

Delegated Report

Planning Ref: 24/01135/HOU

Applicant: Mr And Mrs Fores

Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Cherry Tree Cottage Bosworth Road Congerstone

Proposal: First floor extension and installation of a pitched roof to garage

1. Recommendations

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

2. Planning application description

- 2.1. The application seeks full planning consent for a first floor extension and installation of a pitched roof to the existing garage at Cherry Tree Cottage, Bosworth Road, Congerstone.
- 2.2. The proposal would see an increase in the main dwellings eaves height by 0.79 - 2.21 metres and an increase in the dwellings ridge height by 1.07 - 2.34 metres.
- 2.3. The front elevation would see the removal of the existing bay windows and the replacement with two three pane windows to the ground floor and the installation of a three pane window to the first floor hosting the western bedroom. A dual-pitched front facing dormer is proposed above the lounge opening hosting a two pane window. A proposed porch would project outwards from the existing front elevation by 0.84 metres for a width of 3.28 metres. It would have a dual-pitched front facing gable with an eaves height of 4.63 metres and a ridge of 6.26 metres. It would see a full height four panel gable end window below which would sit a front door with two side lights.
- 2.4. The rear elevation would see the demolition of the existing conservatory and installation of two sets of bi-fold doors, three windows and a door to the ground floor, and the installation of four windows and a Juliette balcony to the first floor.
- 2.5. The eastern side elevation would see the installation of chimney stack, set back from the principle elevation by 6.54 metres. It would project outwards from the existing side elevation by 0.59 metres for a width of 1.58 – 2.39 metres and would have a height of 7.62 metres.
- 2.6. The existing flat roof garage would see the introduction of a dual-pitched forward facing gable roof which would measure 3.86 metres to the ridge and 2.38 metres to the eaves. It would see the addition of a new door to its side elevation facing into the dwellings rear amenity space. The garages overall footprint is to remain unchanged.
- 2.7. Proposed materials include the use of render to the walls, slate tile to the roof, lead to the dormer and white uPVC to the openings.
- 2.8. Amended plans, along with a Preliminary Roost Assessment have been sought on multiple occasions during the course of the application, with no response being received.

3. Description of the site and surrounding area

- 3.1. The application site comprises a bungalow situated within the settlement boundary of Congerstone. The dwelling is designed with a dual-pitched roof and flat roof dormer windows along the front and rear and is finished in a mix of red brick brown tiles and white uPVC. Vehicular access into the site is via the west of the dwelling, which leads to a tandem tarmacadam hardstanding and single detached flat roof garage.
- 3.2. The host dwelling forms part of a row of properties along Bosworth Road which are varied in character and appearance.

4. Relevant planning history

99/01095/FUL

- Dormer windows in roof
- Planning Permission
- 24.01.2000

01/00074/FUL

- Proposed dormer window to front elevation
- Planning Permission
- 01.03.2001

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. No comments have been received.

6. Consultation

6.1. Shackerstone Parish Council:

- No comments have been received.

6.2. LCC Ecology:

'Holding Objection - Further information required

SUMMARY OF ECOLOGICAL DOCUMENTS CONSIDERED:

- *Applicant submitted information: Existing and Proposed Site Elevations, Site Location Plan, Proposed Layouts, Proposed Visuals, aerial photos*

REASON FOR RECOMMENDATION PROVIDED:

- *The proposed development consists of extensive alterations of the roof and the overall dwelling, including new render and the addition of dormer windows. Surrounding the dwelling there is good habitat connectivity to arable land, mature trees and nearby watercourses. As such, this habitat could provide suitable foraging and good connectivity routes for bats.*

- *The works involve significant alterations to the existing roof, tiles and roof line of the dwelling, all of which may provide access and suitability for roosting bats.*
- *Therefore, the submission of a Preliminary Roost Assessment (PRA) will be required on the existing dwelling prior to commencement. The survey will need to be carried out by a suitably licenced ecologist and can be carried out at any time of year. The PRA should include internal and external photographs.*
- *I have a holding objection until this is supplied.*

FURTHER INFORMATION REQUIRED:

- *Submission of a Preliminary Roost Assessment (PRA) is required on the existing dwelling in order to make further considerations'*

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- 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 parking provision
- Impact upon ecology

Design and impact upon the character of the area

8.2 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

8.3 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.

