

Delegated Report

Planning Ref: 24/00939/HOU
Applicant: Mr and Mrs Johnson
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 14 Cottage Gardens Earl Shilton Leicestershire

Proposal: Two storey rear extension, single storey rear extension and front porch.

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 householder application seeks planning permission for the construction of a two storey rear extension, single storey rear extension and front porch to a dwelling, 14 Cottage Gardens, Earl Shilton.

2.2. The proposed two storey rear extension would replace an existing rear conservatory to the same 3 metres depth and 3.2 metres width and extend an existing rear gable projection with the same 4.6 metres eaves height as the main roof and a subordinate ridge height of 5.8 metres and a Juliette balcony on the rear elevation. The proposed single storey rear extension would extend 4.1 metres in depth from the main rear elevation flush with the proposed two storey rear extension and extend from it for the remaining 7.1 metres width of the rear elevation up the common side boundary. It would have a contemporary flat roof design to a height of 3 metres and a central raised flat roof lantern. The rear elevation at ground floor would have complementary vertical timber cladding to reflect the more contemporary design along with the inclusion of four full height bi-fold glazed doors. The proposed front porch would extend 1 metre forward of the front elevation and for a width of 2.2 metres. It would have a low level brick wall to each side with a timber post frame above supporting a dual pitched gable fronted canopy roof with an eaves height of 2.5 metres and a ridge height of 3.4 metres. Other than the use of timber cladding and posts as described, matching corresponding external materials are proposed in the remainder of the construction.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Earl Shilton at the end of a small cul-de-sac of two storey semi-detached houses. It has a dual pitched gable sided main roof form, a subordinate central front gable with dual pitched roof, a subordinate narrow ear gable with dual pitched roof and a rear conservatory with glazed hipped roof. It is constructed with red/brown multi facing bricks, grey interlocking concrete roof tiles and dark brown uPVC windows and doors. The site provides four off-street parking spaces on the 11 metres wide and 9.8 metres deep tarmac surfaced site frontage. There are amenity areas to the side and rear of the dwelling enclosed by 2 metres high solid timber panel fencing with concrete posts.

3.2. There are similar two storey semi-detached dwellings to the west and south, a public footpath to the east screened from the application site by mature trees and hedgerow and a graveyard and overgrown former allotment to the north.

4. Relevant planning history

03/00479/FUL

- Two storey side extension
- Permitted
- 09.06.2003

89/01312/4

- Garage with bedroom over
- Permitted
- 29.11.1989

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 LCC (Rights of Way)

6.2. No response has been received from the Ramblers Association.

6.3. No response has been received from Earl Shilton Town Council.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)

- No relevant policies

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)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing domestic properties within urban 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 parking provision
- Biodiversity

Design and impact upon the character of the area

- 8.2 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 (GDG) provides further advice in respect of the siting and design of a various forms of house extensions and states:

'Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.' and,

'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.' and,

"front extensions.... should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation."

- 8.3 The proposed two storey rear extension would extend an existing two storey rear gable by a not inappropriate additional 3 metres in depth and to the same appropriate and clearly subordinate width of 3.2 metres. It would have an appropriate matching 4.6 metres eaves height as the main roof and a clearly subordinate ridge height of 5.8 metres and be acceptable in scale. The first floor rear elevation would have double glazed doors and a glazed balustrade forming a Juliette balcony and would be acceptable in design terms given its position to the rear elevation.
- 8.4 The proposed single storey rear extension would extend for an appropriate 4.1 metres in depth from the main rear elevation flush with the proposed two storey rear extension and extend from it for the remaining 7.1 metres width of the rear elevation up the common side boundary. It would have a contemporary flat roof design to a height of 3 metres and a central raised flat roof lantern. Its rear elevation would have complementary vertical timber cladding to reflect its more contemporary design along with appropriately proportioned and styled fenestration including four full height bi-fold glazed doors. Notwithstanding that flat roofs do not form part of the original design of the dwelling, by virtue of its contemporary design and appearance, single storey scale and position entirely to the rear between other structures and within a well enclosed garden the proposal would not have any adverse visual impacts on the street scene or the surrounding area. The proposal would reduce the length of the rear garden to only just over 6 metres (with a public footpath beyond) but the large plot would still provide a more than adequate private amenity area of over 200 square metres to the rear and side to serve the resulting four bedroomed dwelling.
- 8.5 The proposed front porch would extend only 1 metre forward of the front elevation and for a width of only 2.2 metres. It would have a low level brick wall to each side with a timber post frame above supporting a dual pitched gable fronted canopy roof with an eaves height of 2.5 metres and a ridge height of 3.4 metres. It would be of an appropriate design, scale and proportion to the front elevation. Other than the use of vertical timber cladding to the ground floor rear elevation, the proposed

