and separation distances and subject to the use of obscure and non-openable glazing where necessary, it is considered that the proposal would have no significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.14 The site currently provides five off-street parking spaces within the double garage and on the tarmac surfaced garage forecourt and the site frontage to serve the existing five bedroomed house. The proposal would result in one larger bedroom but remain a five bedroomed dwelling. The existing five car parking spaces within the site would be unaffected. This level of provision would remain adequate to serve the resulting five bedroomed dwelling and be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Impact on Bats

- 8.15 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.16 By virtue of the site being adjacent to open land and the proposals including works to the existing roof space, Leicestershire County Council (Ecology) required the submission of a survey report prior to determination of the application to inform the potential for the proposed development to impact on bats and their habitat. The submitted Preliminary Roost Assessment found no evidence of roosting bats at the site and there is no feature of nature conservation to preserve, Leicestershire County Council (Ecology) have no further comments to make in respect of the application. A standard condition requiring works to stop in the event of bats being discovered on site during construction is included in the recommendation to accord with Policy DM6 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 relates to an extension of and alterations to an existing dwelling located within the settlement boundary of Peckleton 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, scale, design and the proposed use of matching external materials and detailing to create a satisfactory and unified appearance, the proposed extension and alterations are considered to respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or surrounding area. Notwithstanding the objection received, by virtue of the siting, scale, design and separation distances and subject to the use of obscure and non-openable glazing where necessary, the proposal would have no significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal would retain more than adequate private rear amenity space and adequate off-street parking provision of five spaces to serve the resulting five bedroomed dwelling. The proposal is considered to be in accordance with Policies DM1, DM6, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and is 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 Site Plan Drawing No. JKB01-05-23PL received by the local planning authority on 23 June 2023 and Proposed Floor Plans Drawing No. JKB01-05-23PL Rev 1 and Proposed Elevations Drawing No. JKB01-05-23PL Rev 1 received by the local planning authority on 12 September 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).

4. Notwithstanding the submitted details, the first floor windows in the southeast and southwest elevations of the two storey extension hereby permitted serving the en-suite and wardrobes rooms (facing 6 Hill Close, Peckleton), and bedroom (facing Elms Farmhouse, Elms Drive, Peckleton), shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a minimum height of 1.7 metres above the finished floor level

of the rooms that they serve. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The flat roof of the rear extension hereby permitted shall not at any time be used as a balcony or sitting out area neither shall any balustrade, railings, wall or other means of enclosure be erected on any part of the flat roof.

Reason: To protect the residential amenity and privacy of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall be carried out in full accordance with the recommendations in respect of bats within Table 4 of the submitted Preliminary Roost Assessment by Arbtech dated 25 September 2023.

Reason: In order to protect wildlife species and their habitat in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

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.