

Delegated Report

Planning Ref: 23/00281/HOU

Applicant: Mr G McManus

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 6 Regent Street Barwell Leicestershire

Proposal: First floor side extension

1. Recommendations

- **Refuse planning permission** for the reasons at the end of this report.

2. Planning application description

- 2.1. This householder application seeks full planning permission for a first floor side extension with open car port beneath to a two storey semi-detached dwelling, 6 Regent Street, Barwell.
- 2.2. The proposed first floor box side extension would replace an existing single storey lean-to structure and be supported by two columns to the external corners. It would be constructed flush with the main front elevation at first floor and have a width of 2.1 metres and depth of 3.7 metres. It would extend the existing small flat roof over the bedroom that it would extend at matching height to wrap around the side elevation. No fenestration is proposed in the extension. Matching external grey render is proposed in its construction.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barwell in a prominent plot at the entrance to a residential street. It is a two storey semi-detached house with gable sided main roof form, a traditionally styled two storey bay window fronted forward projection with dual pitched gabled roof, a small two storey flat roof infill section to the front corner with the first floor having been extended above an original cat-slide roof, and a single storey lean-to roof addition to its side elevation. The dwelling is constructed with light grey rendered walls, flat grey concrete roof tiles and white uPVC windows. The 4 metres deep by 8 metres wide block paved site frontage provides one parallel off-street parking space.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of support has been received as a result of public consultation.

6. Consultation

- 6.1. No response has been received from Barwell Parish Council.

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) (2021)
- 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 to existing domestic properties within urban 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 Supplementary Planning Document (2020) provides further advice in respect of the siting and design of house extensions and states:

'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling.' and *'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'*

8.3 Paragraph 126 of the National Planning Policy Framework (NPPF) (2021) states that: *'Good design is a key aspect of sustainable development'* and *'Being clear about design expectations, and how these will be tested, is essential for achieving this.'* Paragraph 127 states that: *'Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.'* Paragraph 128 states: *'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and which reflect local character and design preferences.'* Paragraph 129 states: *'Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.'* Paragraph 134 states: *'Development that is not well designed should be refused, especially where it fails to reflect local design policies and*

government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

- 8.4 By virtue of its flat roof height of 5.2 metres, 2.1 metres width and 3.7 metres depth, the proposal would be clearly subordinate in terms of its scale and massing to the application dwelling. However, notwithstanding this, it would be sited to the prominent side elevation of the dwelling and flush with its main front elevation where, by virtue of its two storey scale and uncharacteristic box flat roof design it would result in an incongruous addition to the application dwelling that would be visually prominent within the street scene and would result in significant adverse visual harm to the character and appearance of the application dwelling and the surrounding area. Whilst it is proposed to be constructed in matching external materials to provide a unified appearance, this would not overcome the significant visual harm identified as a result of its prominent siting, two storey scale and box flat roof design.
- 8.5 For the avoidance of doubt, in assessing the proposal regard has been had to the presence of an unsympathetic two storey flat roof extension attached to the dwelling to the south (No. 4) that is visible within the street scene by virtue of its splayed corner plot and orientation relative to Regent Street. However, this is clearly to the rear elevation of the dwelling where it is not as visually prominent within the wider street scene as that being proposed by this application. Regard has also been had to the existing small scale two storey flat roof section of the application dwelling to which the proposed extension would be attached. However, this in itself is a result of a first floor extension over an original cat-slide roof and is a very small infill extension to the front corner that is more integrated with the existing dwelling, viewed against the existing structure and therefore not overly prominent or visually harmful as that being proposed by this application.
- 8.6 By virtue of its two storey scale, flat roof design and siting to the prominent side elevation on the front corner, the proposed extension would result in an incongruous addition to the application dwelling that would be visually prominent within the street scene and would result in significant adverse visual harm to the character and appearance of the application dwelling and the surrounding area. The proposal would neither complement nor enhance the character or appearance of the application dwelling or the surrounding area and would therefore be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching principles of the NPPF (2021) and in particular paragraph 134.
- Impact upon neighbouring residential amenity
- 8.7 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.
- 8.8 Notwithstanding that the proposal would extend up to the side boundary of the site, by virtue of its siting adjacent to a neighbouring garage, it's relatively small scale, separation distance of 10 metres to the nearest neighbouring dwelling to the south (No. 4), the proposal would have no significant adverse overbearing or overshadowing impacts on this or any other neighbouring property and no additional windows are proposed that would result in any loss of privacy to any neighbouring occupiers from overlooking. One letter of support has been from the neighbouring occupier to the south and no objections have been received from any other 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 proposal does not result in an increase in the number of bedrooms to the dwelling which remains at three. The existing off-street parking space would be unaffected and therefore the proposal would have a neutral impact on parking provision within the site. As this is an existing situation the provision remains acceptable in this sustainable urban location close to a full range of services and facilities by alternative more sustainable transport means. The proposal would therefore be acceptable in terms of Policy DM18 of the adopted SADMP.

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 extension to an existing dwelling within the urban settlement of Barwell 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, scale, design and separation distances, the proposal would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring properties. Existing off-street parking of one space and adequate private amenity space would be retained within the site. However, by virtue of its two storey scale, flat roof box design and siting to the prominent side elevation on the front corner, the proposed extension would result in an incongruous addition to the application dwelling that would be visually prominent within the street scene and would result in significant adverse visual harm to the character and appearance of the application dwelling and the surrounding area. The proposal would neither complement nor enhance the character or appearance of the application dwelling or the surrounding area and would therefore be contrary to

Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching principles of the NPPF (2021) and in particular paragraph 134. The proposal is therefore recommended for refusal of planning permission for these reasons.

11. Recommendation

11.1 Refuse planning permission for the reasons at the end of this report.

11.2 Reasons

1. By virtue of its two storey scale, flat roof box design and siting to the prominent side elevation on the front corner, the proposed extension would result in an incongruous addition to the application dwelling that would be visually prominent within the street scene and would result in significant adverse visual harm to the character and appearance of the application dwelling and the surrounding area. The proposal would neither complement nor enhance the character or appearance of the application dwelling or the surrounding area and would therefore be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the principles of the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching principles of the NPPF (2021) with particular reference to Section 12 and paragraph 134.

11.3 Notes to applicant

1. This application has been assessed and determined with reference to the submitted Householder Planning Application Form, Location Plan - Drawing No. 22 23 01, Site Plan Drawing No. 22 23 02 and Floor Plans and Elevations Drawing No. 22 23 03 received by the local planning authority on 23 March 2023.