

Delegated Report

Planning Ref: 23/00236/CONDIT
Applicant: Mrs Janette Watson
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 25 Stanley Road Market Bosworth Nuneaton

Proposal: Variation of condition 2 of planning permission 22/00886/HOU. Amendment to approved plans and elevations

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.
- 2.2. In this case, planning permission for application 22/00886/HOU granted full planning permission for a single storey side extension and garage conversion along with a hip roof overhang on the front elevation at 25 Stanley Road, Market Bosworth.
- 2.3. The conversion and extension externally measure 2.7m in width x 6.7m in depth, with an overall footprint of 15.2sqm. The scheme replaces the existing flat roof with a hipped roof that has a ridge height of 3.3m and an eaves height of 2.3m. The development includes the creation of two 1.2m x 0.8m rooflights within this hipped roof. The hipped roof is also extended along the front elevation and replaces the existing porch roof. The application is constructed with facing brickwork and concrete roof tiles to match the existing property alongside a partial white render on the principal elevation.
- 2.4. This application seeks planning permission for the variation of Condition 2 of that planning permission to enable minor amendments to the scheme. Within this Section 73 application, the protruding wall on the front elevation of the side extension is removed and a wooden beam on a brick plinth replaces it to support the canopy. The single door and window on the rear elevation of the side extension is replaced with double doors.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a two-storey, brick finished, detached property on Stanley Road, which is located within the settlement boundary and to the southwest of the Key Rural Centre Stand Alone, Market Bosworth. The area is wholly residential with dwellings surrounding the application site that are typically two-storey with a brick finish.

4. Relevant planning history **23/00208/DISCON**

- Application to discharge conditions 3 (Materials) and 4 (Waste Storage) attached to planning permission 22/00886/HOU
- Discharged
- 20.04.2023

22/00886/HOU

- Proposed single storey side extension and garage conversion along with hip roof overhang on the front elevation.
- Permitted
- 16.11.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received.

6. Consultation

- 6.1. There have been no objections from the following consultants:
- Market Bosworth Parish Council
- 6.2. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand Alone
- 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) (2021)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG)
 - National Design Guide (2019)

8. Appraisal

- 8.1. The principle of development, siting and design of the proposed extensions and alterations have already been established through the earlier grant of the extant planning permission on the site. As this application only involves the alteration of the development's materials, the key issue in respect of this application is therefore:
- Design and impact upon the character of the area
 - Other Issues
 - Conditions

Design and impact upon the character of the area

- 8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.3 The proposed amendments to the scheme are considered minor, and are not regarded as having a significant adverse impact on the character of the dwelling or

the surrounding area in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Other issues

- 8.4 The proposed amendments to the previously approved and extant planning permission have no adverse impacts on neighbouring residential amenity, highway safety or off-street vehicle parking provision within the site. Therefore, the application and the development remain compliant with Policies DM10, DM17 and DM18 of the SADMP.

Conditions

- 8.5 Planning permission 22/00886/HOU was subject to 4 conditions.
- 8.6 Time cannot be extended or altered for Section 73 applications and, as such, Condition 1 (Time) needs to refer to the original 3-year time scale for implementation of the development.
- 8.7 Condition 2 (Approved Plans) needs amending to refer to the new revised plans. This condition is reasonable and necessary in order to ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).
- 8.8 None of the approved plans in Condition 2 (Approved Plans) specify the exact external materials utilised in the development and therefore this condition does not requirement amendment. Condition 3 (External Materials) needs amending to refer to the specific proposed materials approved under this application to ensure satisfactory development.
- 8.9 Conditions 3 (Materials Samples) and 4 (Waste and Recycling Provision) were discharged in application 23/00208/DISCON, and therefore can be removed from this application.
- 8.10 All the conditions remain reasonable and necessary to ensure satisfactory development of the site. No additional conditions are considered to be necessary.

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 proposed development is considered to be compliant with Policies DM1, DM10, DM17 and DM18 of the SADMP, Policy 1 of the adopted Core Strategy and relevant national as it:

- Does not have an adverse impact upon the character and appearance of the area
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not affect the sufficient provision of off-street vehicle parking

- 10.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to amended conditions. No additional conditions are considered necessary.

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 the original planning permission 22/00886/HOU on 16 November 2025.

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, received by the Local Planning Authority as follows:

- Floor Plans & Elevations – Drg No. 22 23 06 (submitted: 13.03.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

a. 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.