

Delegated Report

Planning Ref: 24/01044/CONDIT
Applicant: Kathryn Greenfield
Ward: Cadeby Carlton Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 22 St Catherines Avenue Market Bosworth Leicestershire

**Proposal: Application to vary condition 2 on planning permission 23/00372/HOU.
Amendments to external finish, roof height, windows and door sizes (Retrospective)**

1. Recommendations

- 1.1. **Grant retrospective planning permission** subject to:
- Planning condition outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 23/00372/HOU granted full planning permission for the erection of a first floor side extension over an existing garage attached to the side elevation of a dwelling, 22 St Catherine's Avenue, Market Bosworth. Condition 2 of the planning permission required that the development shall be implemented in accordance with the approved plans submitted with that application which detailed the use of grey render to external walls.
- 2.2. This application seeks retrospective planning permission for the variation of condition 2 of that planning permission to allow for the as-built use of matching red facing brickwork to external walls in lieu of the approved grey render and for alterations to the previously approved eaves and ridge heights (0.2 metres higher to match the existing roof) and minor amendments to the approved fenestration. The extension has been completed in accordance with the approved width of 3.8 metres and depth of 6.3 metres and dual pitched gable sided roof form.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Market Bosworth on a residential estate and at the turning head of a small cul-de-sac on an extensive corner plot. It is a two storey detached house with gable sided main roof form. It has a front porch with a dual pitched roof, a two storey side extension with matching dual pitched gable sided roof, a 1½ storey side extension with subordinate gable sided roof form and a single storey rear extension with lean-to roof form. It is constructed with red facing bricks, brown concrete interlocking roof tiles and pale green UPVC windows and doors. In addition to the garage/store there is off-street parking for another three cars within the site frontage on the concrete block paved driveway and additional concrete and loose stone hard standing. The extensive corner plot widens to provide approximately 1000 square metres of private amenity space at the rear.
- 3.2. The application dwelling is the only two storey dwelling at this end of St Catherines Avenue. There are detached bungalows either side of the site to the south and east, one with off-white rendered walls the other with light brown facing bricks. There are predominantly either bungalows or dormer bungalows within the vicinity in the wider street scene of varying design and appearance.

4. Relevant planning history

78/00437/4M

- Garage and lounge extension
- Permitted
- 31.03.1978

22/00395/HOU

- Two storey side extension, single storey rear extensions and front porch
- Permitted
- 20.06.2022

22/00700/HOU

- Two storey side extension, single storey side/rear extensions, front porch and other alterations
- Permitted
- 22.09.2022

23/00372/HOU

- First floor side extension over existing garage.
- Permitted
- 07.06.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No objection has been received from Market Bosworth Parish Council.
- 6.2. No response has been received from Market Bosworth Society.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026 (2015)
 - Policy CE1: Character and Environment
- 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) (2023)
 - Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. The principle of development, siting, layout and overall design of the proposed extensions and alterations have already been established through the earlier grant of planning permission 23/00372/HOU. The key issues in respect of this application are therefore:

- Impact of the amended as-built development upon the character and appearance of the area
- Impact upon neighbouring residential amenity
- Conditions

Impact of the amended as-built development upon the character and appearance of the area

8.2 Policy CE1 of the 'made' MBNP requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. The application dwelling is identified as lying within Character Area D: Suburban Residential in the MBNP.

8.3 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 various forms of house extensions and the use of appropriate external materials.

8.4 The adopted GDG states: *'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.'*

8.5 In this case, the original proposal was for a first floor extension above an existing garage which itself had only a marginal set back from the front elevation. The application dwelling is a two storey contrasting red brick house occupying a corner plot, is set back from the two neighbouring off-white render and light brown brick bungalows either side and constructed on a different orientation and building line. As a result, the need for a set back and subordinate roof ridge to meet GDG requirements was not considered to be critical in this case, given the clear contrast in terms of scale, design and appearance to the neighbouring bungalows and that by virtue of the clearly subordinate width of the extension the original dwelling would remain visually dominant. Similarly, the as-built minor increase of 0.2 metres to the eaves and ridge heights of the extension to match the corresponding heights of the main roof is not considered to be critical in design terms in this particular case and is considered to remain acceptable. The use of matching red facing bricks results in a satisfactory and unified appearance and is acceptable. The minor alterations to fenestration including the provision of smaller double side hinged store doors to the front elevation in lieu of the approved larger up-and-over door has no significant visual impact on the overall design and appearance of the extension or resulting dwelling.

- 8.6 It is considered that the as-built variation to the external construction materials together with minor alterations to fenestration and 0.2 metre increase in the eaves and ridge heights to match the corresponding heights of the main roof would continue to respect and complement the scale, character and appearance of the existing dwelling and varied wider street scene in this case. The as-built development is therefore considered to remain in accordance with Policy CE1 of the 'made' MBNP, Policies DM1 and DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP 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.
- 8.8 By virtue of the siting, scale, design and separation distances, the amendment to the external construction materials and relatively minor amendments to fenestration, eaves and ridge heights are not considered to result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The amended as-built development is therefore considered to remain in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the as-built development have been received through the public consultation process.

Conditions

- 8.9 The previously approved planning permission 23/00372/HOU was subject to 3 conditions. The development has been implemented and therefore Condition 1 (time) is no longer necessary. Condition 2 (approved plans) would need to be amended to refer to the as-built plans submitted and approved under this application to define the new permission. Condition 3 (external materials) is no longer necessary as the development has been completed. No other conditions are considered to be necessary to ensure satisfactory development.

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 proposals are for retrospective planning permission to regularise variations to a previously approved and implemented planning permission for an extension to an existing dwelling within the settlement boundary of Market Bosworth 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. The as-built variations to the external construction materials and relatively minor alterations to fenestration and eaves and ridge heights of the previously approved extension is considered to continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The as-built development is considered to remain in accordance with Policy CE1 of the 'made' MBNP, Policies DM1 and DM10 of the adopted SADMP and the adopted Good Design Guide and is therefore recommended for retrospective approval subject to amended condition 2 (Plans) to define the new planning permission.

11. Recommendation

11.1 Grant retrospective planning permission subject to:

- Planning condition outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall remain in complete accordance with the submitted application details, as follows: As Built Floor Plans and Elevations Drawing No. 22/04 - 101 received by the local planning authority on 15 November 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).