

Delegated Report

Planning Ref: 23/01237/HOU
Applicant: Mrs Claire Chapman
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 35 Byron Street Earl Shilton Leicester Leicestershire LE9 7FA

Proposal: Two storey rear extension and single storey side extension (following the demolition of existing conservatory and external stores).

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 two storey rear extension and single story side extension to a dwelling, 35 Byron Street, Earl Shilton.
- 2.2. The two storey rear extension on both floors has a width of 9 metres, depth of 2.28 on the north east elevation of the dwelling and 6 metres on the south east elevation. The single storey side extension is joined to the extension and measures 1.84 in width and 7 metres in depth. The rear extension is set down from the main ridge of the dwelling by 0.28 metres, has ridge height of 6.9 metres and eaves of 5 metres. The side extension has a dual pitched roof, 4 metres at ridge height and 2.2 metres at eaves height.
- 2.3. External materials for the proposed extension include red facing brickwork, grey roof tiles, anthracite grey uPVC windows and doors to match the existing materials on the main dwelling.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Earl Shilton on a fairly large plot. It is a detached two storey dwellings with attached garage and a brick wall. It is built with red facing brick work, dual pitched grey roof tiles, grey anthracite windows and doors. The dwelling is not listed and not within a conservation area.
- 3.2. The surrounding street scene has a mixed of detached, semi-detached and terrace properties, predominantly two storey and built with a mix of brickwork and render.

4. Relevant planning history

86/00859/4 – Erection of porch and canopy roof – Planning Permission – 18.09.1986.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One objection has been received as a result of the public consultation and the concerns include potential overlooking and loss of privacy, loss of light to habitable rooms, the proximity of the extension to the common boundary and party wall issues.

6. Consultation

- 6.1. Earl Shilton Parish Council is concerned with the extension being built up to the boundary line which could limit access to the neighbouring property and cause issues if repairs are needed to either property.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)
- No relevant policies
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. 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
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF 2023)
 - Planning Practice Guidance (PPG)
- 7.5. 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.
- 8.3. In respect of rear extensions, the Council's adopted Good Design Guide states:
- '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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.'*

- 8.4 The rear extension follows the demolition of existing small outbuildings and a conservatory. The extension covers the full width of the main dwelling and is set down slightly from the ridge of the main dwelling. It fully integrates well to the rear of the property. The two storey rear extension on both floors has a width of 9 metres, depth of 2.28 metres on the north east elevation of the dwelling and 6 metres on the south east elevation. It has ridge height of 6.9 metres and eaves of 5 metres. The extension is not seen from the public highway and is subordinate to the main dwelling in terms of height, width, depth, roof design, and materials. The side extension is single storey in scale. It measures 4 metres at ridge height and 2.2 metres at eaves height, 1.84 in width and 7 metres in depth.
- 8.5 The overall design of the extension is in accordance with the character and appearance of the area. It is not overly prominent or have any significant adverse visual impacts on the surrounding area. The proposal is therefore considered to be in accordance with Policies DM1 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 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.
- 8.7 The two storey rear extension is appropriately designed to fully integrate with the rear of the dwelling. It is approximately 5 metres away from the north east boundary. The roof pitches away from the boundary and is set down slightly to reduce overbearing impact on neighbouring properties. The rear extension does not result in significant adverse overbearing or overshadowing impacts on any of the neighbouring dwellings. The first floor side windows are obscured and this reduces the level of overlooking into neighbouring gardens. The extension is screened by hedges along the north east boundary and the 2 metres high fence to the south east boundary. As a result of the position of the rear extension, the proposal does not result in any significant impact on adjoining properties and does not result in the breach of 45 degree rule.
- 8.8 The side extension is close to the south east boundary and joined to the two storey extension. It is single storey in scale and approximately 0.2 metres from the side boundary line. It extends 2.4 metres further back from the rear of 33 Byron Street. It is set very slightly in from the common boundary so that the roof does not overhang the boundary. It has an appropriate width not more than the width of the main house and a depth more than half of the depth of the main dwelling. The rear window is obscured and does not result in overlooking into neighbouring properties. The single storey side extension has a gable end that faces the side elevation of 33 Byron Street. It has a lower eaves and therefore reduces the level of overbearing impact on 33 Byron Street. Considering the above and the orientation of the site, it is considered that there is no significant impact in terms of loss of light to the lounge and kitchen of 33 Byron Street.
- 8.9 One objection was received as a result of public consultation objecting to the proposal on the grounds of overlooking and loss of privacy, loss of light to habitable rooms, the proximity of the extension to the common boundary and party wall issues.
- 8.10 Notwithstanding the objection received, by virtue of the siting, single storey scale of the side extension and overall scale of the extension, the orientation of both 33 and 35 Byron Street, layout and design, it is considered that the proposal does not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and that the proposed extensions are

therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The site currently has an integrated garage and retains the existing 3 bedrooms. The Local Highway Design Guide requires the provision of 2 or more parking spaces for 3 bedroom dwellings or less, however the site is within an urban area with access to public transport, therefore the proposal is in accordance with Policy DM18 of the adopted SADMP and the local highway authority 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.
- 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 proposals relate to extensions and alterations to an existing dwelling within the settlement boundary of Burbage 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, layout, scale and design and the proposed use of matching external materials to reflect and complement the dwelling and ensure a unified appearance, it is considered that the proposed extensions and alterations enhance the character and appearance of the existing dwelling and the surrounding area. The proposal does not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide 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: Site Location Plan, Block Plan, Proposed Floor Plan and Elevations Drawing Number 2023-21-PL-02, received by the local planning authority on 08 January 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 shall be in accordance with the external materials details provided within the submitted Planning Application form and 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.