

Delegated Report

Planning Ref: 25/00662/CONDIT
Applicant: Mrs Caroline Freeman
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 22 Overfield Close Ratby Leicester

**Proposal: Application to vary condition 3 of planning permission 25/00183/HOU.
Amendments required to increase the size of bedroom 1**

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. In this case, planning permission reference 25/00183/HOU granted full planning permission for extensions and alterations at 22 Overfield Close, Ratby which included single storey side and rear extensions and a front canopy. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted with that application.
- 2.2. This application seeks planning permission for the variation of condition 3 (Plans) of that planning permission. The application proposes to increase the projection of the ground floor extension hosting bedroom 1 by 1.01 metres.

3. Description of the site and surrounding area

- 3.1. The application site comprises a detached residential bungalow situated within the settlement boundary of Ratby. It has a pitched/flat roof form and has brown brick to the walls, brown interlocking tiles/felt to the roof and white uPVC to the openings. A mono-pitched canopy is situated to the northern side of the main dwelling which is constructed out of white plastic/metal.
- 3.2. The plot hosts a single flat roof garage to the north of the main dwelling forward of which sits area of tarmacadam hardstanding which is suitable to host a parking provision for a maximum of four vehicles when including the further area of hardstanding is present to the rear of the site. The area of hardstanding is bounded by a gravel/grassed area. The rear garden is enclosed by 1.80-2.00 metre high close boarded timber fencing.
- 3.3. The bungalow is situated on a corner plot and therefore is significantly prominent within the street scene. There are similarly designed bungalows within the street scene, nevertheless it is noted that the street scene predominantly hosts two-storey dwellings. The finish within the area is relatively consistent.

4. Relevant planning history

77/00332/4

- Erection of 106 dwellings

- Planning Permission
- 26.04.1977

92/00739/4

- Construction of earth barrier
- Planning Permission
- 23.09.1992

25/00183/HOU

- Single storey side and rear extensions and canopy porch
- Planning Permission
- 16.05.2025

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Following the publication no comments have been received.

6. Consultation

- 6.1. Ratby Parish Council;
 - No objections have been received.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies 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) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision
 - Conditions

Design and impact upon the character of the area

- 8.2 Policy DM10 of the Site Allocations and Development Management Policies DPD states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.3 This application proposes to increase the depth of the single storey side extension by a modest 1.01 metres. As the proposal would be single storey and situated to the rear being entirely screened from a public vantage point, whilst proposing no further amendments in relations to the overall extensions the increase in depth is not considered to bear any additional detrimental impacts upon the character of the area and would therefore comply with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.4 Policy DM10 of the Site Allocations and Development Management Policies DPD states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.5 The Councils Good Design Guide seeks to ensure that *“The 45 degree rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a neighbouring property. This rule ensures consistency and fairness between applicants and their neighbours.”*
- 8.6 Whilst the extension would be increased in depth the proposal would remain to sit comfortably within the 45 degree line when measured from the nearest habitable window of 21 Overfield Close, bearing no impacts in terms of loss of light. Moreover, no additional openings are proposed bearing no impacts in terms of loss of privacy.
- 8.7 The Councils Good Design Guide seeks to ensure that *“A habitable room within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property.”*
- 8.8 The proposal increase in projection would result in the proposal being sited 4.54 metres from the side elevation of 23 Overfield Close not complying with the Council’s Good Design Guide, however given that the single storey element of neighbouring side elevation is blank whilst also hosting a garage (a non-habitable room) this element of the proposal is not considered to result in the loss of light or loss of privacy and is acceptable on balance.
- 8.9 The proposed extension would remain to be screened by the previously approved single-storey rear extension at the site and would therefore bear no impacts upon the owners/occupiers of 45 and 46 Overfield Close in regard to loss of light or loss of privacy.
- 8.10 By virtue of the above, the proposal would not result in any significant adverse overbearing or overshadowing impacts on any neighbouring properties or result in any significant adverse impacts from overlooking or loss of privacy to the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP and the general principles of the Councils Good Design Guide.

Impact upon parking provision

- 8.11 Policy DM18 of the Site Allocations and Development Management Policies DPD seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.12 The Leicestershire Highways Design Guide (2024) seeks to ensure that a dwelling hosting three bedrooms provides a minimum off-street parking provision for two vehicles.
- 8.13 The parking provision would be unchanged with alterations being limited to the minor increase in the side extensions projection. The proposal is, therefore, not considered to have any adverse impacts upon the parking provision at the site and in turn complies with Policy DM18 of the adopted SADMP and the Leicestershire Highways Design Guide (2024).

Conditions

- 8.14 The previously approved planning permission 25/00183/HOU was subject to 3 conditions. The development has not been implemented and therefore Condition 1 (Time) remains necessary, however, the applicant would need to refer to the original 3 year time scale for implementation of the development, implementing the permission on or before 16th May 2028. Condition 2 (Materials) would remain necessary to ensure a satisfactory form of development. Condition 3 (Plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission.
3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Existing Floor Plan and Site Location Plan, Drg No. 22OC-01A as received by the Local Planning Authority on the 3rd March 2025.
 - Site Location and Floor Plans, Drg No. 22OC/A8
 - Proposed Elevations, Drg No. 22OC/B7 as received by the Local Planning Authority on the 4th July 2025.

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

- 8.15 No other conditions are considered to be necessary to ensure satisfactory development.

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.

10. Conclusion

- 10.1. The proposals are for variations to a previously approved planning permission for an extension to an existing dwelling within the settlement boundary of Ratby where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted Site Allocations and Development Management Policies and the overarching principles of the NPPF.
- 10.2. The variations to the previously approved extension are considered to continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties or impact the parking provision at the site. The proposal would therefore adhere to Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies, the general principles of the Councils Good Design Guide and the Leicestershire Highways Design Guide and is recommended for approval subject to amended condition 3 (Plans) to define the new planning permission.

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 planning permission 25/00183/HOU (16th May 2028).

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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 27th February 2025.

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).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Existing Floor Plan and Site Location Plan, Drg No. 22OC-01A as received by the Local Planning Authority on the 3rd March 2025.
- Site Location and Floor Plans, Drg No. 22OC/A8
- Proposed Elevations, Drg No. 22OC/B7 as received by the Local Planning Authority on the 4th July 2025.

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

11.3 Notes to applicant

- a) 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.