

Delegated Report

Planning Ref: 23/00421/HOU

Applicant: Mr S MacLeod

Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 39 Groby Road Ratby Leicestershire

Proposal: Single and two storey front, side and rear extensions

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 planning permission for a two storey side extension and part two storey and part single storey rear extension with first floor balcony and lean-to canopy roof with brick piers to the front elevation of a dwelling, 39 Groby Road, Ratby
- 2.2. The proposed two storey side and part two storey/part single storey rear extension would be constructed flush with the main front elevation and extend to a width of 1.4 metres from the side elevation and to a total depth of 11.8 metres at two storey height, 4.6 metres beyond the existing main first floor rear elevation. It would wrap around the rear corner of the dwelling and extend 3.9 metres in width at two storey height across the rear elevation and for the remaining 3.5 metres in width at single storey height with a flat roof and balcony above. The amended two storey side/rear extension would have dual pitched side and rear gabled roof forms with matching 5.1 metres eaves height as the existing main roof and subordinate ridge heights of 7 metres. The single storey rear extension would extend 3.35 metres in depth from the existing ground floor rear elevation just inside the common side boundary and with a flat roof height of 3 metres with a first floor balcony above with glazed balustrades to the side and rear elevations. Matching corresponding external materials are proposed for the front elevation with contrasting render to the side and rear elevations along with matching roof tiles throughout.
- 2.3. The proposed canopy roof to the front elevation would extend 0.72 metres forward of the main front elevation with a width of 7.5 metres over the existing ground floor bay window and porch area. The lean-to canopy roof would have an eaves height of 2.4 metres and maximum height of 3.4 metres and be supported by three brick piers. Matching bricks and roof tiles are proposed in its construction.
- 2.4. An amended plan has been submitted to lower the roof of the side extension to reflect the roof form of the adjoining extended semi-detached house. By virtue of the nature of the amendment and lack of any previous objections, no re-consultations are considered necessary or have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Ratby in a residential area. It is a two storey semi-detached house with a hipped roof form, central brick chimney stack and traditional styling with a ground floor flat roofed bay window and recessed open porch with arched brick headers over. It has a single storey extension across the full width of its rear elevation with a lean-to roof form and a lean-to timber framed garage attached to its side elevation and extending up to the side elevation of the neighbouring house. The application dwelling is

constructed of red/blue multi facing bricks to the front elevation and side elevations and white painted render to the rear elevation, slate roof and white uPVC windows to the front elevation and dark grey uPVC windows to the rear elevation. The site frontage measures approximately 13 metres in depth by 8 metres in width and is hard surfaced in tarmac and loose stones providing up to four off-street parking spaces. There is a 30 metres long by 8 metres wide rear garden with open field to the rear.

- 3.2. The application dwelling lies within a row of two storey detached and semi-detached houses with traditional styling but of varying design and appearance. The adjoining semi-detached house has been previously extended to the side elevation at two storey height flush with the front elevation and with a subordinate dual pitched gable sided roof form and with a lean-to canopy roof across part of its front elevation.

4. Relevant planning history

None.

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. No response has been received from Ratby Parish Council.

7. Policy

- 7.1. Core Strategy (2009)

- No relevant policies

- 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)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

- 8.1. Extensions and alterations 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.
- 8.3 The Council's adopted Good Design Guide states:
- 'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.'* and,
- '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.'*
- '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 side extension would be constructed flush with the main front elevation rather than being set back as required by the adopted design guidance. However, in this case, the proposal would have a clearly subordinate width of only 1.4 metres from the existing side elevation and the amended design proposes retention of part of the existing hipped roof and a gable sided roof form with matching 5.1 metres eaves height as the existing main roof and a clearly subordinate ridge height of 7 metres. As a result, the proposal would still appear as a clearly subordinate addition to the existing dwelling as required by the adopted design guidance. In addition, in this particular case the adjoining semi-detached has been extended with a flush two storey side extension with similar roof form (albeit with additional width) and therefore the amended design as submitted would result in a welcome degree of re-balancing of the front elevation of the pair. Matching facing bricks and roof tiles are proposed in the construction of the front elevation to ensure a unified appearance.
- 8.5 The proposed canopy roof to the front elevation would extend only a modest 0.72 metres forward of the main front elevation and with a full width of 7.5 metres over the existing ground floor bay window and porch area. The lean-to canopy roof would have an eaves height of 2.4 metres and clearly subordinate maximum height of 3.4 metres and be supported by three brick piers. Matching roof tiles and facing bricks are proposed in its construction to ensure a unified appearance. By virtue of its scale, design and appearance the proposal would add interest to the front elevation of the dwelling and would not be uncharacteristic of the single storey lean-to roof porch extension on the adjoining semi, albeit wider.
- 8.6 The proposed part two storey/part single storey rear extension would extend to an appropriate depth of 3.35 metres from the ground floor rear elevation and 4.6 metres from the first floor rear elevation. The two storey section would have a clearly subordinate width of 3.9 metres across the rear elevation and a dual pitched rear gabled roof form with matching 5.1 metres eaves height as the existing main roof and a clearly subordinate ridge height of 7 metres.

