

Delegated Report

Planning Ref: 23/00759/HOU

Applicant: Mrs Kate Eyres

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 33 Hillrise Burbage Leicestershire

Proposal: Two storey rear extension, front canopy porch and detached double garage

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 full planning permission for a two storey rear extension, a front canopy porch and a detached double garage to a dwelling, 33 Hillrise, Burbage. It is a re-submission of an approved and extant similarly scaled scheme but with some amendment which include: removal of an overhanging flat roof projection over the rear ground floor elevation, removal of a central Juliette balcony from the rear elevation, removal of a single storey corner infill extension, external materials changes to replace timber and cement fibre cladding with matching facing bricks, the rendering of the existing dwelling and an additional first floor bathroom window to the southeast side elevation.
- 2.2. The proposed two storey rear extension would project 5.5 metres from the main rear elevation. It would have a width of 11.5 metres across the rear elevation and subordinate twin rear elevation gables and a recessed central section with a flat roof. The proposal would have a contemporary design with extensive full height glazing and a mix of external materials including matching facing bricks and white rendered walls replacing previously approved larch timber and cement fibre cladding. The external walls of the existing dwelling would be white rendered and a completely new roof covering with Marley Hawkins Fired Sienna plain clay roof tiles is proposed to the existing house, proposed extensions and the proposed detached garage. The proposal would replace an existing rear conservatory which is to be demolished.
- 2.3. The proposed detached double garage remains as previously approved. It would be set back over 8 metres from the highway boundary and 3 metres forward of the dwelling. It would have a footprint measuring 6 metres in depth by 5.8 metres in width with a dual pitched gabled roof with an eaves height of 2.4 metres and a ridge height of 5.3 metres. It would be constructed in facing bricks to match those used on the dwelling and new plain clay roof tiles to match those to be used on the dwelling.
- 2.4. The proposed front canopy porch remains as previously approved. It would project 1 metre from the existing entrance lobby with a width of 2.3 metres. It would have a subordinate dual pitched front gable roof and would be constructed with a matching facing brick plinth, timber frame and plain clay roof tiles to match those to be used on the rest of the dwelling.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage in a residential area. It is a two storey detached house with an asymmetric main roof form. It has a two storey front and rear gable, two dormer windows to the front roof

elevation, single storey low pitched lean-to roof extensions to the front and side elevations, a dual pitched front entrance lobby projecting forward of the front elevation and a large conservatory attached to the rear elevation. The latter would be demolished to enable the scheme. The dwelling is constructed of light brown facing bricks, grey concrete interlocking roof tiles, and white uPVC cottage style windows. It is set back 16 metres from the highway boundary which is defined by a 1.5 metres high brick wall. The site frontage comprises tarmacadam hard-standing for a minimum of three cars and landscaping. The large well enclosed rear garden provides approximately 440 square metres of private amenity space.

- 3.2. There is a detached bungalow to the northwest and a two storey house to the south east of the site. The wider street scene of Hillrise comprises a mix of two storey, 1½ storey and single storey detached dwellings of varying and individual designs, styles and appearance.

4. Relevant planning history

76/00486/4

- Extension to garage
- Permitted
- 09.04.1976

80/01546/4

- Replacement windows to front elevation
- Permitted
- 02.12.1980

98/00461/FUL

- Alterations and extensions to dwelling and erection of detached double garage
- Permitted
- 16.07.1998

08/00247/FUL

- Extension and alterations to dwelling
- Permitted
- 12.05.2008

16/00123/HOU

- Single storey front extension
- Permitted
- 01.04.2016

22/00615/HOU

- Two storey and single storey rear extension, front canopy porch and detached double garage
- Permitted
- 07.09.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. Burbage Parish Council has no objection to the proposals but suggests planting to the highway side of the proposed garage to reduce impact in the street scene.

7. Policy

- 7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)
 - 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 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. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

- 8.3. 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 rear extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.' 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.'

