

Delegated Report

Planning Ref: 24/00012/HOU

Applicant: Mr and Mrs Rhodes

Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: 10 Sedgemere Road Market Bosworth Leicestershire



Hinckley & Bosworth
Borough Council

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. The application seeks full planning consent for a single storey rear extension at 10 Sedgemere Road, Market Bosworth.
- 2.2. The proposed rear extension would project outwards from the existing rear elevation by 3.02 metres and would have a width of 8.96 metres. It would feature a flat roof which would measure approximately 3.14 metres in height.
- 2.3. Additional alterations include the addition of a roof light, a set of four bi-fold doors and a set of two French doors and two full height windows the proposed rear extension and a Velux window to the roofline of the rear elevation to host the existing bathroom.
- 2.4. The proposed external materials would match those of the existing with the exception of EPDM rubber to the flat roof.

3. Description of the site and surrounding area

- 3.1. The proposed application site relates to a single storey detached bungalow situated within the settlement boundary of Market Bosworth on its western edge and to the south of Station Road. The dwelling features wienerberger bradfield multi brick and light mist cedar style hard plank boarding to the walls, slate grey forticrete gemini to the roof tiles, with white uVPC to the windows and anthracite uVPC to the front door. To the north of the dwelling sits a tarmacadam hardstanding suitable to host up to two off-street parking spaces.
- 3.2. The Ashby Canal Conservation Area runs immediately to the western boundary of the site with a designated sports and recreational facility (ref: MKBOS06), tourism facility (ref: MKBOS43 - water park) and countryside beyond.
- 3.3. The application dwelling was approved under planning permission 21/00379/FUL, for the residential development of 73 dwellings with associated access and public open space (Resubmission of 20/00131/FUL).

4. Relevant planning history

20/00131/FUL

- Residential development of 76 dwellings with associated access and public open space
- Refused

- 21.05.2020

22/00308/DISCON

- Application to discharge conditions 3 (levels), 7 (Tree Protection), 10 (Landscaping), 16 (Waste and Recycling), 21 (CEMP), 23 (Electronic Communications) attached to planning permission 21/00379/FUL
- Discharged
- 17.10.2022

22/00310/DISCON

- Application to discharge Conditions 4 (Surface Water Drainage), 5 (Surface Water Management During Construction), 6 (Surface Water Maintenance), 17 (Land Contamination), 20 (Landfill Gas) and 25 (Highway Drainage) relating to planning permission 21/00379/FUL
- Split Decision
- 06.10.2022

22/01104/DISCON

- Application to discharge condition 14 (method statement for footpath and landscape works over easement) attached to planning permission 21/00379/FUL
- Discharged
- 31.01.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. No objections have been received.

6. Consultation

6.1. LCC Ecology

“Given the fact that the property has only been recently built and landscaped, the impact on local biodiversity will be negligible.”

6.2. Canal and River Trust

“The application site back onto the Ashby Canal, which is designated as a conservation area. We note that the western site boundary adjoining the canal includes a landscaped belt of trees and hedgerow, details of which were secured via Condition 10 of planning permission 21/00379/FUL which granted consent for the wider residential development here. This landscaped belt plays an important role in protecting the character and appearance of the canal conservation area and supporting the role of the canal as a wildlife habitat.

The proposed extension is modest in scale and does not encroach upon the landscaped belt along the western boundary of the property. However, given the proximity of the proposed extension to this belt, we recommend that appropriate measures are secured via a planning condition to protect it from risk of any damage

during construction operations as the loss of planting from it could adversely affect the canal conservation area and local wildlife supported by the canal.”