- 8.4 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.5 Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 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.
- 8.6 The Good Design Guide seeks to ensure that *'Two storey extensions appear smaller in scale and massing in order to be subordinate to the main building.'*
- 8.7 The proposed first floor extension would see a 2.34 metre increase to the main roof ridge with slate tiles replacing the pre-existing brown concrete interlocking tiles, similar to the finish observed to the dwellings to the east. Notwithstanding the appropriate finish, the increase would remain to be a noticeably higher than the existing two-storey dwellings to the east and would be further accentuated by the retention of the lone bungalow to the west. Furthermore, the pronounced set down distance in both the eaves and ridge would create an imbalanced appearance within the street scene detracting from the existing character and appearance that it hosts. A street scene elevation plan was requested but has failed to be submitted.
- 8.8 The further extension to the front elevation would be built upon an existing porch, with the retention of its width, but an increase to its depth. It would have a dual-pitched forward fronting gable with a top heavy full height four panel gable end window. The ridge would be sufficiently set down from the ridgeline, but the eaves would be set above that of the remaining first floor element. There is a front gable to the neighbouring dwelling, however, this is not of a similar character with the dwellings surrounding the site being of a traditional or a modern nature with sympathetic architectural detailing to complement the existing character of the street scene. The large glazed window will appear modern and out of keeping with the traditional surroundings, this element of the proposal would be unsympathetic to the character of the area by way of its bland and un-characterful design. The fenestration to the rear would also host a convoluted appearance by way of its mass, nevertheless, this reason alone is not considered to merit refusal by way that it would be predominantly screened from the street scene and set away from any public right of ways.
- 8.9 The existing flat roof garage would see the introduction of a dual-pitched forward facing gable roof which would measure 3.86 metres to the ridge and 2.38 metres to the eaves. Whilst the introduction would be a positive improvement given the un-complementary nature of flat roofs to front elevations in general; the scale of the eaves and ridge proposed at present would look somewhat incongruous when viewed in context with Field Views mirroring detached flat roof garage. Nonetheless in isolation this would not warrant refusal of the application owing to a similar garage at a nearby dwelling.
- 8.10 By virtue of the proposed design, lack of architectural detailing, height and fenestration of the proposals, it is considered that the scheme would result in incongruous additions to the application dwelling that would neither complement nor enhance the character or appearance of the application dwelling or the surrounding area. The proposals are therefore considered to be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF (2024).

- 8.11 It should be noted that amendments to overcome the above have been requested on a number of occasions. The requested amendments whilst minor when considered individually, cumulatively would ensure that the proposal respected the surrounding context. It is acknowledged that the surrounding area is mixed, but the more modern development has retained high quality architectural detailing, respectful fenestrations and this has ensured that the traditional and rural character has been maintained. The proposals in contrast do not meet that design bar.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 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.
- 8.13 The proposal would not extend past the existing building line of Field View. An existing window serving what is thought to be a bedroom would face directly onto the proposals eastern elevation but given the retention of the 7.90 metre separation distance there is not considered to be any adverse impacts in terms of loss of light. Furthermore, no windows are proposed to the proposals eastern elevation protecting the privacy of the owners/occupiers of Field View.
- 8.14 The existing dwellings footprint would not be increased retaining its building line forward of Holly Cottage of 2.10 metres. The proposal would see the increase in its overall ridge height but given the immediate principle window of Holly Cottage is situated 5.00 – 6.00 metres away from the dwelling by way of the position of the integral garage there is not considered to be any adverse impacts in terms of loss of light. No windows are proposed to the proposals western elevation protecting the privacy of the owners/occupiers of Holly Cottage.
- 8.15 By virtue of the above, the application complies with Policy DM10 of the SADMP in this respect.

