

Delegated Report

Planning Ref: 25/00328/HOU
Applicant: Mr & Mrs K Stone
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 8 Merrylees Cottages Merrylees Road Desford

Proposal: Two storey side, single storey rear extension and front porch

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 seeks full planning permission for a two-storey side, single-storey rear and front porch extension at 8 Merrylees Cottages, Merrylees Road, Desford.
- 2.2. The proposed front porch extension would project outwards from the existing front elevation by 1.33 metres and would have a width of 1.98 metres. It would have a dual pitched canopy roof measuring 3.30 metres to the ridge and 2.08 metres to the eaves.
- 2.3. The proposed single-storey rear extension would project outwards from the existing rear elevation by 3.92, from the proposed rear elevation of the side extension by 4.35 metres and would have a width of 9.01 metres. It would have a mono-pitched roof form which would measure 3.60 metres to the ridge and 2.39 metres to the eaves.
- 2.4. The proposed two-storey side extension would project outwards from the existing rear elevation by 4.71 metres and would have a width of 7.21 metres. It would have a hipped roof form which would measure 7.52 metres to the ridge and 4.96 metres to the eaves.
- 2.5. Additional alterations include the addition of one window to the ground floor and the addition of one window to the first floor to the front elevation, the addition of two windows and a door to the ground floor and the addition of one window to the first floor of the side elevation, the addition of two windows and three Velux roof lights to the ground floor and the addition of two windows to the first floor to the rear elevation,
- 2.6. The proposed external material would match those of the existing dwelling with the exception of the timber frame to the proposed porch.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two storey end terrace dwelling outside of the Desford settlement boundary. The property is finished in red brick, grey roof tiles and white UPVC windows and doors. To the west of the site is a large hedgerow screening an industrial unit within Leaside industrial estate. Along with down the west side of the property, the rear of the dwelling can also be accessed via a shared driveway off The Sidings. The property is located at the end of this driveway. There are several detached garages on the north side of this driveway, ancillary to the cluster of properties along Merrylees Road that no.8 forms part of. Entrance into the rear amenity of no.8 in this direction is marked by a set of timber gates.

- 3.2. Properties within the vicinity are similar in design and appearance. The overriding character within the surrounding area is commercial.
- 3.3. A previous scheme for a two storey side and rear extension was permitted in January 2020, however, was never implemented.

4. Relevant planning history

19/01237/HOU

- Two storey side and rear extension
- Planning Permission
- 15.01.2020

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. No comments have been received.

6. Consultation

6.1. Desford Parish Council:

- No comments have been received.

6.2. Cadent Gas:

"We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective; however, we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements."

7. Policy

7.1. Desford Neighbourhood Plan 2018-2036

- Policy H7: Housing Design

7.2. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and upon the countryside
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Assessment against strategic planning policies

- 7.6. Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area and upon the countryside

- 8.2 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.
- 8.3 Policy DM10 of the Site Allocations and Development Management Policies DPD 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.
- 8.4 Policy H7 of the Desford Neighbourhood Plan seeks to ensure that any new development in Desford enhances and reinforces the local distinctiveness and character of the area in which it is situated.
- 8.5 The application seeks full planning permission for a two-storey side, single-storey rear and front porch extension at 8 Merrylees Cottages, Merrylees Road, Desford.
- 8.6 The Council's Good Design Guide seeks to ensure that *"front of properties are unlikely to be acceptable as they will be visually prominent within the street scene. If this type of development is proposed, it should take the form of the existing building, mirroring the roof pitch, replicate or have lower eaves height and the ridge should be below the existing ridge height."*
- "In addition, the proposal should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation."*
- 8.7 The proposed canopy porch extension above the main entrance would project outwards from the existing front elevation by 1.33 metres and would have a width of 1.98 metres. It would have a dual pitched canopy roof measuring 3.30 metres to the ridge and 2.08 metres to the eaves. This aspect of the development is considered to be minor, bearing no significant impact upon the character of the existing dwelling or surrounding area.
- 8.8 The Council's Good Design Guide seeks to ensure that *"Two-storey side extensions should appear smaller in scale and massing in order to be subordinate to the main building. 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 (the minimum distance for this should be 0.5 metres in both directions)."*
- "Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building."*

