

Delegated Report

Planning Ref: 23/00528/HOU

Applicant: Mr & Mrs T Theobald

Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Rosemary Cottage 27A Church Road Nailstone Leicestershire

Proposal: Two storey side 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 householder application seeks planning permission for a two storey side extension to a dwelling known as Rosemary Cottage, 27A Church Road, Nailstone.

2.2. The amended proposal would be set back 1.5 metres from the main front elevation and extend 5.4 metres in width and 7.8 metres in depth. It would have an asymmetric gable sided roof form with a front eaves height of 2.75 metres, a rear eaves height of 2.3 metres and a ridge height of 5.9 metres. It would have a dormer window with dual pitched gable fronted roof form to the front and rear roof elevations. Matching corresponding external materials are proposed in the construction. Amended plans have been submitted to reduce the width/scale of the extension and to provide a more sympathetic design. Re-consultations have been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Nailstone and outside but adjacent to the Nailstone Conservation Area. It is a recent infill two storey detached house with gable sided main roof form, a two storey projecting gable and single storey lean-to roof section to its rear elevation. It is constructed with red/blue rustic facing bricks (Oast Russet), Hawkins grey plain clay roof tiles and light green painted timber casement windows. The front elevation has an open porch of low level brick wall and rustic timber frame supporting a dual pitched gable fronted tiled roof and three eyebrow dormers. There is a feature brick chimney stack to the side gable and architectural detailing including brick eaves and roof verge detailing, brick string course, soldier brick headers and canted blue brick cills. There is block paved hard-standing to the front and side of the dwelling behind a 1.2 metres high brick boundary wall providing up to four off-street parking spaces and a turning space. The rear garden is enclosed by a variety of fencing and planting of varying height.

3.2. To the southwest of the site there is a Grade II listed, two storey dwelling (Manor House), to the northwest there is a Grade II* listed Church (All Saints), to the north a semi-detached row of 1½ storey period cottages with dormer windows, to the northeast there is a modern detached hipped roof dormer bungalow and to the southeast there are open agricultural fields.

4. Relevant planning history

18/00659/FUL

- Erection of one dwelling with associated access (amendment to planning permission 16/00618/FUL)
- Permitted

- 22.08.2018

16/00618/FUL

- Erection of one dwelling with associated access
- Refused
- 25.08.2016
- Appeal Allowed
- 05.04.2017

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 and a notice was displayed in the local press.
- 5.2. Responses from two separate addresses have been received as a result of public consultation. These raise objections to the proposals on the following summarised grounds:
 - 1) Harm to the retention of natural settings and historical relationship of the nearby Grade II listed buildings contrary to statutory obligation
 - 2) Contrary to the Nailstone Conservation Area Appraisal and Management Plan specifically to views and vistas and positive management
 - 3) Proposal has no significant architectural merit to warrant the harm/negative impact on the character of the setting of the historical elements of the village
 - 4) Adverse impact on highway/pedestrian safety due to adverse impact to the on-site turning area required by condition on the original appeal approval.

6. Consultation

- 6.1. No response has been received from Nailstone Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Nailstone Conservation Area Appraisal and Map (NCAA) (2015)
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions and alterations to existing dwellings within 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 dwelling, Nailstone Conservation Area and the setting of nearby listed buildings
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision

Design and impact upon the character of the dwelling, Nailstone Conservation Area and the setting of nearby listed buildings

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 of the Act places a duty on the local planning authority to have special regard to preserving a listed building's setting and any features of special architectural and historic interest which it possesses.

8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.

8.4 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced and be compatible with the significance of any listed buildings or their setting. All development proposals will need to accord with Policy DM10 of the adopted SADMP. 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 house extensions and 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.'

8.5 As a result of public consultation, objections to the proposal have been received from two separate addresses on the following grounds:

- Harm to the retention of natural settings and historical relationship of the nearby Grade II listed buildings contrary to statutory obligation
- Contrary to the Nailstone Conservation Area Appraisal and Management Plan specifically to views and vistas and positive management
- Proposal has no significant architectural merit to warrant the harm/negative impact caused to the character of the setting of the historical elements of the village.

