

Delegated Report

Planning Ref: 25/00038/HOU
Applicant: Mrs Emma Shepherdson
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 72 Heath Lane Earl Shilton Leicester

Proposal: Removal of existing raised wood decking and installation of new wood decking

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning consent for the installation of new raised decking at 72 Heath Lane, Earl Shilton, following the removal of the existing raised decking.
- 2.2. The proposed decking would project outwards from the existing rear elevation by a maximum of 3.90 metres, would host a width of 7.20 metres, would host a height of 3.00 metres and would be constructed out of timber.
- 2.3. The proposal would involve the demolition of the existing decking at the site, which does not host planning permission, however, can be evidenced to have been in situ since at least 2013, being immune from planning enforcement action.
- 2.4. Pre-application advice was issued in support of the scheme in January 2025 (24/10175/PREHMO).

3. Description of the site and surrounding area

- 3.1. The application site relates to a semi-detached residential bungalow situated within the settlement boundary of Earl Shilton. The bungalow comprises cream render to the walls with two rows of black brick to the lower level, brown interlocking tiles to the hipped roof and brown uPVC to the windows. A block paved hardstanding sits forward of the principle elevation suitable to host a generous parking provision, which is enclosed by timber fencing.
- 3.2. Within the street scene there is a mixture of bungalows, two storey detached and semi-detached dwellings. Due to the variety of types, designs and styles of dwellings in the immediate vicinity of the site there is no clearly defined character.

4. Relevant planning history

- None relevant.

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 objection has been received which has been summarised below;

- Content with overall proposal, however, has privacy concerns regarding material to be used to privacy screen.

6. Consultation

6.1. Earl Shilton Town Council:

No comments have been received.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (AAP) 2006-2026

- Policy 22: Development and Design
-

7.2. Core Strategy (2009)

- Policy 2: Development in Earl Shilton

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.4. National Planning Policies and Guidance

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

7.5. 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

Design and impact upon the character of the area

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.

8.3 Policy 22 of the Earl Shilton and Barwell AAP seeks to ensure that developments do not adversely affect the character or appearance of the host building or the surrounding area and respect the scale, proportions, height and materials of the existing building, neighbouring structures and overall street scene.

8.4 The proposed decking would be situated to the rear of the application dwelling and would host a replicating width and height to that of the existing. The main alteration would be a modest 0.90 metre increase to the existing projection in order to accommodate the re-positioning of the stairs from the east to the north of the decking. By virtue of its modest increase to projection, its similar design and that it would not be predominantly viewable the proposal is considered to be acceptable.

- 8.5 The proposal would involve the demolition of the existing decking at the site, which does not host planning permission, however can be evidenced to have been in situ since at least 2013, being immune from planning enforcement action.
- 8.6 The materials would remain to match those of the existing decking.
- 8.7 The proposal is not considered to be a complementary addition to the dwelling, however as the existing decking at the site is immune from planning enforcement action, is minimally viewable from a public viewpoint and is only to hosts a modest increase in depth the proposal is not considered to warrant refusal. By virtue of this, this aspect of the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.9 Policy 22 of the Earl Shilton and Barwell AAP seeks to ensure that developments do not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.10 The proposed decking would be sited immediately to the rear of the dwelling and would provide access to the garden from the existing conservatory, due to the land levels within the garden sloping to the north. It would be on a comparable footprint to the existing decking, albeit with a minor increase in depth, however fencing and vegetation is present to both side boundaries to the immediate neighbouring properties, with a 1.50 metre privacy fence proposed to the sides of the decking providing an additional aspect of privacy for the neighbouring occupiers to the east and west. An objection has been received regarding the material to be used to the privacy screens. The proposed material has not been specified on the submitted documentation and the case officer was unable to make contact with the applicant to clarify, a condition has, however been implemented to ensure the construction material of the privacy screen is solid timber and is to remain in situ for perpetuity to protect the privacy of 70 and 74 Heath Lane.
- 8.11 The structure is considered to bear some impacts upon the neighbouring dwellings, however as the existing structure has already been in place for a significant time and has not been subject to any complaints on balance the proposal is considered to comply with Policy DM10 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP in this aspect.

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 proposed development is for a property located within the settlement boundary of Earl Shilton. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP.
- 10.1 The proposed development has been assessed, and the Local Planning Authority can conclude that the proposed development would complement the character and appearance of the host dwelling. The structure is considered to bear some impacts upon the neighbouring dwellings, however, as the existing structure has already been in place for a significant time and has not been subject to any complaints on balance the proposal is considered to be acceptable. On this basis, the proposal is therefore considered to be in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of the Earl Shilton and Barwell AAP. The proposal and is 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 23rd January 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of the Earl Shilton and Barwell AAP.

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

- Site Location Plan
 - Proposed Block Plan
- Both as received by the Local Planning Authority on the 23rd January 2025.

- Proposed Decking Front Elevation
- Proposed Decking Floor Plan
- Proposed Decking Visual
All as received by the Local Planning Authority on the 5th February 2025.
- Proposed Decking Side Elevation as received by the Local Planning Authority on the 8th January 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of the Earl Shilton and Barwell AAP.

4. Prior to first use of the decking area hereby permitted, a solid timber privacy side screen of a minimum height of 1.50 metres above the upper surface of the decking shall be erected along the east and west sides of the approved balcony area as defined on the approved Proposed Decking - Side elevation as received by the local planning authority on 5th February 2025 and once so installed, the privacy screen shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from direct overlooking in accordance with Policy DM1 and DM10 of the Site Allocations and Development Management Policies DPD and Policy 22 of the Earl Shilton and Barwell AAP.

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.