Impact upon parking provision

- 8.16 Policy DM18 of the Site Allocations and Development Management Policies DPD seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.17 The Leicestershire Highways Design Guide (2024) seeks to ensure that a dwelling hosting three bedrooms provides a minimum off-street parking provision for two vehicles.
- 8.18 The proposed scheme of extensions would see the addition of a further bedroom, increasing the dwelling to host three bedrooms. Notwithstanding this, by way of the retention of the existing detached single garage and the presence of sufficient hardstanding at the site the parking provision would not be impacted and would remain adequate to serve the existing/resulting three bedroomed dwelling.
- 8.19 By virtue of the above, the application complies with Policy DM18 of the SADMP and the Leicestershire Highways Design Guide (2024) in this respect.

Impact upon ecology

- 8.20 Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.21 In reference to Paragraph 99 of Part IV of the ODPM Circular 06/2005 *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may have not been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances."*
- 8.22 The proposed development consists of extensive alterations to the roof and the overall dwelling, including new render and the addition of dormer windows whilst being surrounded by good habitat connectivity to arable land, mature trees and nearby watercourses. As such, this habitat could provide suitable foraging and good connectivity routes for bats, and the submission of a Preliminary Roost Assessment (PRA) was requested by LCC Ecology.
- 8.23 A Preliminary Roost Assessment has been sought on multiple occasions during the course of the application, with no response being received. The potential harm upon bats and their roosts can therefore not be identified or mitigated against. The application is, consequently, contrary to Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) and Paragraph 99 of Part IV of the ODPM Circular 06/2005.

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 proposal is for extension and alteration of an existing dwelling located within the settlement boundary of Congerstone where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the Site Allocations and Development Management Policies DPD and the overarching principles of the NPPF.
- 10.2. By virtue of the proposed design, lack of architectural detailing, height and fenestration of the proposals, it is considered that the scheme would result in incongruous additions to the application dwelling that would neither complement nor enhance the scale, character or appearance of the application dwelling or the surrounding area, whilst also failing identify potential harm upon bats and their roosts.
- 10.3. The proposals are therefore considered to be contrary to Policies DM1, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan, the general principles of the Councils Good Design Guide, the overarching principles of the NPPF (2024) and Paragraph 99 of Part IV of the ODPM Circular 06/2005 and are therefore recommended for refusal for the reasons at the end of this report.

11. Recommendation

11.1 **Refuse planning permission** subject to the reasons at the end of this report.

11.2 Reasons

1. The proposal fails to demonstrate that it would not harm protected species and their habitats through the failure to provide a Preliminary Roost Assessment (PRA). The extent that protected species, and their habitats may be affected by the proposed development and any required mitigation cannot be established. The proposal is therefore contrary to Policies DM6 and of the adopted Site Allocations and Development Management Policies DPD (2016), Paragraph 99 of Part IV of the ODPM Circular 06/2005 and the NPPF (2024).
2. By virtue of its design, lack of architectural detailing, height and fenestration, the development would result in an uncharacteristic and incongruous form of development that neither complements nor enhances the character of the application site or the surrounding area. The development is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) the general principles of the Councils Good Design Guide and the overarching principles of the NPPF (2024).

11.3 Notes to applicant

- a) The application has been determined based on the below documents;
- Application Form;
 - Proposed Visual Rear Elevation;
 - Proposed Visual Front Elevation 1;
 - Proposed Visual Front Elevation 2;

All as received by the Local Planning Authority on the 16th December 2024.

- Existing Floor Plans and Elevations, Drg No. 5052-001A;
 - Proposed Floor Plans and Elevations, Drg No. 5052-002B;
 - Proposed Site Layout, Drg No. 5052-003A;
- All as received by the Local Planning Authority on the 20th December 2024.