

Delegated Report

Planning Ref: 25/00040/HOU

Applicant: Mrs Angela Wale

Ward: Burbage St Catherine's and Lash Hill



Hinckley & Bosworth
Borough Council

Site: 18 The Fairway, Burbage, Hinckley, Leicestershire

Proposal: Two storey front, rear and side extensions, single storey rear and side extension and detached annex outbuilding

1. Recommendations

- 1.1. **Grant planning permission** subject to conditions detailed at the end of this report.

2. Planning application description

- 2.1. This application seeks planning permission for the erection of extensive extensions to the above detached dwelling. The outbuilding would sit to the rear of the existing moderately large garden, which is over 20 metres deep and the submitted plans show a bedroom, bathroom and living area. The agent has stated that it would be used by the applicant's father. It measures 8.7m by 4.5m and has a shallow pitched roof and is 2.4m to the eaves with a ridge height of 3.66m. The end gable sits off the common boundary with the neighbouring dwelling to the north by just a few centimetres.
- 2.2. The two storey front extension replaces an existing porch and projects just 1.2m and is 3.2m wide. It adds space to the entrance hall at ground floor and to a proposed en-suite at first floor. It has a hipped roof. The proposed two storey side and rear extension is set back by 1m from the existing main front elevation and is 4.2m in width and is 2.2m deep. The roof is fully hipped to both side and rear to match the existing roof. The single storey side and rear extensions replace existing structures of similar but slightly smaller footprints. To the rear it extends 2.8m beyond the 2.2m two storey extension. It is set in from the side boundary by 0.9m and has a flat roof to 3m. It is set back from the front elevation by 5.2m.
- 2.3. The application has been amended since it was first submitted to reduce the width of the single storey extension so that access to the outbuilding can be provided without having to enter through the existing house. In addition the two storey rear extension has been increased in depth so that it is a consistent depth across the entire width of the dwelling.
- 2.4. Works have commenced on site following submission of the application. The applicant has stated that this is due to her father having an operation and wanting the outbuilding available as a matter of urgency.

3. Description of the site and surrounding area

- 3.1. The existing detached dwelling lies within the built-up area of Burbage and is bordered on three sides by other dwellings with Hastings High School to the rear. It is set back from the highway by 9.7m. The rear garden would retain a depth of over 21 metres taking account of the proposed extensions. The two neighbouring properties are both two storey detached dwellings but within the wider area there is a great variety of dwellings giving the area no distinct character or identity that requires special consideration.
- 3.2. The dwelling to the north faces the existing single storey flat roofed car part and store area that sits on the common boundary. The proposed single storey extension would be pulled away from this boundary. This neighbouring dwelling also has a single storey rear extension on this southern part of the plot that extends deeper than the proposed extension.
- 3.3. The dwelling to the south sits 2.4 m off the common boundary and has a single storey rear extension that the proposed two storey extension projects beyond by approximately 0.6m and that the ground floor projects by approximately 3.4m. At first floor level the proposed two storey extension projects by approximately 2.9m
- 3.4. Planting within the applicant's garden would be removed to facilitate the works.
- 3.5. The dwelling is not listed and does not lie within a conservation area.

4. Relevant planning history

- 4.1. There is no relevant planning history.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Those responding to the initial application have also been notified of the revised plans.
- 5.2. Responses have been received from two properties only one of which objects to the proposals. The grounds of objection/concern are as follows:
- Proximity to the extension
 - Noise and disturbance during construction
 - Potential for structural damage
 - Overlooking and loss of privacy from the facing outbuilding windows – a condition should be attached requiring windows to be obscurely glazed
 - A condition should be attached restricting the use of the annex to a close relative
 - Loss of light
 - Loss of amenity due to feeling enclosed by buildings
 - Conditions should be attached restricting construction hours to reasonable times and regarding the removal of vegetation during the bird nesting period
 - Large extensions out of character with the surrounding area and contrary to the Council's Good Design Guide
 - The design should be amended so that the two storey element complies with the Council's Good Design Guide

6. Consultation

- 6.1. Burbage Parish Council - No objections to the proposal but is concerned about tree loss. If permission is granted a condition should be attached regarding replacement tree planting

Officer comment – the trees are not protected by TPO and the site does not lie in a Conservation Area and the Council has no policy regarding tree replacement in these circumstances.

- 6.2. LCC Ecology – Following receipt of a preliminary Bat Roost Assessment the Ecology Team confirms that there are no longer any objections to the proposed development.

