

Delegated Report

Planning Ref: 24/00015/HOU
Applicant: Miss Sam Hewston
Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: Ashleigh Merrylees Road Thornton Leicestershire

Proposal: Erection of detached triple garage with self-contained ancillary residential annexe above

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 detached triple garage with a self-contained ancillary residential annexe above to an existing dwelling known as Ashleigh, Merrylees Road, Thornton.
- 2.2. The proposed triple garage/ancillary residential annexe would be set back to the side and rear of the dwelling and with its rear elevation adjacent to the southern boundary of the plot. It would have a width of 11.7 metres and a depth of 6.6 metres and a dual pitched gable sided roof form with an eaves height of 2.55 metres and ridge height of 6 metres. It would have three dormer windows with dual pitched gable fronted roof form to its principal north facing front elevation and three up-and-overdoors with glazed top lights. The rear south facing elevation would have two ground floor windows and three roof lights. The garage forecourt would be surfaced in loose stones.
- 2.3. There is an extant planning permission for extensions and alterations to the application dwelling which include a detached triple garage with games room above in the same location and with the same external dimensions, design and appearance that was permitted under planning permission 23/00659/HOU on 25 August 2023. A condition requiring the submission of external construction materials for prior approval has already been discharged under application reference 23/00984/DISCON. No development has commenced on site.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in the countryside to the south of Thornton and within a ribbon development of dwellings within substantial elongated plots to the west side of Merrylees Road. It is a detached two storey house with gable sided main roof form, a lean-to canopy roof across its front elevation over twin ground floor square bay windows either side of a central entrance door, a narrower two storey rear range with dual pitched roof with rear facing gable and a single storey rear corner infill with lean-to roof. It has brick stacks to each side gable and cottage style windows. It is constructed with off-white/light cream rendered walls, slate main roof with red ridge tiles and grey concrete tiled lean-to roof at the rear and white uPVC window frames. There is a detached tandem flat roof garage/outbuilding to the south side and rear of the dwelling accessed by a long driveway from Merrylees Road of compacted aggregates. The garage/outbuilding would be demolished as part of the scheme.
- 3.2. There is a similarly scaled and designed two storey detached dwelling constructed of red bricks and slate roof with similar two storey and single storey rear ranges and

detached outbuildings that extend deeper into its plot located adjacent to the south side boundary of the application site. The neighbouring dwelling to the north is a detached two storey house with hipped roof, a large rear conservatory and detached outbuildings that extend deeper into its plot located along the north side boundary of the application site. There are open fields to the west and east of the site.

4. Relevant planning history

21/01384/OUT

- Demolition of existing dwelling house, erection of two dwellings with double garage (outline- all matters reserved)
- Withdrawn
- 02.03.2022

22/00223/OUT

- Demolition of existing three-bedroom dwelling and erection of new dwelling (Outline Application - All Matters Reserved)
- Withdrawn
- 28.11.2022

23/00659/HOU

- Two storey front, side and rear extensions, detached triple garage
- Permitted
- 25.08.2023

23/00984/DISCON

- Application to discharge condition 3 (Materials) on planning application 23/00659/HOU
- Discharged
- 19.10.2023

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 responses have been received as a result of public consultation.

6. Consultation

6.1. No response has been received from Bagworth and Thornton 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 DM4: Safeguarding the Countryside and Settlement Separation
- 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. Notwithstanding the countryside location, extensions and alterations to existing domestic properties 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 and surrounding countryside
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision

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

8.2 Policy DM4 of the adopted SADMP allows extension and alteration of existing buildings in the countryside including ancillary structures which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside. 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 and states:

'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'

8.3 The proposed triple garage/ancillary residential annexe would be located well to the rear of the dwelling in the same position as the previously approved triple garage/games room where it would have no significant visual impact in the street scene. It would also be located well within the western boundary of the substantial plot where it would have no visual prominence from the surrounding countryside. It would be located at a similar depth as other outbuildings within neighbouring substantial plots to both the north and south. Whilst it would have a greater footprint and height than the neighbouring structures, the proposal would be of the same scale, dimensions, design and external appearance as the previously approved triple garage/games room. Notwithstanding its scale and mass, the proposed garaging/annexe would appear as a clearly subordinate ancillary detached outbuilding relative to the two storey application dwelling and by virtue of its position within a substantial plot would not appear excessive in any respects. The garaging/annexe building would have three well-proportioned dormer windows with dual pitched gable fronted roof form to its principal elevation facing internally across the application site. Matching external construction materials are proposed to be used as on the approved extensions and alterations to the main dwelling to ensure a uniform appearance and the specific details of these have already been approved

via a discharge of condition application on the previous extant planning permission. It is considered that the replacement triple garage/annexe building would visually enhance the site in comparison to the existing 19 metres long flat roof rendered tandem garage that would be demolished and that the proposal would therefore be acceptable in design terms.

