

Delegated Report

Planning Ref: 23/00632/HOU

Applicant: Mr Brett Morris

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 1 Sandringham Avenue Earl Shilton Leicestershire

Proposal: Retention of carport - (Revision of 22/01194/HOU)

1. Recommendations

- 1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning application description

- 2.1. This householder application seeks planning permission for the alteration/retention of an unauthorised car port that has been constructed to the side of a dwelling, 1 Sandringham Avenue, Earl Shilton.
- 2.2. This is a re-submitted scheme following the refusal of retrospective planning permission for a similar structure (Ref: 22/00194/HOU). The current proposal has been amended by a very modest reduction in the car port roof height and roof pitch only. It would remain 6.6 metres in width and 4.6 metres in depth with a large dual pitched canopy roof supported by a substantial stained timber frame/roof trusses and surfaced with a metal sheet (tile effect) roof covering in a graphite grey colour. Due to differences in ground levels front to back, the submitted plans indicate that the proposed altered/retained car port roof would have an eaves height of between 2.9 metres and 2.5 metres and a ridge height of between 4.6 metres and 4.2 metres.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Earl Shilton and on a prominent corner plot on a large residential estate. It is a detached bungalow with hipped roof form and traditional design with twin front elevation bays either side of the central integral open entrance porch. It has a detached dual pitched roof gable fronted garage set back to the side and rear. The application dwelling is constructed of red rustic facing bricks, small red plain clay roof tiles and white uPVC windows. The detached garage is constructed in red facing bricks and red/brown concrete roof tiles with a white metal up and over door. An open sided carport has been constructed in front of the garage with a large dual pitched canopy roof supported by a substantial stained timber frame/roof trusses and surfaced with a metal sheet (tile effect) roof covering in a graphite grey colour. The site frontage and side driveway area is surfaced entirely in black tarmac and provides off-street parking for numerous cars in addition to the garage and car port.
- 3.2. The surrounding area is characterised predominantly by two storey semi-detached houses with traditional and uniform design and styling with some variation in appearance with a mix of red brick and render, along with more modern detached bungalows.

4. Relevant planning history

22/00189/UNHOUS

- Planning Enforcement Notice served 13 June 2023, effective 14 July 2023 requiring the unauthorised car port structure to be removed in its entirety or reduce its height to a height not exceeding 2.5 metres from ground level within three months of the effective date.

22/01194/HOU

- Retention of carport
- Refused
- 07.03.2023

92/01041/4

- Erection of detached garage
- Permitted
- 18.01.1993

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One response has been received as a result of public consultation objecting to the proposal on the grounds of its size and character, loss of natural light and privacy, lack of drainage, potential future use and increased traffic and noise disturbance.

6. Consultation

- 6.1. No response has been received from Earl Shilton Town Council.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)
- No relevant policies
- 7.2. Core Strategy (2009)
- No relevant policies
- 7.3. 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
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5. 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 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:

'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'

- 8.3 As a result of public consultation an objection has been received on the grounds of its size and character.
- 8.4 Notwithstanding that the proposed altered/retained car port would be set back from the existing dwelling, it is/would be sited to the highway boundary side of the dwelling and on a prominent corner plot where it is/would be clearly visible within the street scene. It is/would be positioned to the front of the existing detached garage and is considered to have an excessive footprint by virtue of its 6.6 metres in width which extends almost up to the highway boundary. Due to differences in ground levels front to back, the submitted plans indicate that the proposed altered/retained car port roof would have an eaves height of between 2.9 metres and 2.5 metres and a ridge height of between 4.6 metres and 4.2 metres. It is considered that this is/would remain excessive in terms of both its height and mass and together with its siting would unacceptably over-dominate the street scene contrary to the adopted Good Design Guide.
- 8.5 The car port canopy roof is/would be supported by a substantial stained timber frame/roof trusses and surfaced with a metal sheet (tile effect) roof covering in a graphite grey colour. The metal sheet materials are not a prevalent construction materials in the surrounding area and appear clearly and visibly at odds with the existing small red plain clay roof tiles of the application dwelling and the red/brown concrete roof tiles of the detached garage and neighbouring dwellings in the surrounding area.
- 8.6 By virtue of its siting, scale, design, massing, height and appearance, it is considered that the proposed altered/retained car port would still result in an uncharacteristic, unacceptable and incongruous form of development that neither respects, complements nor enhances the character or appearance of the application site or the surrounding area and that it would remain visually over-prominent within the street scene. It would therefore be in conflict with and contrary to Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the overarching design principles within the NPPF (2021).

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP and the adopted 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.
- 8.8 One response has been received as a result of public consultation objecting to the proposal on the grounds of loss of natural light and privacy, lack of drainage arrangements, potential future use and increased traffic and noise disturbance.
- 8.9 Notwithstanding the objection received, by virtue of its siting adjacent to the highway, single storey scale and significant separation distances to all neighbouring dwellings, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any

neighbouring properties. The use of the car port would be ancillary to the residential occupation of the application dwelling and unlikely to result in any excessive traffic generation or noise disturbance which, in any case, would be subject to control by separate environmental legislation. Therefore it is considered that the proposal would not conflict with Policy DM10 of the adopted SADMP in terms of impacts on neighbouring properties amenity.

Impact upon parking provision

- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 The proposed altered/retained car port would not impact on the existing off-street parking provision or generate an additional need within the site. The level of retained provision would remain more than adequate to serve the application dwelling and be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide 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 proposal relates to an extension to an existing dwelling within the urban settlement boundary of Earl Shilton 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 its use, siting, scale and separation distances to all neighbouring dwellings, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and more than adequate off-street parking would be retained within the site to serve the application dwelling.

- 10.3. However, by virtue of its siting, scale, design, massing, height and appearance, the proposed altered/retained car port would still result in an uncharacteristic and incongruous form of development that neither complements nor enhances the character or appearance of the application site or the surrounding area and would remain visually over-prominent within the street scene. The proposed development is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching design principles contained within section 12 of the National Planning Policy Framework (2021) and is therefore recommended for refusal of planning permission for the reasons below.

11. Recommendation

- 11.1 **Refuse planning permission** for the reasons at the end of this report.

11.2 Reasons

1. By virtue of its siting, scale, design, massing, height and appearance, the proposed altered/retained car port would still result in an uncharacteristic and incongruous form of development that neither complements nor enhances the character or appearance of the application site or the surrounding area and would remain visually over-prominent within the street scene. The proposed development is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the general principles of the adopted Good Design Guide and the overarching design principles contained within section 12 of the National Planning Policy Framework (2021).

11.3 Notes to applicant

1. This application has been assessed and determined with reference to the submitted Householder Planning Application, Block Plan Drawing No. 1 Sandringham-B Rev A, Floor Plan - Site Plan Drawing No. 1 Sandringham-B Rev A, Floor Plan - Site Plan Drawing No. 1 Sandringham-P Rev A, Floor Plan - Site Plan Drawing No. Sandringham-T1 Rev A, Floor Plan - Site Plan Drawing No. Sandringham-T2 Rev A and Site Location Plan and Existing Site Drawing No. 1 Sandringham E Rev A and Proposed Front and Side Elevations Drawing No. 1 Sandringham-P Rev B received by the local planning authority on 26 June 2023.