6.3. Market Bosworth Parish Council / Market Bosworth Vision Planning Group

- 1.1. *MBPC/BVPG objects to the proposal to extend this new dwelling by the addition of a rear extension increasing the footprint by some 30%.*
- 1.2. *MBPC/BVPG supported the applications on the Sedgemere site but identified that measures should be taken to ensure that canalside dwellings should be well shielded and measures be taken so as not have an urbanising effect either from the long view on approach to the town from Wellesborough or the closer view from the canal towpath.*
- 1.3. *The initial planning application 20/00131/FUL for the new development received comments and concerns from the Inland Waterways Association about the layout of dwellings on this application and the proximity of dwellings to the water's edge. This concern was shared by the Ashby Canal association.*
- 1.4. *This application was refused, the Decision Notice referencing a series of reasons in para 8.41 including the need to change the site layout. Bullet points one and two are pertinent in respect of keeping the built form further away from the canalside stating:*
 - *Lack of sufficient landscaped buffer and the proximity of built form along the western boundary which will result in adverse impacts on the rural character and appearance of the Ashby Canal Conservation Area*
 - *The rear boundaries of private gardens abutting the canal boundary is likely to result in the loss of existing/retained boundary hedgerow screening to improve private amenity of individual occupiers to the detriment of the canal and biodiversity. It also removes the opportunity to enhance the screening along the canal*
- 1.5. *The subsequent planning application 21/00379/FUL superseded the initial application recognising the comments made. The layout was changed and included a more significant buffer zone between the water's edge and the dwellings to minimise the impact of the built form on canal users and those who use Ashby canal corridor for recreational activities. The Canal and River Trust commented on this application that:*

“We consider that the current proposal makes positive steps to address the concerns that we raised in relation to the recently refused scheme (20/00131/FUL) and is far more successful in preserving the rural character of the canal conservation area as well as enhancing the value of the canal as a wildlife habitat.”

“The development now incorporates a significant landscaped buffer alongside the canal, which is proposed to be augmented with new planting which will both reinforce the existing rural character of the canal corridor and help to increase its biodiversity interest and value.”
- 1.6. *MBPC/BVPG objects to this extension as it takes the built form much closer to the canalside and creates an obtrusive change in the building line of*

adjacent dwellings. Whilst rear extensions are not normally subject to such scrutiny this is an area of sensitivity as the Ashby Canal is a Conservation Area and is an important part of the Ashby Canal corridor leisure and tourism trail. The development has been carefully planned to ensure that urbanisation is not intrusive into the rural landscape on the edge of the settlement.

1.7. *This application is at variance with:*

- a) *the officer's reasons to refuse permission to planning application 20/00131/FUL;*
- b) *the subsequent and approved application now being implemented 21/00379/FUL which has a carefully redesigned layout to overcome the specific concerns of the built form being intrusive to the Ashby Canal.*

1.8. *For the above reasons, MBPC/BVPG objects to this planning application."*

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment
- Policy CE4: Trees

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- 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 regard to scale, layout, density, mass, design, materials and architectural features.

- 8.3 Policy CE1 of the Market Bosworth Neighbourhood Plan seeks to ensure that all new development within Market Bosworth is in keeping with the area character in terms of scale, layout and materials.
- 8.4 Policy CE4 of the Market Bosworth Neighbourhood Plan seeks to ensure that mature trees and woodland are protected wherever possible. Development that would result in the loss of or damage to protected trees and woodlands shall not be permitted unless a satisfactory scheme for replacement planting and mitigation of damage to the landscape is agreed.
- 8.5 The proposed extension would be situated to the rear of the application dwelling and would therefore be screened from a public vantage point from Sedgemere Road. Notwithstanding this, to the west of the site sits Ashby Canal, which hosts a publically accessible walkway for nearby residents/visitors, from this orientation the proposed extension would be viewable from a public vantage point. The application site does, however host higher land levels than the Ashby Canal and a landscaped belt and therefore the proposal will be partially screened and have a reduced impact upon the area.
- 8.6 The Good Design Guide SPD states that *“Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.”*
- 8.7 The existing dwelling does not host a flat roof at present, however as the flat roof would be situated to the rear of the dwelling and only minimally viewable from a public vantage point to the west in this case it is considered to be acceptable. The extension would span the entire width of the dwelling and therefore would not protrude past the existing building line. The flat roof would measure approximately 3.14 metres in height, mirroring the eaves height of the existing dwelling. By virtue of the above it would appear subordinate to the design of the existing dwelling and surrounding residential development.
- 8.8 The existing fence and gate, giving access to the rear of the site is proposed to be re-positioned following the construction of the extension. The means of access to the rear would therefore be situated to the west instead of to the south.
- 2.5. The materials proposed are to match those of the existing dwelling, with exception of EPDM rubber to the flat roof.
- 8.9 A landscaped belt is present to the western boundary of the site. Notwithstanding this, given the rear extensions modest scale there is not considered to be any adverse impact upon the trees/hedgerows present at time of construction. As a precautionary measure a condition has been implemented to ensure that no damage occurs to the landscaped belt following construction. This has been agreed with by the applicant.
- 8.10 By virtue of its single storey nature, the scale of this extension would be acceptable in relation to the host dwelling, as would the design and finish. Therefore, the proposal is considered to comply with policy DM10 of the SADMP and Policies CE1 and CE4 of the Market Bosworth Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.11 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.