- 8.6 The application dwelling is located on the south eastern edge of Nailstone, close to its historic core and outside of, but adjacent to, the boundary of the Nailstone Conservation Area and to the Manor House, a grade II listed dwelling to the southwest. To the northwest lies the Grade II* listed Church of All Saints. All are designated heritage assets.
- 8.7 27A Church Road is a recently constructed detached two storey dwelling but despite its modern construction it follows some distinctive local characteristics including eyebrow dormer features to the front elevation and is constructed from traditional high quality materials and as a result is considered to have a neutral presence within the immediate setting of the conservation area.
- 8.8 The Nailstone Conservation Area Appraisal (NCAA) (2015) identifies that views and vistas out of the conservation area into the countryside enhance the rural character of the village and are a key characteristic of the conservation area forming part of its special interest. One view identified is from Church Road through the garden of 27 Church Road from which the plot of 27A Church Road was separated. Notwithstanding the identification of this view within the NCAA, in her assessment of the original appeal proposal in 2017, the inspector observed at that time that *'the boundary treatment and vegetation within the original garden of 27 Church Road prevent views of the agricultural land immediately surrounding the village, with only distant views towards Market Bosworth being possible. Moreover, as a private garden area further planting of trees and shrubs, could take place which could restrict these views further.'* However, she accepted that the siting of the new dwelling would retain a gap between it and 27 Church Road and would *'still allow a distant view from the conservation area to be obtained.'* Her decision included a condition to remove permitted development rights for additional extensions and alterations to ensure that the local planning authority would be able to assess the impact of any future development on the site on the views out of the conservation area.
- 8.9 Since that time, the approved landscaping scheme for the site has been implemented and due to the presence of existing vegetation and boundary treatments both within the application site and the adjacent garden to 27 Church Road, the identified key view, even to longer distances, is no longer available to the public and there is no control available over the existing vegetation to restore it. As a result, notwithstanding its siting to the eastern side of the dwelling, it is considered that the proposed side extension would not result in any further loss of the previously identified view or therefore have any impact on the significance of the Nailstone Conservation Area in that respect. The view over the existing hedgerow through the site included in the objection received appears to have been taken from an elevated position and is not available to the public from a standing position on Church Road with the height of the hedgerow being above the distant horizon.
- 8.10 The amended proposal would be single storey but with bedroom accommodation in the roof space. It would have a rectangular floor plan, would be set back 1.5 metres from the main front elevation and would extend 5.4 metres in width (only marginally over half the width of the existing dwelling) and 7.8 metres in depth to align with the existing rear elevation. It would have a clearly subordinate asymmetric gable sided dual pitched roof form with a front eaves height of 2.75 metres, a rear eaves height of 2.3 metres and a ridge height of 5.9 metres. It would have a vertical planked garage door at ground floor along with appropriately proportioned and styled casement windows and appropriately proportioned dormer windows with dual pitched gable fronted roof form to the front and rear roof elevations. The brick string course and soldier brick header and cill detailing to all fenestration would match that of the existing dwelling. The proposed use of matching traditional high quality corresponding external materials in the construction, including red/blue rustic facing

bricks (Oast Russet), Hawkins grey plain clay roof tiles and light green painted timber casement windows, would ensure a unified appearance. By virtue of its set back, clearly subordinate height, width and depth, sympathetic amended design, architectural detailing and matching construction materials, it is considered that the amended proposal would respect and complement the character and appearance of the application dwelling and varied wider street scene and would have no adverse impacts on the character or appearance of the adjacent Nailstone Conservation Area.

- 8.11 The application dwelling is located close to the historic core of the village with the grade II* listed building, the Church of All Saints, located to the northwest and the grade II listed building, The Manor House, located immediately to the southwest. In her assessment of the original appeal proposal and impact upon the adjacent and nearby listed buildings, the Inspector considered that: *'the mature trees located on the edge of the churchyard means there is very little intervisibility between it and the appeal site. As such the proposal would have a neutral impact on its setting. Similarly, the high coniferous hedge along the common boundary with The Manor House, together with the distance that would be maintained between the proposal and this house would physically and visually separate the two buildings. Moreover, the position of the proposal is such that it would not impact on the relationship between The Manor House and All Saints Church. I am therefore satisfied that the proposal would not harm the setting of these buildings, or their significance as heritage assets.'* It is considered that by virtue of its siting to the eastern side of the application dwelling and its clearly subordinate form and scale to the application dwelling, it is considered that the proposal would have no impact upon the relationship or heritage significance of these two designated heritage assets with it sitting comfortably within their wider setting.
- 8.12 Notwithstanding the objections received, the view identified within the NCAA (2015) is no longer publicly available and cannot be reinstated and therefore it is considered that the siting of the proposal would not result in any adverse impact upon the significance of the adjacent Nailstone Conservation Area. Notwithstanding the objections received, by virtue of the appropriate scale, amended design and proposed use of matching corresponding external materials in the construction to ensure a unified appearance, it is considered that the amended proposal would respect and complement the scale, character and appearance of the existing dwelling and wider varied street scene resulting in a neutral impact on the character and appearance of the adjacent Nailstone Conservation Area, thus preserving its significance. The application site is located within the wider setting of two nearby listed buildings, however, notwithstanding the objections received, by virtue of its siting the proposal would be physically and visually separated from the two buildings and would have no adverse impact upon their setting or inter relationship and would therefore preserve their heritage significance. The proposal is therefore considered to be in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP, the general principles of the Council's adopted Good Design Guide, section 16 of the NPPF (2021) and the statutory duty of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.13 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.
- 8.14 The neighbouring dwelling to the northeast is a modern detached dormer bungalow set inside the near side boundary by approximately 6 metres. The near side boundary is defined by a 2 metres high solid close boarded timber fence and there