- 8.4 The proposed two storey rear extension would project 5.5 metres from the main rear elevation for a width of 11.5 metres across the rear elevation of this two storey dwelling and would therefore result in a substantial increase in the footprint and overall mass of the dwelling. Notwithstanding this, by virtue of the size of the plot and the size of the dwellings either side, the proposal would not result in any overdevelopment of the plot or be out of scale with surrounding development. In addition, by virtue of the 16 metres set back of the dwelling from the highway, the siting of the proposed extension to the rear and its subordinate height, the proposal would not be overly prominent or result in any significant adverse impacts on the street scene. By virtue of the higher ground level relative to London Road to the rear and substantial screening along the rear boundary by mature trees and hedgerows the proposal would not be visible from this aspect.
- 8.5 Notwithstanding that flat roofs do not form part of the original design of the dwelling, the proposal does include a flat roof section but this is located centrally and to the rear where it would not be visually prominent in any street scene and would be viewed from the rear garden against the three pitched roofs around it. The proposal would have a contemporary design with extensive full height glazing the rear elevation and be constructed with a mix of facing bricks and white rendered walls. The external walls of the existing dwelling would be white rendered which would not be out of character with the varied street scene which includes some fully rendered dwellings. A completely new roof covering of Marley Hawkins Fired Sienna plain clay roof tiles is proposed throughout to replace the existing concrete roof tiles and to ensure a satisfactory and unified appearance. This would result in the enhancement of the overall character and appearance of the dwelling. This amended proposal is therefore considered to be acceptable in terms of its scale, design and appearance and in accordance with the general principles of the adopted Good Design Guide.
- 8.6 The proposed detached double garage remains as previously approved. It would have a footprint measuring 6 metres in depth by 5.8 metres in width with a dual pitched gabled roof with an eaves height of 2.4 metres and a ridge height of 5.3 metres. It would be constructed in matching facing bricks and plain roof tiles to match the main dwelling. It would be set back over 8 metres from the highway boundary and sited adjacent to the existing garage that projects forward of the neighbouring dwelling to the south east. There are a number of garages located forward of dwelling within the street scene and by virtue of the increased set back from the highway boundary the proposal would not be overly prominent within the street scene, would not be uncharacteristic of surrounding development and is therefore considered to be acceptable in terms of its siting, design and appearance in this case. Notwithstanding the suggestion by Burbage Parish Council for some additional planting to be included, the proposal is considered to be acceptable in terms of its siting and visual impact as submitted and previously approved on the extant scheme.

- 8.7 The proposed front canopy porch remains as previously submitted and would project only 1 metre from the existing entrance lobby with a width of only 2.3 metres. It would have a clearly subordinate dual pitched front gable roof and would be constructed with a matching facing brick plinth, timber frame and matching plain roof tiles. By virtue of its clearly subordinate scale, sympathetic design and materials the proposal would provide an attractive focal point entrance and is considered to be acceptable in design terms.
- 8.8 By virtue of their siting, scale, design and the proposed use of appropriate matching facing bricks and white rendered walls together with the use of new matching plain clay roof tiles throughout to ensure a unified appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts upon the character or appearance of the wider and varied street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.

