

Delegated Report

Planning Ref: 23/00768/HOU
Applicant: Mr N Bailey & Ms C Hill
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 35 Brame Road Hinckley Leicestershire

Proposal: Two storey side extension, single storey rear extension, front canopy porch roof and detached outbuilding

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 the construction of a two storey side extension, single storey rear extension, front canopy porch roof and a detached ancillary outbuilding.
- 2.2. The proposed amended two storey side extension would extend 4.3 metres in width, flush with the main front elevation at ground floor and set back by 0.9 metres at first floor with a lean-to roof link which would also extend across and over the existing front door providing a canopy porch roof. It would extend 6.2 metres in depth to be flush with the main rear elevation. It would have a gable sided roof form with an eaves height of 4.7 metres and ridge height of 7 metres. Matching corresponding external materials are proposed in its construction. The proposed single storey rear extension would extend 6.5 metres in depth from the main rear elevation and for the full 10.34 metres width of the resulting dwelling, and for a further 1.5 metres in width for a reduced depth of 3.8 metres. It would have a contemporary flat roof design to a height of 3 metres and full height glazed bi-fold doors to its rear elevation. It would be constructed with white smooth rendered walls and aluminium bi-fold doors to reflect its contemporary design.
- 2.3. The proposed detached ancillary outbuilding would be located in the rear garden and close to the rear boundary of the site. It would have width of 11 metres and a depth of 5.6 metres and a low profiled mono-pitch roof form with overhang to a maximum height of 3 metres. It is proposed to be constructed with dark stained vertical cladding to the external walls, black uPVC doors and windows and a single ply membrane roof.
- 2.4. Amended plans have been submitted to reduce the width and depth of the proposed two storey side extension and to address design issues raised by the case officer. Re-consultation on the amended plans has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley and in a residential area. It is a two storey detached house with dual pitched roof form with Dutch hips to the front and rear elevations. It has a detached brick garage to the side elevation with a lean-to roof which is linked to the dwelling by a timber framed/glazed lean-to structure with a polycarbonate sheet roof. The dwelling has a traditional style with two storey front elevation bay windows with hanging tiles between and an open recessed entrance porch. It is constructed of plain rough textured red facing bricks, small red/brown plain roof tiles and newly installed grey uPVC windows. In addition to the garage there is a hard surfaced tarmacadam drive

within the 6 metres deep site frontage providing a second off-street car parking space. There is a 29 metres long and 13 metres wide rear garden enclosed by solid close boarded timber panel fencing providing ample rear amenity space.

- 3.2. The Brame Road street scene is characterised by detached dwellings with a wide variety of scales, designs, styles and appearance.

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 other consultations necessary or undertaken.

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) (2023)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance

- Good Design Guide (GDG) (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 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. 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.' 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 The amended proposed two storey side extension would be flush with the main front elevation at ground floor but be set back by 0.9 metres at first floor with a lean-to roof link providing a satisfactory design solution to link to the first floor and which would also extend across and over the existing front door providing a canopy porch roof. The side extension would extend to an appropriate depth of 6.2 metres to be flush with the main rear elevation. It would have a full gable sided roof form with a pitch to match that of the existing front Dutch hipped gable but with a slightly lower eaves height than the main roof of 4.7 metres and a clearly subordinate ridge height of 7 metres. Notwithstanding that it would extend 4.3 metres in width, over half the 6.2 metres width of the existing main dwelling, in this case, by virtue of its clearly subordinate height and set back at first floor the proposal would nevertheless still appear smaller in both scale and massing to the existing dwelling and therefore as a clearly subordinate addition. A separation distance of 2.5 metres would also be retained from the proposal to the side boundary such that the resulting side extension to the dwelling would not overdevelop the substantial plot. The proposal would have appropriately proportioned windows which along with the proposed use of matching external materials in its construction would create a satisfactory and unified appearance.
- 8.4 By virtue of its 10.34 metres width and 6.5 metres depth, the proposed rear extension would result in a substantial increase in the ground floor footprint of the existing dwelling. Notwithstanding this, by virtue of its single storey scale and flat roof design to a height of only 3 metres, the proposal would, nevertheless, appear as a clearly subordinate addition to the existing dwelling. Notwithstanding that flat roofs do not form part of the original design of the dwelling, the proposal would be only single storey in scale, set well back from the front elevation and located predominantly to the rear within a substantial and well enclosed rear garden where it would not be prominent in, or have any significant adverse visual impacts on, the wider street scene. The contemporary design of the proposal includes wide full height glazed aluminium bi-fold doors and the use of smooth white rendered walls in its construction to reflect its contemporary flat roof design and is therefore considered to be in accordance with the general design principles of the adopted Good Design Guide in this case.
- 8.5 The extensions include the formation of a self-contained one bedroomed annexe. A condition to ensure that this remains ancillary accommodation to the main dwelling and is not used to form a separate dwelling would be reasonable and necessary in this case given the layout.
- 8.6 The proposed detached ancillary outbuilding would be located in the rear garden and close to the rear boundary of the site. It would have width of 11 metres and a

depth of 5.6 metres and an acceptable low profiled mono-pitch roof form with overhang to a maximum single storey height of 3 metres. It is proposed to be constructed with sympathetic dark stained vertical cladding to the external walls, black uPVC doors and windows and a single ply membrane roof to ensure a satisfactory appearance. By virtue of its footprint and single storey scale the proposal would be clearly subordinate to the application dwelling and would provide additional ancillary games room/gym accommodation which would respect and complement the residential character of the site and surrounding area. By virtue of its position to the rear within a well enclosed and substantial rear garden, it would not be prominent in, or have any significant adverse visual impacts on, the wider street scene or surrounding area. The siting, scale and contemporary design and appearance of the proposal is therefore considered to be acceptable.

