

Delegated Report

Planning Ref: 24/00517/HOU
Applicant: Mr Lewis Finney
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 5 Bosworth Close Hinckley Leicestershire LE10 0XW

Proposal: First floor side extension and front canopy

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 a first floor side extension over the existing flat roof garage and for a front canopy to a dwelling, 5 Bosworth Close, Hinckley.
- 2.2. The proposed first floor side extension is flush at the rear elevation and set back 0.5 metres from the front elevation. It measures 3.2 metres in width, 7.2 metres in depth. The extension is set down from the main roof by 0.5 metres. The extension has matching eaves and a ridge height of 6.5 metres. The front canopy covers half of the front elevation. The extension has a dual pitched roof forming a side gable with the same eaves height of 5 metres as the main roof. Bricks, roof tiles and white uPVC windows are proposed to match the existing dwelling.
- 2.3. The plans were amended to include both a set down and a set back of the extension.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley. It is a two storey semi-detached house with a flat roof attached garage. The dwelling has subordinate dual pitched roof side gable. It has a front projection forming a porch, white uPVC windows, red facing bricks and concrete roof tiles. The dwelling has a front loose stoned driveway, adjacent to it is a small grass area. The house is not listed and is not within a conservation area. The surrounding street is predominantly semi-detached similarly designed, two storey, brick built, side gable houses.

4. Relevant planning history

06/01295/FUL – Extension and Alteration to Dwelling – Planning Permission – 09.01.2007.

06/00942/FUL- Extension and Alterations to Dwelling – Planning Permission – 02.10.2006

04/00510/FUL – Erection of rear conservatory – Planning Permission – 16.07.2004.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. None required.

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)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing domestic properties 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

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 proposed first floor side extension measures 3.2 metres in width, 7.2 metres in depth and is flush with the rear elevation. The extension is set back 0.5 metres at the front elevation and is set down 0.5 metres from the main roof. It has a pitched roof forming a side gable and faces 6 Bosworth Close. The extension has similar eaves height of 5 metres as the main roof and a subordinate ridge height of approximately 6.5 metres. The extension increases the massing of the whole dwelling but it is not an overdevelopment considering the surrounding context. Numbers 12 and 25 Bosworth Close have had similar side extensions and therefore the proposed extension is not out of character in the street scene. The dimensions are appropriate and the proposal is subordinate to the main dwelling. The roof design retains the character of the existing dwelling and of dwellings in the vicinity. The proposed canopy joins the existing front porch at the same height. The use of external materials and the overall design matches with the existing dwelling.

8.4 By virtue of its lower ridge height, matching eaves, appropriate dimensioned and proportioned windows and matching materials, the proposal is considered to be clearly subordinate to the existing dwelling. The design is not visually harmful to the street character and has no significant adverse impacts upon the character or appearance of the application dwelling or wider street scene. The proposal is

therefore considered acceptable in design terms and in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.5 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. The Council's adopted Good Design Guide states:
- 8.6 *'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'*
- 8.7 The proposed extension is constructed on top of the attached garage and is just on the boundaries of 5 and 6 Bosworth Close. 6 Bosworth Close is sited approximately 2.4 metres further forward of 5 Bosworth Close. The extension has a side gable that faces a similar gable side elevation at 6 Bosworth Close, Hinckley. 6 Bosworth Close is set forward of 5 Bosworth Close, therefore the first floor extension does not significantly impact on the front windows of 6 Bosworth Close. 6 Bosworth Close has a rear first floor window that is set away from the extension. The scale of the first floor extension is appropriate and does not result in a significant overbearing impact on 6 Bosworth Close due to its appropriate size. The extension is flush with the rear elevation of the dwelling and the rear window at 6 Bosworth Close receives an acceptable level of light. There is no side window on the extension to cause any potential overlooking into the garden of 6 Bosworth Close. There are no significant adverse impacts on 6 Bosworth Close, its amenity or privacy of the occupiers. There is no side facing window to result in any loss of privacy to the neighbouring occupiers from potential overlooking.
- 8.8 By virtue of the above, the proposal does not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the overall general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.9 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.10 The site currently provides 2 off-street spaces to the front driveway. The integral garage does not meet the standard garage size however, the level of parking provision is sufficient to serve the resulting 4-bedroom dwelling. The site is also within a sustainable area with good public transport access. This is in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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 extensions and alterations to an existing dwelling within the settlement boundary of Hinckley 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 its siting, scale, appropriate design, set down and set back of the extension, and subject to the proposed use of matching corresponding external materials in their construction, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and have no adverse visual impacts within wider street scene. The proposal does not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate off-street parking provision and private amenity space are retained within the site. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the overall 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: Block Plan and Site Location Plan (submitted on 20 May 2024) and Proposed Floor Plan and Elevations Drawing Number 24.06-02 Rev C received by the local planning authority on 12 July 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 external elevations of the proposed extensions and alterations hereby permitted shall match the corresponding materials of the approved plans and elevation.

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).

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 building.control@blaby.gov.uk or call 0116 272 7533.