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026 (2021)

- Policy 2: Design and Layout

- 7.2. Core Strategy (2009)

- No relevant policies

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

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

- 7.4. National Planning Policies and Guidance

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

- 7.5. Other relevant guidance

- HBBC Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide (2025)

8. Appraisal

- 8.1. Alterations to 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 highway safety

Design and impact upon the character of the area

- 8.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. Policy 2 of the BNP requires new development to respect its surroundings, follow the existing pattern of development where appropriate and retain existing important natural features on the site, such as trees and hedgerows.
- 8.3 The proposal provides an ancillary domestic building to the back of the applicant's rear garden. The proposed building is single storey with a pitched roof and is screened from the closest public realm by dwellings on The Fairway. The extensions to the house are more prominent but the two storey side extension is set back from the building frontage by a full metre, double the setback required by the Council's Good Design Guide (GDG). It is not though set down by the 0.5 metres that is required by the GDG. Given the set back from the frontage though the side extension meets the requirements of the GDG that it be subordinate to the main dwelling. The front extension complies with the GDG in that does not extend beyond the front elevation by more than 2 metres and does not cover more than 50% of the front elevation. The single storey side extension replaces an existing carport and similar extension and is set back from the frontage by approximately 5 metres.
- 8.4 It is considered therefore that the proposals are well design, providing a balanced appearance to the dwelling and taken as a whole, complement the character and appearance of the area.
- 8.5 Tree and hedges on the site are not protected by any preservation order and the site does not lie within a conservation area. Policy 2 of the Burbage Neighbourhood Plan refers to important features and therefore given the context the trees and hedges are not considered to meet the level of importance that would require amendment or refusal of the application.
- 8.6 The scheme is considered to complement the character of the surrounding area. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and Policy 2 of the Burbage Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.8 The Council's Good Design Guide contains a 45 degree rule to ensure that neighbouring extensions do not disproportionately impact on a neighbour's habitable rooms. The neighbouring dwellings in this instance are both two storey detached dwellings.

- 8.9 Objections to the proposal have been received and the proposal has been amended, which in part has addressed some of the neighbour concerns. Objections regarding damage to property are a civic matter between the parties concerned.
- 8.10 Permitted development rights allow the construction of outbuildings within rear private rear gardens subject to conditions limiting their height. While the height of the outbuilding in this case exceeds that whereby it would not require permission, it is the case that windows in an ancillary outbuilding facing the garden could take place without requiring any planning application to be submitted. The windows are offset from habitable room windows in the neighbouring dwellings and are screened by existing boundary treatments. In addition the depth of the gardens is such that the windows are approximately 21 metres from neighbouring habitable rooms at first floor level. Given these circumstances it is not considered that the outbuilding has any significant detrimental impact on the amenity of any neighbouring property occupiers.
- 8.11 It is considered that the outbuilding provides a sufficient level of amenity for any future occupier.
- 8.12 The proposed extensions do not breach the 45 degree rule and therefore it is not considered that they give rise to any unacceptable loss of amenity for neighbouring residents.
- 8.13 The new window at first floor level on the two storey side extension is to an en-suite bathroom window and so will be obscurely glazed. A condition is attached to ensure that this takes place.
- 8.14 As such, by virtue of their siting, scale, 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.

Impact upon highway safety

- 8.15 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. The Leicestershire Highway Design Guide requires 3 parking spaces for a dwelling with 4 or more bedrooms.
- 8.16 The proposal increases the number of bedrooms in the main dwelling from three to four. There is sufficient space on the drive to accommodate at least three cars. The proposals would therefore be in accordance with Policies DM17 and DM18 of the adopted 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.
- 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 site is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and within the wider policies of the NPPF
- 10.2. The proposal is for large extensions to the existing dwelling and for an ancillary domestic outbuilding within the applicant's rear garden. The proposals are considered to complement the character and appearance of the site and surrounding area and have no significant detrimental effect on the amenity of any neighbouring residents. The increased parking demand can be accommodated on site.
- 10.3. Therefore the proposal would comply with Policies DM1, DM10, DM17 and DM18 of the SADMP (2016) and Policy 2 of the Burbage Neighbourhood Plan. Therefore this application is recommended for approval subject to the conditions below.

11. Recommendation

Grant planning permission subject

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Revised Plans and Elevations 9757-02 received 12 May 2025

Site Location Plan received 22 January 2025

Proposed Outbuilding Floor Plans and Elevations 9757-03 received 22 January 2025

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).

2. The materials to be used on the external elevations shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The residential annex hereby permitted shall only be used as ancillary accommodation to the dwelling at 18 The Fairway, Burbage and shall not be occupied, sold, or separately leased or let as an independent unit of residential accommodation at any time.

Reason: To ensure the residential annex 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 Site Allocations and Development Management Policies Development Plan Document (2016).

4. The new window in the side elevation at first floor level shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window 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).