

Delegated Report

Planning Ref: 23/00223/HOU

Applicant: Mr Mark Boulton

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: Eyebrow Cottage Main Street Cadeby Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Erection of carport with storage and a timber fence

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 timber framed car port/store and a new boundary fence to a dwelling, Eyebrow Cottage, Main Street, Cadeby.

2.2. Following the receipt of amended plans the proposed car port/store would be located in the southwest corner of the rear garden/plot on existing block paved hard standing. The amended proposal would have a rectangular floor plan with a width of 3.2 metres, a length of 6 metres and a dual steep pitched plain clay tiled roof with an eaves height of 2.1 metres and a ridge height of 3.65 metres. It is proposed to be constructed with a decorative Oak timber frame, open to the front and northwest garden side elevations and with horizontal infill timber boarding to the southeast side and southwest rear walls and the rear storage section. A decorative roof mounted weather vane is also included. A new close boarded timber fence of 1.92 metres in height is proposed along the southwest garden boundary in front of the retained same height shared fence. The amended plan also includes the provision of an additional hard surfaced turning area to serve the proposed car port and the existing additional block paved parking spaces.

2.3. Re-consultations on the amended plans have been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary and historic core of the rural hamlet of Cadeby and within the Cadeby Conservation Area on a prominent corner plot at the junction of Church Lane and Main Street. It is a recently constructed two storey detached dwelling with gable sided roof form, eyebrow first floor windows and open Oak framed dual pitched canopy roof porch to its front elevation, feature brick chimney stack to its side elevation, brick roof verge detailing, arched brick headers and canted blue brick cills to windows. It is constructed with red multi rustic facing bricks, red/brown plain clay tiled roof and green timber cottage style windows. The rear garden is enclosed to three boundaries, including those to the highway, by 2 metres high walls constructed of matching facing bricks and topped with blue copings, the other boundary being a 1.9 metres high close boarded timber fence on a brick plinth. A pair of green metal framed gates with solid timber infill provide vehicular access from Church Street to the rear garden and block paved parking (three spaces) and turning areas.

3.2. There is a detached grade II listed building adjacent to the site to the southwest known as Church Cottage, a recently constructed two storey detached house to the southeast and a village hall on the opposite side of Church Street to the north east.

4. Relevant planning history

19/00714/FUL

- Demolition of existing bungalow and erection of two dwellings
- Refused
- 09.01.2020
- Appeal Allowed 02.06.2020

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 and a notice was displayed in the local press.
- 5.2. As a result of public consultation, objections to the originally submitted scheme were received from four separate addresses on the following grounds:
- 1) Detrimental to setting of listed building due to siting, proximity and scale
 - 2) Detrimental to Cadeby Conservation Area due to loss of views, excessive imposing size, unsympathetic design out of keeping with the area
 - 3) Adverse overbearing and overshadowing/loss of light impacts on neighbouring residential amenity (windows/patio/garden) due to siting, proximity and height
 - 4) Structure is not a car port as it is enclosed to three sides
 - 5) Inadequate heritage statement submitted
- 5.3. Following the receipt of amended plans and the public re-consultation process, the immediate neighbour supports the amended proposal and no objections have been received to the revised scheme.

6. Consultation

- 6.1. Cadeby Parish Council raised a number of objections to the originally submitted scheme but following the receipt of amended plans now raise no objections to the revised scheme.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Cadeby Conservation Area Appraisal (CCAA) and Map (2007)

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guidance

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 and appearance of the Cadeby Conservation Area and the setting of the adjacent listed building
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision

Design and impact upon the character and appearance of the Cadeby Conservation Area and the setting of the adjacent listed building

- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 Policy 13 of the adopted Core Strategy requires new development to respect the character and appearance of the Cadeby Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment including conservation areas and national and locally important heritage assets and should ensure the significance of a conservation area is preserved and enhanced. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.6 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.
- 8.7 The Cadeby Conservation Area Appraisal (CCAA) (2007) provides general conservation area guidance. Of relevance to this proposal, the CCAA states that to maintain the distinctive character and appearance of the conservation area it will be necessary to ensure new development contributes positively to the character and appearance of the conservation area regarding siting, scale, design and materials used.