- 8.4 This is a householder application which cannot seek planning permission for a new dwelling or the sub-division of the existing planning unit. Instead, the application seeks the approval for the replacement of the previously approved games room above the triple garage with a residential annexe to provide ancillary living accommodation to the main dwelling, albeit with all the facilities for a self-contained living unit.
- 8.5 It would be to the rear of and detached from, but not remote from, the existing dwelling and would lie within its residential curtilage. The footprint and scale of the building proposed is such that it would appear as a detached ancillary building. Notwithstanding that it would contain all the facilities required to meet the day to day needs of the occupier (kitchen, shower room, bedroom etc.), no subdivision of the existing garden/amenity area is proposed. By virtue of the nature of the layout and access to the site any future separation from the host dwelling would be highly unlikely and impractical. Nevertheless, the imposition of a condition to restrict the use of the building to being solely ancillary to the residential occupation of the application dwelling would not be unreasonable.
- 8.6 The site currently has an open frontage to Merrylees Road and a compacted aggregate driveway inside the southern boundary of the site frontage. The overall proposed scheme includes the relocation of the site access towards a more central position within the site frontage. The re-located driveway is proposed to be surfaced in block paving which would be an improvement compared to the appearance of the existing driveway.
- 8.7 By virtue of its siting, scale, design, the proposed use of sympathetic and acceptable external construction materials, and subject to its proposed ancillary residential use, the proposal would respect and complement the scale, character and appearance of the application dwelling and would not result in any significant adverse impacts on the rural appearance or open character of the surrounding countryside. This amended proposal for a detached triple garage with ancillary residential annexe above is therefore considered to be acceptable in both use and design terms and to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the adopted SADMP and the adopted 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.
- 8.9 The neighbouring two storey dwelling to the south (Charnwood) is set back from the application dwelling and set in from its rear side boundary. Notwithstanding its proximity to the site boundary and its 11.7 metres length, by virtue of its position to the north and separation distance of approximately 13 metres to the rear corner of the neighbouring dwelling, it is considered that the proposed triple garage/annexe would not result in any significant adverse overbearing or overshadowing impacts on any principal habitable room windows or any sensitive private amenity areas of Charnwood. There are three rooflights proposed in the south roof elevation serving the proposed ancillary residential annexe above the triple garage. These would be adjacent to the south side boundary and offer direct views over neighbouring land to the south. As a result, it is considered to be reasonable and necessary to impose a

condition to require these rooflights to be fitted with obscure glazing and to be non-openable, particularly as there are also openable windows serving the annexe within the north elevation.

- 8.10 The neighbouring dwelling to the north (Hasland) is a detached two storey house with a similar front building line to the existing application dwelling. The proposed triple garage/annexe would be set in from the north side boundary by 10 metres and as a result would not result in any significant adverse overbearing or overshadowing impacts on any principal habitable room windows or any sensitive private amenity areas of Hasland. The three dormer windows serving the proposed ancillary residential annexe above the triple garages would be set in from the north side boundary with Hasland by just over 10 metres and would face towards the rear elevation of detached outbuildings rather than directly towards any sensitive private amenity areas and therefore it is considered that the amended proposal would not result in any significant loss of privacy to the neighbouring occupiers of Hasland.
- 8.11 By virtue of the proposed relative siting, scale, design and separation distances, and subject to the use of obscure and fixed glazing where necessary, it is considered that the amended proposal to include an ancillary residential annexe above the triple garage would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties and that the proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from public consultation.

Impact upon highway safety and parking provision

- 8.12 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.
- 8.13 As part of the wider approved proposals for the remodelling and extensions and alterations to the application dwelling itself, the site access would be re-located towards a central position within the site frontage and with much wider visibility splays which would afford adequate and improved visibility over the wide grassed verges extending in both directions along Merrylees Road. It is therefore considered that the proposed re-location of the access would have no significant adverse impact on highway safety and be in accordance with Policy DM17 of the adopted SADMP.
- 8.14 The substantial plot would provide extensive off-street parking and turning facilities within the triple garage, extensive loose stone surfaced forecourt area and on the new block paved 30 metres long driveway. This level of provision would be more than adequate to serve the resulting three bedroomed dwelling and proposed ancillary residential annexe and the amended proposal is therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority 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. Notwithstanding the countryside location, the proposals relate to an extension to an existing dwelling where there is a general presumption in favour of sustainable development as set out in Policy DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, design, the proposed use of sympathetic external construction materials, and subject to its proposed ancillary residential use, the proposal would respect and complement the scale, character and appearance of the application dwelling, would not overdevelop the substantial plot, and would not result in any significant adverse impacts on the rural appearance or open character of the surrounding countryside. By virtue of the proposed relative siting, scale, design and separation distances, and subject to the use of obscure and fixed glazing where necessary, it is considered that the amended proposal would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties. More than adequate off-street parking and private amenity space would be retained within the site to serve the resulting dwelling and ancillary residential annexe and the relocated access would have no adverse impacts on highway safety. The amended proposal is considered to be in accordance with Policies DM1, DM4, DM10 DM17 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 at scale 1:1250 received by the local planning authority on 16 January 2024 and Proposed Block Plan Drawing No. DJ2023/04 Rev C, Proposed Floor Plans and Proposed Front and Rear Elevations Drawing No. DJ2023/01 Rev A and Proposed Roof Plan and Proposed Side Elevations and Section Drawing No. DJ2023/03 received by the local planning authority on 17 February 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 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 detached triple garage and ancillary residential annexe hereby permitted shall be Wienerberger Trentino red facing bricks, new quarried Welsh Blue Grey Roof Slates and Spectrum Architectural Windows in RAL 9005.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The detached triple garage/ancillary residential annexe building hereby permitted shall only be used for purposes ancillary to the residential occupation of Ashleigh, Merrylees Road, Thornton and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation.

Reason: To ensure compatible use and that the detached building hereby permitted is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted details, the roof light windows proposed in the rear (south) roof elevation of the detached triple garage/ancillary residential annexe hereby permitted (facing Charnwood and Barn Hills House) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the roof light windows 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).

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.