- 8.12 The Good Design Guide SPD states that *“in the spirit of good neighbourliness, an adequate distance of 1m between the property and its boundary (giving a total distance of at least 2m between properties) should be encouraged.”*
- 8.13 The proposed extension would host a minimum separation distance of approximately 3.30 metres to the neighbouring dwelling to the west, complying with The Good Design Guide SPD. In addition to this, as the existing dwelling does not sit parallel to the neighbouring plots the separation distance would increase to a maximum of 3.50 metres to the end point of the proposed building line and would be positioned away from 8 Sedgemere Road. A 2.00 metre high timber fence also lines the northern boundary line. On account of the above there is not considered to be any adverse impacts upon the occupiers of 8 Sedgemere Road. No windows are proposed to the north (side) elevation.
- 8.14 The proposed extension would reduce the separation distance to the south to a minimum of approximately 0.60 metres due to the existing dwelling not siting parallel with the neighbouring plots, not in accordance with The Good Design Guide SPD. Notwithstanding this, by virtue of the proposed extensions modest projection and overall height there are not considered to be any adverse impacts upon the occupiers of 12 Sedgemere Road. A 2.00 metre high timber fence also lines the northern boundary line partially screening the proposed development and no windows are proposed to the south (side) elevation.
- 8.15 A Velux roof light is proposed to the existing rear gabled roof of the dwelling. The roof line pitches away to the west and would therefore not have any adverse impacts upon the neighbouring dwellings to the north and south in terms of overlooking.
- 8.16 A lantern light is also proposed to the flat roof of the rear extension. It would be positioned to the north side of the proposed extensions roof and would sit above the proposed dining area. By virtue of that the dwellings to both the north and south are both of single storey nature there is not considered to be any adverse impacts upon the neighbouring dwellings in terms of overlooking in this respect.
- 8.17 A set of four bi-fold doors and a set of two French doors and two full height windows are proposed to the western (rear) elevation. To the west of the site sits Ashby Canal. The proposed extension would, however sit on higher land levels in comparison to the publically accessible footpath to the side of the Canal and would be partially screened by the existing landscaped belt. By virtue of the above there is not considered to be any adverse impacts in terms of overlooking.
- 8.18 Overall, due to the minimal projection the proposal it is considered that the proposal would not have a detrimental impact on the residential amenity of the occupiers of any of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature.

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 Market Bosworth. 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.
- 10.2. The proposed development would complement the character and appearance of the host dwelling, and would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM10 of the SADMP and Policies CE1 and CE4 of the Market Bosworth Neighbourhood Plan. 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 5th January 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).

- 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, Drg No. 7969 100, Proposed Site Plan, Drg No. 7969 101 and Proposed Floor Plans, Elevations, Drg No. 7969 250 as received by the Local Planning Authority on the 5th January 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. During the construction period, the fence situated to the western boundary line of the site shall not be removed without the written approval of the Local Planning Authority. If the fence is removed and any of the trees or hedges situated on the landscaped belt are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing landscaped belt is retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 180 of the National Planning Policy Framework (2023).

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.