extensions would be constructed with matching corresponding external materials to ensure a satisfactory and unified appearance.

- 8.6 By virtue of their siting, scale, design and appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and, notwithstanding the contemporary flat roof design at the rear, would not result in any significant adverse visual impacts upon the street scene or surrounding area. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of 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 The adjoining neighbouring dwelling to the south (No. 15) is a similar two storey semi-detached house constructed on a lower ground level (approximately 0.75 metres). It has a conservatory extension to its rear elevation that extends approximately 3 metres in depth just inside the common boundary. The boundary is currently defined by a 2 metres high solid timber panel boundary fence which by virtue of the relative ground levels of the respective dwellings extends above the conservatory eaves. The proposed single storey rear extension would extend only 1 metre further in depth along the common boundary than the neighbouring conservatory and would replace the existing solid boundary fence panels with a solid blank brick wall. By virtue of its depth, single storey flat roof design to a height of only 3 metres and position to the north, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the adjoining neighbouring property (over and above the current situation) and that there would be no adverse impacts on the privacy of the adjoining occupiers. The proposed two storey extension would be set in from the common boundary by 7.1 metres and therefore would have no adverse impacts on the adjoining dwelling.
- 8.9 By virtue of the resulting separation distance of approximately 21 metres to the neighbouring dwellings on Orton Road to the east, and the mature tree and hedgerow screening within the public footpath between them providing effective screening, it is considered that the proposals would not result in any significant loss of privacy or residential amenity to those neighbouring occupiers.
- 8.10 By virtue of the siting, scale, design, separation distances and existing screening, it is considered that the proposed extensions and alterations would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles adopted Good Design Guide.

Impact upon parking provision

- 8.11 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.12 The application dwelling is currently a four bedroomed house. The proposals would not increase the number of bedrooms but would extend the main bedroom to provide additional dressing and en-suite facilities. The local highway authority design guide would seek three off-street parking spaces within the site to serve a dwelling of this size. The site currently provides up to four off-street parking spaces on the 11 metres wide and 9.8 metres deep tarmac surfaced site frontage and notwithstanding the proposed front porch these spaces would not be compromised

to any significant degree. This level of retained existing provision would remain adequate to serve the existing/resulting four bedroomed dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative more sustainable transport means. Therefore, the proposals are considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Biodiversity

- 8.13 The proposal would be exempt from the biodiversity gain condition by virtue of being a householder application development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

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 relate to extensions and alterations to an existing dwelling located within the urban settlement boundary of Earl Shilton 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. By virtue of their siting, scale, design and appearance, the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and, notwithstanding the contemporary flat roof design at the rear, would not result in any significant adverse visual impacts upon the street scene or surrounding area. By virtue of the siting, scale, design, separation distances and existing screening, it is considered that the proposed extensions and alterations would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking of four spaces and private amenity space of over 200 square metres would be retained within the site to serve the existing/resulting four bedroomed

dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and are therefore 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan and Proposed Block Plan Drawing No. 173-03 Rev 0 and Proposed Floor Plans and Elevations Drawing No. 173-02 Rev B received by the local planning authority on 7 October 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 extensions and alterations hereby permitted shall be in accordance with the details submitted within the Planning Application Form and as detailed on the approved Proposed Elevations Drawing No. 173-02 Rev B received by the local planning authority on 7 October 2024 and shall match the corresponding materials of the existing dwelling where stated.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy 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.