

Delegated Report

Planning Reference: 26/00323/FUL
Applicant(s): Mrs Khyati Ghosalia
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Application Site: 142 Cedar Road, Earl Shilton

Proposal: Two storey side and rear extension and conversion of existing garage to store room.

Case Officer: Gwion Russell (Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This householder planning application seeks planning permission for a two-storey side and rear extension and garage conversion at 142 Cedar Road, Earl Shilton.
- 2.2. The two-storey side extension would project 2.48m from the existing elevation and run along the west side for a length of approximately 10m, providing additional internal access/storage space at ground floor and a kitchen space at first floor. The first floor of the side extension would be 0.5m set back from the ground floor principal elevation; its eaves height would not exceed 5.25m and ridge height would not exceed 7.8m.
- 2.3. The rear extension would project to a depth of approximately 4.5m from the rear elevation and span 7.5m, forming a continuous two-storey addition to the rear of the property serving an expanded shop floor at ground floor and bedroom accommodation at first floor. Both extension elements would be connected.
- 2.4. The first floor of the property, which would be primarily used as living accommodation, would undergo some re-configuration including the replacement of a bedroom with a living room at the front of the dwelling and

the relocation of the existing bathroom. The property would retain its provision of three bedrooms.

- 2.5. Both extensions would sever side access to the existing garage and so this would be expanded from 15m² to 18m² and converted to a store room, however would remain single-storey and would involve minor fenestration changes.
- 2.6. External materials include facing brick for the extension and roof tiles to match existing. All fenestrations' materials would match existing.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located at 142 Cedar Road within the settlement boundary of Earl Shilton.
- 3.2. The surrounding area is predominantly residential in character. However, the application site forms part of a pair of independent retail units located on the southern side of the road along a service lay-by. These units include a hairdresser and the application's convenience shop. It is likely that these buildings were originally constructed as residential dwellings and have been converted at ground floor level to accommodate retail uses.
- 3.3. The properties along the road are generally similar in scale, although vary in design; the majority of properties are semi-detached. The application property is constructed using 'buff' brick with cream render detailing. The building currently comprises a shop at ground floor level with residential accommodation above.

4. Relevant Planning History

- 4.1. **25/10167/PREHMO**
- Two storey side and rear extension and external store.
 - 23.01.2026
- 4.2. **79/02513/4A**
- Erection of illuminated sign
 - Refused
 - 22.07.1980

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. One neighbour raised a question regarding the Party Wall Act, however this is not a material consideration in this application.

6. Consultation

- 6.1. There have been no objections from the following consultees:

- LCC's Ecology Unit
- Earl Shilton Town Council

- 6.2. No further responses have been received.

- 6.3. The responses can be read in full on the Council's website.

7. Policy

- 7.1. Core Strategy (2009):

- Policy 2: Development in Earl Shilton

- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3. Earl Shilton and Barwell Area Action Plan (2014):

- Policy 22: Development and Design

- 7.4. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

- 7.5. Other Relevant Guidance:
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- Hinckley and Bosworth Borough Council – The Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are:

- Design and impact upon the character of the area
- Impact upon residential amenity

8.2. The proposal concerns a mixture of householder and retail extensions to an existing mixed-use property within the settlement boundary of Earl Shilton. Therefore, under Policy DM1 of the SADMP and the broader policies of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development. The principle of sustainable development is subject to all relevant planning matters being satisfactorily addressed.