- 8.7 Altogether, the proposals would not overdevelop the plot with approximately 220 square metres of private amenity space being retained to serve the resulting four bedroomed dwelling (including the integrated ground floor annexe) which would exceed adopted Good Design Guide standards.
- 8.8 By virtue of their siting, scale, design and appearance, it is considered that the amended proposed scheme of 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 already varied street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and acceptable in terms of 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. 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.'

- 8.10 The neighbouring dwelling to the southwest (No. 33) is a detached two storey house with only small secondary windows in its near side elevation and directly facing the existing side elevation of the application dwelling. It is set well forward of the application dwelling but has been substantially extended to the rear with a two storey and flat roofed single storey rear extension. The proposed rear extension would extend approximately 5.5 metres beyond the rear elevation of No. 33. Notwithstanding this, by virtue of its single storey scale and 3 metres high flat roof design together with the separation distance of approximately 5.5 metres to the nearest ground floor principal habitable room window, the proposal would not extend beyond a 45 degree line drawn from the centre-point of that window or result in any significant adverse overbearing or overshadowing impacts on the rear elevation or garden of No. 33. Whilst there is a clear glazed door closer to the boundary this serves a utility area rather than a habitable room. The side elevation of the proposed rear extension facing towards No. 33 is blank and therefore there are no windows that would result in any loss of privacy to the neighbouring occupiers from any direct overlooking. The proposed two storey side extension

would be to the far side of the application dwelling and therefore have no adverse impacts on No. 33 or result in any loss of privacy to the occupiers from any potential overlooking.

- 8.11 The neighbouring dwelling to the northeast (No. 37) is a detached bungalow with hipped main roof form and a garage and flat roofed single storey extension extending along the side boundary and well beyond the rear elevation of the proposed extensions. The near side elevation of No. 37 facing the application site has no windows. As a result of the siting of the proposals and their separation distances to No. 37, the proposals would not result in any significant adverse overbearing or overshadowing impacts on the neighbouring dwelling or result in any loss of privacy to the occupiers of No. 37 from any direct overlooking.
- 8.12 The windows in the proposed detached ancillary outbuilding face the applicant own rear garden and are offset from the principal habitable room windows of the neighbouring dwellings. In addition, 2 metres high solid close boarded timber fencing provides adequate protection of respective privacy. A condition to restrict the use of the proposed detached outbuilding for purposes ancillary to the residential occupation of the application dwelling is considered to be reasonable to define the permission and ensure compatible current and future use.
- 8.13 By virtue of their siting, scale, amended design and separation distances to neighbouring dwellings, the proposals would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties and are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 The proposals would increase the size of the dwelling from a three bedroomed house to a four bedroomed house (including the integrated ground floor annexe) and would result in the loss of the existing but undersized garage. Notwithstanding this, the proposals include the provision of new permeable hard standing across the 6 metres deep and 13 metres wide site frontage that would provide at least three off-street parking spaces the provision and future retention of which could be conditioned. This level of provision would not have any adverse visual impacts on the street scene where frontage parking provision is highly characteristic and would be adequate to serve the resulting four bedroomed dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposals would therefore be in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance.

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 are for extensions and alterations to an existing dwelling located within the urban settlement boundary of Hinckley 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, amended design and the proposed use of matching and sympathetic complementary external materials to ensure a satisfactory and unified appearance to the various elements of the scheme, 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 significant adverse visual impacts upon the character or appearance of the already varied street scene or surrounding area. By virtue of their siting, scale, amended design and separation distances, the proposals would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties. Adequate private amenity space of over 220 square metres and a minimum of three off-street parking spaces would be retained/provided within the site. The amended proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and acceptable in terms of 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 at scale 1:1250 and Proposed Detached Outbuilding Floor Plans and Elevations Drawing No. 23.2222.GA.110 received by the local

planning authority on 7 August 2023 and Proposed Block Plan and Site Plan Drawing No. 23.2222.GA.101 Rev b and Proposed Dwelling Floor Plans and Elevations Drawing No. 23.2222.GA.102 Rev c received by the local planning authority on 27 November 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 external materials details submitted on the approved Proposed Detached Outbuilding Elevations Drawing No. 23.2222.GA.110 received by the local planning authority on 7 August 2023 and Proposed Elevations Drawing No. 23.2222.GA.102 Rev c received by the local planning authority on 27 November 2023 and shall match the corresponding materials of the existing dwelling where so 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. The extensions and alterations hereby permitted shall not be occupied until such time as a minimum of three off-street car parking spaces each of minimum dimensions of 5.5 metres in length and 2.5 metres in width have been provided within the site frontage and hard surfaced with permeable hard bound materials in accordance with the approved Proposed Site Plan Drawing No. 23.2222.GA.101 Rev b received by the local planning authority on 27 November 2023. The onsite parking provision shall then be permanently so maintained as such at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The self-contained residential annexe hereby permitted shall only be used as ancillary accommodation to the host dwelling 35 Brame Road, Hinckley and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation.

Reason: To ensure the self-contained residential annexe hereby permitted is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The detached outbuilding hereby permitted shall only be used for purposes ancillary to the residential occupation of 35 Brame Road, Hinckley with no trade, commercial or business use operating therefrom at any time.

Reason: To safeguard the privacy and residential amenity of neighbouring dwellings and to ensure compatible use 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.