Impact upon neighbouring residential amenity

- 8.9 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.
- 8.10 The adopted Good Design Guide states:
- 'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'*
- 8.11 The adjacent dwelling to the northwest (No. 31) is a detached traditionally styled bungalow with hipped roof form set inside the near side boundary by approximately 1 metre. It has a white uPVC framed conservatory attached to its rear elevation the side windows of which are set in from the near side boundary by approximately 2.5 metres. The proposed two storey rear extension would be set in from the side boundary with No. 31 by 1 metre and would project only approximately 1 metre beyond the rear elevation of the neighbouring conservatory at a separation distance of approximately 3.5 metres. Therefore, the proposal would not extend beyond a 45 degree line drawn from the nearest rear elevation windows of No. 31. There are no windows within the side elevation of the proposal facing No. 31. Notwithstanding its position to the south east, by virtue of its scale, design and separation distances it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on No. 31 or result in any loss of privacy to the neighbouring occupiers from overlooking.
- 8.12 The adjacent dwelling to the southeast (No. 35) is a detached two storey house set inside the near side boundary by approximately 1.5 metres. It has a two storey extension to the near side elevation that projects approximately 0.7 metres beyond the nearest part of the application dwelling. The proposed two storey rear extension would project approximately 3.3 metres beyond the nearest rear elevation of No. 35 but at a separation distance from the side boundary of 2.75 metres, a further 1.5 metres to the side elevation of No. 35 and further to the nearest ground floor

window. As a result, by virtue of the separation distances, the proposal would not extend beyond a 45 degree line drawn from any habitable room windows in the rear elevation of No. 35. In addition, by virtue of its position to the north and with its roof design sloping away from the side boundary the proposal would not result in any significant adverse overbearing or overshadowing impacts on No. 35. A new first floor bathroom window is proposed in the side elevation of the existing dwelling facing No. 35. Whilst this faces predominantly towards the opposing side elevation it would also potentially offer oblique views into the rear garden of No. 35 and it is considered that a restriction for the use of obscure glazing and non-openable windows below a height of 1.7 metres above the floor level of the room would be reasonable and necessary to protect the privacy and amenity of the neighbouring occupiers from any potential overlooking.

- 8.13 The proposed detached double garage would be sited adjacent to the blank wall of the neighbouring garage of No. 35 and therefore would have no significant adverse impacts on the residential amenity of the occupiers of No. 35. The proposal would have no significant adverse impacts of the residential amenity of the neighbouring occupiers of No. 31 by virtue of the garage being set inside the side boundary by 9 metres.
- 8.14 By virtue of the siting, scale and design of the proposed extensions and alterations together with the separation distances to neighbouring properties and subject to the use of obscure and fixed glazing where necessary, it is considered that the proposals would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties and are therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design. The Council's adopted Good Design Guide states:

'Front extensions should not result in the loss of existing parking spaces where it would impact on the street scene and car parking provision.'

- 8.16 By virtue of its 16 metres depth and 15 metres width, the site frontage provides ample space for the proposed double garage which has appropriate internal depth and width for two cars and which together with the proposed extended hard-standing would provide off-street parking provision in excess of the requirements for the resulting four bedroomed dwelling located within a highly sustainable urban location with easy access to a full range of services and facilities by alternative more sustainable transport means. The proposals would therefore be 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 located within the urban 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 their siting, scale, design and the proposed use of appropriate external materials throughout to ensure a unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and would not result in any adverse visual impacts upon the wider and varied street scene. By virtue of their siting, scale, design and separation distances, and subject to the use of obscure and fixed glazing where necessary, 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. The proposals would retain adequate private rear amenity space of over 400 square metres and adequate off-street parking provision of in excess of four spaces to serve a four bedroom dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan 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 and Proposed Site Plan Drawing No. 120 Rev B, Proposed

Ground and First Floor Plans Drawing No. 110 Rev F, Proposed Front and Side Elevation Drawing No. 115 Rev F, Proposed Rear and Side Elevations Drawing No. 116 Rev F and Proposed Garage Floor Plan and Elevations Drawing No. 119 received by the local planning authority on 3 August 2023.

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 hereby permitted shall be in accordance with the details submitted within the Planning Application form and on the approved Proposed Front and Side Elevation Drawing No. 115 Rev F and Proposed Rear and Side Elevations Drawing No. 116 Rev F received by the local planning authority on 3 August 2023.

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).

4. Notwithstanding the submitted details, the first floor bathroom windows in the southeast side elevation (facing 35 Hillrise Burbage) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres above the finished floor level of the room that they serve. Once so provided the 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.