- 8.9 The proposed two-storey hipped roof side extension would be set back from the front and rear elevations of the host dwelling, whilst sitting down from its ridge and eaves. It would host a significant width of 4.71 metres, however, by way of its appropriate design and set back/set down distances it is not considered to be an incongruous or over dominant addition within the street scene. The single-storey element to this would project 3.92 metres beyond the rear elevation of the main dwelling and would feature a mono-pitched roof. The view of the rear addition would be extremely limited within the street scene by virtue of its location; therefore, it is not considered to have a significantly detrimental impact upon the visual amenity of the host dwelling or wider character of the surrounding street scene. Materials used would match existing.
- 8.10 Criterion ii – v of Policy DM4 of the Site Allocations and Development Management Policies DPD would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.11 It is therefore considered that the proposed development would be a subordinate, and a complementary addition to the existing host dwelling. The proposal is therefore in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and Policy H7 of the Desford Neighbourhood Plan in this regard. The application site is in a considerably poor area of countryside, already surrounded by a large amount of existing built development. It is therefore not considered that the proposed extension would detract from the already eroded countryside character it forms part of. For this reason, the proposal would not have a significant impact upon the wider countryside in accordance with Policy DM4 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the Site Allocations and Development Management Policies DPD requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.13 The proposed rear extension would not extend past the existing single storey structure accommodating a W.C. and boot room but would see the addition of a mono-pitched roof increasing the existing ridge height by 1.31 metres. Notwithstanding this increase, by way of its modest increase when compared to the existing along with there being no alteration to the overall projection of the rear elevation there is not considered to be any significant overlooking or overbearing impacts upon 7 Merrylees Cottages.
- 8.14 The site is bounded by industrial units to the north and west featuring significantly taller and blank elevations, and by agricultural land to the south.
- 8.15 The proposed development satisfies Policy DM10 of the Site Allocations and Development Management Policies DPD in this respect.

Impact upon parking provision

- 8.16 Policy DM18 of the Site Allocations and Development Management Policies DPD seeks to ensure that development would provide an appropriate level of parking provision, and that there would not be a significant adverse impact upon highway safety.

- 8.17 The Leicestershire Highways Design Guide seeks to ensure that dwellings hosting up to three bedrooms provide a minimum off-street parking provision for two vehicles.
- 8.18 The proposed extension would increase the number of bedrooms at the host dwelling from two to three. Two off-street parking spaces are accommodated to the rear of the site and the Leicestershire Highways Design Guide does not, require any additional parking provision to accommodate this increase.
- 8.19 The proposed development therefore accords with Policy DM18 of the Site Allocations and Development Management Policies DPD and the Leicestershire Highways 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.

10. Conclusion

- 10.1. Notwithstanding the location of the dwelling outside of any settlement boundary and therefore within designated countryside, the proposal is an extension and alterations to an existing dwelling within an established residential curtilage and therefore there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. The proposed development has been assessed, and the Local Planning Authority can conclude that the proposed development would complement the character and appearance of the host dwelling or the rural appearance/open character of the surrounding countryside, would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site or to upon the parking provision.
- 10.3. On this basis, the proposal is therefore considered to be in accordance with Policy DM1, DM4 and DM10, DM18 of the Site Allocations and Development Management Policies DPD, H7 of the Desford Neighbourhood Plan, the Leicestershire Highways Design Guide and the general principles of the Councils Good Design Guide. The proposal 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 26th March 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM1, DM4 and DM10, DM18 of the Site Allocations and Development Management Policies DPD, H7 of the Desford Neighbourhood Plan, the Leicestershire Highways Design Guide and the general principles of the Councils Good Design Guide.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Site Location Plan, Existing Site Plan, Drg No. KS01(90) 02 Rev A
 - Proposed Floors Plans, Elevations, Drg No. KS01 (PL) 01 Rev B
 - Existing, Proposed Parking Provision, Drg No. KS01 (PL) 02 Rev A
- All as received by the Local Planning Authority on the 26th March 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy DM1, DM4 and DM10, DM18 of the Site Allocations and Development Management Policies DPD, H7 of the Desford Neighbourhood Plan, the Leicestershire Highways Design Guide and the general principles of the Councils Good Design Guide.

11.3 Notes to applicant

- a) 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.
- b) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- c) If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

- d) Prior to carrying out works, including the construction of access points, please register on www.linsearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.