8.7 The single storey section would have an appropriate width of 3.5 metres and a clearly subordinate flat roof height of 3 metres with a first floor balcony above with glazed balustrades to the side and rear elevations. Notwithstanding the uncharacteristic flat roof design, by virtue of its single storey scale and position to the rear where it would not be visible from any public areas and would be viewed against the remainder of the dwelling, the proposal would not result in any adverse visual impacts and would therefore be acceptable in design terms in this case. The proposed new side and rear elevations of the extensions would be constructed with matching rendered walls (as on the existing rear elevation) and matching roof tiles to ensure a satisfactory and unified appearance.

8.8 By virtue of the siting, scale, mass and design of the proposed extensions together with the proposed use of matching corresponding external materials to create a unified and satisfactory appearance, the scheme would result in subordinate extensions that would respect and complement the scale, character and appearance of the existing dwelling, the adjoining semi and the wider varied street scene. Approximately 240 square metres of private amenity space and up to four off-street parking spaces would be retained within the site which would be adequate to serve the resulting four bedroomed dwelling. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

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 proposed single storey rear extension would extend just inside the common side boundary for a depth of approximately 3.35 metres beyond the ground floor rear elevation of the adjoining dwelling (No. 37). By virtue of its position to the northeast, modest depth, single storey scale and flat roof design together with the separation distance of approximately 3 metres from the proposal to the centre point of the nearest principal habitable room window in the ground floor rear elevation of No. 37, it is considered that the proposal would not extend to any significant degree beyond a 45 degree line drawn from that window or result in any significant adverse overbearing or overshadowing impacts on No. 37. The proposed two storey rear extension would be set inside the common side boundary with No. 37 by a further 3.5 metres and therefore would not result in any significant adverse overbearing or overshadowing impacts on any rear elevation windows or garden area of No. 37.

8.12 A first floor balcony area is proposed above the single storey section of the rear extension. In general terms, the proximity of the balcony to the side boundary would be likely to be considered to adversely affect the privacy of the adjoining occupier from overlooking. However, in this particular case, the adjoining dwelling is occupied by the applicant's parent who confirmed on the site visit that there were no objections to its construction. In addition, the balcony would be constructed with an

obscure solid privacy side screen to seek to prevent direct sideways views from the balcony to the adjacent dwelling and more sensitive areas of the rear garden. The privacy screen can be secured and thereafter retained by a condition to protect the privacy and amenity of the adjoining neighbouring occupiers. Therefore, in this particular case, the proposal is not considered to be unacceptable.

- 8.13 The neighbouring dwelling to the northeast (No. 41) is a two storey detached house that has been extended to a greater depth at two storey height than that being proposed and has a blank side elevation facing the application dwelling. As a result, the proposed extensions would have no significant adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring occupiers of No. 41. New windows are proposed in the side elevation of the proposed two storey side extension but these would face directly towards the blank side elevation of No. 41 and therefore would not result in any loss of their privacy. The proposed first floor balcony would be set in from the side boundary by approximately 5 metres and screened by the proposed two storey rear extension and that of the neighbouring dwelling and therefore would not result in any significant loss of privacy to the neighbouring occupiers of No. 41.

- 8.14 It is considered that subject to the provision of obscure solid side privacy screens to the southwest side of the proposed first floor balcony, the proposals would not result in any significant adverse overbearing or overshadowing impacts or significant loss of privacy to the occupiers of any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 The site frontage measures approximately 13 metres in depth by 8 metres in width and is hard surfaced in tarmac and loose stones and currently provides up to four off-street parking spaces. The proposals would result in the provision of an additional fourth bedroom but the existing site frontage would retain a depth of at least 12 metres and the same 8 metres width enabling up to four off street parking spaces to be retained. This level of provision would be in accordance with local highway authority design guide standards and adequate to serve the resulting four bedroomed dwelling. The proposals would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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 settlement boundary of Ratby 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 and amended design and the proposed use of matching and complementary external materials in their construction to ensure a unified and satisfactory appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling, would re-balance the semi-detached pair and would not result in any adverse impacts upon the character or appearance of the varied street scene or, subject to condition, the privacy or residential amenity of any neighbouring properties. The proposals would retain more than adequate private rear amenity space of over 240 square metres and satisfactory off-street parking provision of up to four spaces to serve the resulting four bedroom dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide 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: Location Plan No. p2c/uk/938445/1266003, Proposed Block Plan No. b90c/uk/938445/1265997 received by the local planning authority on 3 May 2023 and Proposed Floor Plans, Roof Plan and Elevations Drawing No. SM/2023/1 Rev A received by the local planning authority on 21 June 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 materials details provided within the submitted Planning Application form and on the approved Proposed Floor Plans, Roof Plan and Elevations Drawing No. SM/2023/1 Rev A received by the local planning authority on 21 June 2023 and shall match the corresponding materials of the existing dwelling where stated.

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. Prior to first use of the first floor balcony area hereby permitted, a privacy side screen of obscurely glazed solid panels to a minimum of level 3 of the Pilkington scale and minimum height of 1.7 metres above the upper surface of the balcony area shall be erected along the side boundary in accordance with the details submitted on the approved Proposed Elevations Drawing No. SM/2023/1 Rev A received by the local planning authority on 21 June 2023 and once so installed, the balcony privacy side screen 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