Design and Impact upon the Character of the Area

- 8.3. The application site is prominently located, resulting in relatively high visibility from the public realm, particularly due to its location adjacent to a junction, Oakdale Road. While views towards the front and side elevations would be noticeable, views of the rear elevation would remain limited.
- 8.4. The side extension is set back from the principal elevation by 0.5m and set down by 0.15m from the original ridge height. Whilst a 0.5m set down distance would be optimal; the design would broadly comply with the guidance set out in the Council's Good Design Guide on side extensions. The extension would therefore appear subordinate and proportionate in scale to the main building.
- 8.5. The side extension would project up to the shared boundary, with only a 40cm relief, which would result in a terracing effect and some reduction of established separation distances between properties; however, given its set back distance any resulting design harm is mitigated and would not have a significant impact on the street scene.
- 8.6. Both the two-storey rear extension and garage conversion, which are sited to the rear of the dwelling would not be visible from the public realm and would therefore result in no harm to the character and appearance of the street scene.
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- 8.7. Although the proposal would result in an increase in the overall cubic massing of the building, it would not result in the overdevelopment of the plot as the resultant rear amenity space is extensive, would measuring approximately 20m in length and 10m in width.
- 8.8. The proposed materials, including matching brickwork and roof tiles, would ensure that the property expansion remains coherent with the existing building. This is to be secured by condition.
- 8.9. Whilst there would be some alteration to the established building line, this is mitigated by the siting of the two-storey rear extension to the rear of the property. The side extension would appear as a continuation of the existing building.
- 8.10. Overall, the proposal is considered to respect the character of the existing dwelling and the surrounding area and is therefore in accordance with Policy DM10 of the SADMP, Policy 22 of the Earl Shilton Action Plan and the principles set out in the Good Design Guide.

Impact upon Residential Amenity

- 8.11. The building sits adjacent to Nos. 140 and 144 Cedar Road. It is adjoined with No. 144 and sits topographically higher than No. 140. There are no residential dwellings to the rear of the property, as it backs onto Maple Park.
 - 8.12. Fenestration proposed at the ground floor includes a range of casement windows and one patio door, not exceeding 2m in width. Fenestration proposed at the first floor includes a range of casement windows not exceeding 2m in width. There are no windows proposed along the side elevations of either element. Although the proposed windows would overlook the rear gardens of both Nos. 140 and 144 Cedar Road, they would not introduce additional amenity concerns to what exists currently.
 - 8.13. Both extensions would not result in loss of light for neighbouring habitable rooms; given that they do not breach 45-degrees from the nearest quarter point of any neighbouring habitable window. The storeroom expansion would result in a breach of 45-degree from the nearest ground floor window at No. 140 Cedar Road, however, given that the existing garage already breaches this guidance, further harm is negligible. In addition, given the south facing orientation of the properties, No. 140 would receive adequate sunlight from mid-day onwards. Both elements would result in some degree of shadowing for neighbouring property rear gardens, however given the size of the gardens and the south facing orientation, this is not considered unacceptable.
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- 8.14. Paragraph 135 of the NPPF states that development should secure a good standard of amenity for future occupiers. There would be a breach of the Council's 45-degree guidance to the rear first floor window serving bedroom 2; however, given the property's south-facing rear elevation, this relationship is considered acceptable on balance. There is also a breach to the rear elevation window serving the kitchen/dining area, but as this is a secondary window and the impact is also considered acceptable on balance.
- 8.15. The proposed relocation of the main family bathroom to centrally within the first floor of the property would result in a bathroom with no ingress of natural light. However, bathrooms are not habitable spaces therefore this is considered acceptable.
- 8.16. On balance, whilst there are some amenity issues with the proposed scheme, by virtue of its mitigating factors, the proposal does not result in any unacceptable adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be acceptable on balance, in accordance with Policy DM10 of the 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.
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10. Conclusion

- 10.1. To summarise, the proposed extensions would broadly comply with Policy DM10 of the SADMP and the Good Design Guide and would complement the character of the street scene. The proposal would result in some degree of harm to occupier amenity; however these are considered acceptable on balance.
- 10.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions

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 received by the Local Planning Authority as follows:

- Application Form
- Proposed Floor Plans, Roof Plan and Elevations, Drg No. 142/01 Rev A
- Block Plan, Drg No. 142/01 Rev A
- Parking Plan, Drg No. 142/01 Rev A
- All received by the Local Planning Authority on 06/04/26

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 in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwellinghouse in terms of type, colour and texture, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development preserves the character and appearance of the existing dwellinghouse and the surrounding area and 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).

4. Within three months of the date of this permission, a biodiversity enhancement scheme shall be submitted to and approved in writing by the LPA. Enhancements shall include at least one woodcrete/integrated bat box and one woodcrete/integrated bird box; the make/model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in accordance with Policy DM6 of the adopted 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 building.control@blaby.gov.uk or call 0116 272 7533.
 2. All UK Bat Species are protected by law: Schedule 2 of The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (WCA) (as amended)
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