- 8.8 Notwithstanding the objections received in respect of the inadequacy of the Heritage Statement submitted to support the original scheme, a full assessment of the amended scheme, the site context and significance, relevant policies and guidance and impacts of the amended proposals on affected heritage assets has been undertaken by the Borough Council's Conservation Officer and are incorporated into this report.
- 8.9 The application dwelling is located within the historic core of the rural hamlet of Cadeby and within the Cadeby Conservation Area on a prominent corner plot at the junction of Church Lane and Main Street. It is a recently constructed two storey detached dwelling designed with architectural features and detailing and constructed in sympathetic natural external materials to reflect the traditional character and appearance of dwellings within the conservation area. It has also been positioned at the back edge of the pavement to follow the historic grain of development. The sense of enclosure to the street scene provided by the positioning of the dwelling is continued with high brick walls around the edges of the plot to Main Street and Church Lane which limits visibility into the rear garden serving the cottage. Due to the reasonable design quality of Eyebrow Cottage and the features of the plot it is considered that it makes a minor but positive contribution to the character and appearance of the conservation area.
- 8.10 Immediately to the southwest of the application site is Church Cottage which is a timber framed grade II listed building with a 16th century core and 17th and 18th century alterations. Church Cottage is also located at the immediate back edge of Main Street and has a garden which extends to the rear, with a shared garden boundary between the cottage and application site consisting of a timber fence on brick base. The special historic and architectural interest of Church Cottage can be fully appreciated from its immediate surroundings which includes the garden of Eyebrow Cottage, with the application site therefore considered to fall within the setting of the listed building.
- 8.11 Notwithstanding the objections received to the original scheme, by virtue of the re-location and re-orientation of the proposed car port/store to the southwest corner of the plot approximately 12 metres away from the rear elevation of the neighbouring grade II listed Church Cottage, together with its more sympathetic design, the amended proposal is considered to avoid any adverse impacts and generally be respectful to the setting of Church Cottage.
- 8.12 The amended proposal would have a simple rectangular floor plan with an appropriate width of 3.2 metres and an appropriate length of 6 metres. Although clearly a functional building of no particular architectural merit, due consideration has been given to the amended design to include more decorative Oak framing and a relatively steep dual pitched matching plain clay tiled roof with an eaves height of 2.1 metres and a ridge height of 3.65 metres whose appearance and form would follow the characteristics of traditional development within the conservation area. A decorative roof mounted weather vane is also included to add visual interest. By virtue of its siting, scale, footprint, design and proposed construction materials it is considered that the amended proposal would appear as a clearly subordinate ancillary building that would respect and complement the scale, character and appearance of Eyebrow Cottage and the surrounding area. Notwithstanding the objections received to the original scheme, visibility of the amended car port/store from the wider conservation area would be limited due to its siting to the rear corner of the plot, its generally small scale and the presence of the existing high boundary walls to the plot.
- 8.13 A new close boarded timber fence of 1.92 metres in height is proposed along the southwest garden boundary in front of the retained same height shared fence. By

virtue of its siting at the back of the plot this would have no visual impact upon the character or appearance of the conservation area and as it would not protrude above the existing boundary fence it would have no adverse impact upon the significance of the neighbouring listed Church Cottage. The small area of additional hard standing proposed for turning would also have no adverse impacts.

- 8.14 Notwithstanding the objections received to the original scheme, it is considered that the amended scheme by virtue of the revised siting, orientation, layout, scale, design, proposed construction materials and existing screening, would respect and complement the scale, character and appearance of Eyebrow Cottage, would preserve the character and appearance and thus significance of the Cadeby Conservation Area and would be compatible with the significance of the grade II listed building, Church Cottage, by virtue of it being an acceptable development located within its setting. It is therefore considered that the amended proposal would comply with Policies DM10, DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF, and the statutory duties of Sections 66 and 72 of the Planning (Conservation Areas and Listed Buildings) Act 1990.

