

Delegated Report

Planning Ref: 24/00812/HOU

Applicant: Mr P Hobday

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 41 Hinckley Road Barwell Leicester

Proposal: Single storey rear extension

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 application proposes a single storey rear extension.
- 2.2. The proposal will be under a tiled mono-pitch roof (eaves height 2.5m and roof height ascending to 3.7m) with 2.no roof lights inserted in the slope. The proposal will span the width of the host dwelling's original rear elevation (approx. 5.9 metres) and protrude from the rear by 3.6m.
- 2.3. The proposal will require the part demolition/incorporation of an existing rear single storey extension (of similar design and height) that currently spans half the width of the host dwelling's rear elevation.

3. Description of the site and surrounding area

- 3.1. 41 Hinckley Road, Barwell is a two storey semi-detached dwelling. The property is under a tiled hipped roof and is brick built, with the majority of its external walls rendered (white)
- 3.2. The property is sited within a linear (tree lined) avenue, and is flanked on either side and opposite the highway to its front by properties built in a similar period (mid 20C) and design - which are a typical design (mid-20th Century suburban) for the period.
- 3.3. There is open countryside to the rear.

4. Relevant planning history

None

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 response received Adjoining neighbour No.39 Hinckley Rd
- 5.3. Object to the proposal, for the reasons:
 - A window opening, installed within their existing single storey rear extension's side elevation (west facing) will be blocked by the siting of the proposed rear extension's side elevation (east)
 - This window was installed within their rear extension development under the instruction (position, dimension and obscure) from the local authority.

- If proposal is approved, the siting of the proposed side elevation would block the existing side window, and moreover, insufficient light would enter the neighbour's kitchen space and also block means of fire escape.
- If approved compensatory measures would be sought to remedy the blocking of the window and not contravene the local authority's original directive.

Officer comment: There is no record of any planning application on the neighbouring property although there are records of Building Regulations applications relating to windows.

6. Consultation

6.1. Barwell Town Council

6.2. Response: No Objection

7. Policy

7.1. Barwell and Earl Shilton Area Action Plan (2014)

- Policy 22 : Development and Design

7.1. Core Strategy (2009)

- Policy 3: Development in Barwell

7.2. Site Allocations and Development Management Policies 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 (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
- Impact upon highway safety

Design and impact upon the character of the area

8.2 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials. This further supported by Policy 22 (Design and Development) of the Earl Shilton and Barwell Area Action Plan.

- 8.3 In view of its scale, siting and design (including external materials) it is considered the proposed extension to be sympathetic to the design and scale of the host dwelling and neighbouring dwellings. Furthermore, the proposal cannot be viewed from the nearby highway (Hinckley Rd) and therefore will not introduce a harmful feature within the surrounding streetscene. The proposal therefore accords with Policies DM10 of the SADMP, Policy 22 of the Earl Shilton and Barwell Area Action Plan and the recommendation's made in the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.4 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.5 The proposed extension would protrude 3.6 metres beyond the host dwellings' rear elevation and does not intersect 45 degree splay lines drawn from the centre of the nearest living space windows belonging to both neighbouring dwellings (nos.39 and 43).
- 8.6 Given its siting and scale, the rear extension will not otherwise introduce any overbearing or overshadowing features to the living space windows and rear amenity space belonging to neighbouring dwellings. Furthermore, the proposed fenestration within the extension will not introduce any overlooking of neighbouring property's living space windows.
- 8.7 The concerns and objection to the development raised by the owner of the adjoining dwelling (No.39) are noted by the case officer.
- 8.8 The window (as discussed by the neighbour) is sited within the adjoining neighbour's single storey rear extension side (west facing elevation). However, despite the concerns raised by the neighbour regarding loss of light afforded to this window and their adjoining kitchen space, the window is fitted with obscure glazing, is sited at a high level within the side elevation and is of relatively small size.
- 8.9 Moreover, the neighbour's side window (as discussed) is not the principal window that provides daylight to the adjoining habitable room (kitchen). Therefore, in consideration of this and provisions within HBBC's Good Design Guide, the siting of the proposed extension's side (east facing) and the resulting full obstruction of the neighbour's existing side (secondary) side window would not harm the amenity (provision of daylight) afforded to the neighbouring dwelling.
- 8.10 Furthermore, notwithstanding that an application and determination for a certificate of lawful development could be submitted, the neighbour's window that is to be obscured by the proposed rear extension, could also be obscured by a 2 metre height boundary treatment or single storey rear extension's side elevation if the owner of the host dwelling were to construct either - if they were considered to be permitted development (under the General Permitted Development Order (2015) (as amended)).
- 8.11 The neighbour may have separate recourse with regard to the window under Right to Light legislation but this is separate to planning legislation.

Impact upon highway safety

- 8.12 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision to serve the development proposed. This is further

supported by the relevant recommendations set out in Leicestershire County Council's Highway Design Guide.

- 8.13 Further bedroom spaces are not proposed as part of this application and the development will not result in the loss of existing off-street parking provision. Therefore, the proposal will not impact current on-street parking provision, furthermore, the safety of the users of the adjoining highway will not be compromised. Therefore the application complies with Policy DM18 of the SADMP.

Other considerations

- 8.14 Due to the siting of the proposed rear extension's side (east) elevation in close proximity to the adjoining neighbour's (No.39) existing side elevation (west) – which serves an existing single storey rear extension, the owner of the adjoining property has raised concerns and has also requested compensation regarding the siting of the proposal and obstruction of the existing window – which the owner claims was requested to be inserted by the Local Authority at the time of the extension's construction.
- 8.15 There is no evidence/history of a formal planning application(s) regarding an extension to the rear of No.39 has ever been made although there are records of applications under the Building Regulations being made. It can only be presumed that this extension was built under permitted development or was built without planning permission. Therefore, although the neighbour has stated that the existing side window was a requirement of the local authority there is no evidence that this was a planning requirement. Even if such a requirement under the Building Regulations had existed at the time it is not considered that from a planning point of view the proposed extension has an unacceptable impact on the amenity of the neighbouring residents and that an insertion by a neighbour of a window that directly faces neighbouring property should result in the applicant being unable to legitimately extend their property.
- 8.16 Furthermore, any concerns regarding land ownership and/or physical impact upon the neighbouring property and requests for compensation would be separate to planning legislation. Therefore, owners of adjoining properties and the owner of the proposal site would be advised to seek legal advice/recourse regarding civil legislation i.e. the Party Wall Act and Right to Light legislation.

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 application is in keeping with the existing dwelling and would not have an adverse visual impact on the area. It complies with Policy DM10 of the SADMP and advice within the Good Design SPD. There would be no significant loss of residential amenity to any neighbouring properties or adverse implications on highway safety. The proposal is therefore in accordance with Policy DM10 and DM18 of the SADMP and in this regard the proposed development can be supported.

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:
Drg.No.: 9752-10- Site Block Plan and Site Location Plan,
Drg.No: 9752-010- Proposed Elevations and Floor Plan and Roof Plan.
Both received by the local planning authority 22nd August 2024.

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 extension and alteration shall accord with the approved

-Drg.No: 9752-01 Proposed Elevations and Floor Plan.

-Proposed external materials specified within the materials schedule of the application form submitted as part of this approved application.

Both received by the local Planning authority 22nd August 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies 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 building.control@blaby.gov.uk or call 0116 272 7533.