Impact upon neighbouring residential amenity

- 8.15 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.
- 8.16 Objections from four separate addresses were received in respect of the originally submitted scheme on the grounds that by virtue of its siting, proximity, size and height, the proposal would have had adverse overbearing and overshadowing/loss of light impacts on the residential amenity (windows/patio/garden) of the occupiers of Church Cottage. Following the receipt of amended plans, which have re-sited and re-orientated the proposal, the immediate neighbour affected has withdrawn their objections and now supports the revised scheme.
- 8.17 The amended proposal would be 12 metres from the rear elevation of the adjacent Church Cottage and orientated such that the narrower 3.2 metres wide rear elevation of the structure would be adjacent to the shared 1.9 metres high boundary fence. By virtue of its siting, single storey scale, eaves height of only 2.1 metres and ridge height of 3.65 metres, practically only the roof of the structure would be readily visible above the fence line and this would be satisfactorily distant from any habitable room windows in the rear elevation of Church Cottage such that no significant adverse overbearing or overshadowing/loss of light impacts would result.
- 8.18 The revised proposal would be sited just inside the southeast garden boundary with the neighbouring dwelling (Forge House) which is defined by a brick wall of approximately 2 metres in height. Notwithstanding that it would extend for 6 metres in length just inside the boundary, by virtue of its eaves height of only 2.1 metres a majority of the structure would be screened by the existing boundary wall such that only the roof would be readily visible and this would be offset and to the northwest from any of its rear elevation windows and garden with the roof sloping further away from the boundary to a ridge height of only 3.65 metres.
- 8.19 Notwithstanding the objections received to the originally submitted scheme, by virtue of the amended siting, orientation, layout, scale and design of the proposed car port/store, it is considered that the revised proposal would not result in any significant adverse impacts upon the residential amenity or privacy of any neighbouring properties and that the revised proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety and parking provision

- 8.20 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design
- 8.21 There are currently three off-street parking spaces and turning on block paved hardstanding within the rear garden of the dwelling. By virtue of the siting and orientation of the amended scheme, the existing turning space would be compromised, therefore an additional area of hard standing has been included within the revised layout to enable this to be achieved so that vehicles can enter and leave the site in a forward direction in the best interests of highway safety and in accordance with Policy DM17 of the adopted SADMP. Three off-street parking spaces would be maintained within the site which would remain adequate to serve the dwelling and be in accordance with Policy DM18 of the adopted SADMP and current local highway design guide 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 is for an ancillary detached curtilage building to an existing dwelling within the settlement boundary of Cadeby 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. Notwithstanding the objections received to the original scheme, by virtue of the siting, layout, scale, design and the proposed use of matching and sympathetic external materials, it is considered that the amended proposals would respect and complement the scale, character and appearance of the existing dwelling and surrounding area and would preserve the character and appearance and thus significance of the Cadeby Conservation Area and would be compatible with the

setting of the neighbouring grade II listed Church Cottage. By virtue of the siting, orientation, layout, scale, design and separation distances, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking and turning for three vehicles and adequate private amenity space of over 80 square metres would be retained within the site to serve the dwelling. The proposals are considered to be in accordance with Policy 13 of the adopted Core Strategy, Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, section 16 of the NPPF (2021) and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and are 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, Block Plan, Proposed Site Plan, Proposed Floor Plan, Roof Plan and Elevations Drawing No. AVD-756-MSC-PL01 Rev C received by the local planning authority on 11 May 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 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 car port/store and boundary fence shall be in accordance with the materials details provided within the submitted Planning Application Form and on the approved Elevations Drawing No. AVD-756-MSC-PL01 Rev C received by the local planning authority on 11 May 2023 and shall match the roofing materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first use of the car port/store hereby permitted the additional hard surfaced turning space shall be provided as shown on the approved Proposed Site Plan Drawing No. AVD-756-MSC-PL01 Rev C received by the local planning authority on 11 May 2023.

Reason: In the interests of highway safety in accordance with Policy DM17 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.