are two large conifer trees planted to the side of the bungalow within its garden that provide effective screening between it and the application dwelling.

- 8.15 The amended proposed side extension would extend 5.4 metres in width and 7.8 metres in depth but would be set in from the side boundary with 27 Church Road by 4.5 metres and over 10 metres from its near side facing elevation. It would be single storey in scale but with accommodation within the roof space which would extend to a ridge height of only 5.9 metres. It would have no side elevation windows serving the roof space, only a dormer window to the front and rear roof elevations above ground floor height facing the highway and the rear garden of the application dwelling. By virtue of the siting to the side, scale, design, separation distances and existing effective screening, the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the neighbouring occupiers of 27 Church Road.
- 8.16 By virtue of its siting, scale and separation distances the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any other neighbouring dwellings. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon highway safety and parking provision

- 8.17 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.18 As a result of public consultation, objections have been received from two addresses on the grounds of adverse impact on highway/pedestrian safety due to impact on the on-site turning area required by condition on the original appeal approval.
- 8.19 The local highway authority design guide suggests that dwellings of three or more bedrooms should be provided with three off-street parking spaces of a minimum of 5.5 metres in length and 2.4 metres in width and/or garaging with internal dimensions of 6 metres length by 3 metres width. The proposed extension includes a 'garage' but this would have sub-standard highway authority design guide dimensions to be counted as a viable parking space. In addition, two existing parking spaces to the side of the dwelling would be taken up by the proposed extension. Notwithstanding this, one space of adequate dimensions would be retained to the side of the proposed extension and two further spaces of adequate dimensions would be retained on the existing block paved double width driveway to the front of the proposed extension. The proposal would therefore retain adequate off-street parking to serve the resulting five bedroomed dwelling and remain in accordance with Policy DM18 of the adopted SADMP.
- 8.20 Whilst a turning space was also included within the site layout of the original appeal application and subsequent amendment and along with parking was conditioned to be retained, this was not identified by either the appeal planning inspector or the local highway authority as being an essential or critical facility to make the scheme acceptable in highway safety terms, it was merely approved as part of the submitted site layout. From her own observations the planning inspector was satisfied that the original appeal proposal would not result in an unacceptable impact on highway safety with reference to the scale of development (i.e., a single dwelling) and likely traffic movements. The Local Highway Authority raised no objections to either scheme but referred only to the assessment of the proposals against standing highway advice rather than recommending any specific highway related conditions.

- 8.21 Whilst Church Road narrows slightly at this point, it is not a heavily trafficked road and the existing access is located on the outside of a bend. In addition, by virtue of its width and satisfactory visibility being available over the existing 0.9 metre high front boundary walls in both directions, the potential loss of a viable turning space within the site is not considered to result in any significant adverse highway or pedestrian safety impacts. Therefore, notwithstanding the objection received, the amended proposal is considered to remain in accordance with Policy DM17 of the adopted SADMP.

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 proposal relates to an extension and alteration to an existing dwelling within the settlement boundary of Nailstone 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. Notwithstanding the objections received, by virtue of the siting, layout, scale, design and subject to the proposed use of matching corresponding external materials to ensure a uniform appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and wider varied street scene, resulting in a neutral impact on the character and appearance of the adjacent Nailstone Conservation Area and the wider setting of the nearby listed buildings, thus preserving the significance of these designated heritage assets. By virtue of the siting, scale, design and existing screening, the proposal would not result in any adverse impacts on the privacy or amenity of any neighbouring properties. Satisfactory highway access and off-street parking for up to four cars and private amenity space of over 300 square metres would be retained within the site to serve the resulting five bedroomed dwelling.

- 10.3. The amended proposal is therefore considered to be in accordance with Policy 12 of the adopted Core Strategy, Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, the general principles of the Council's adopted Good Design Guide, section 16 of the NPPF (2021) and the statutory duty of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is 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 Drawing No. 255 PL-01 Rev A, Proposed Site Plan Drawing No. 255 PL-03 Rev A, Proposed Floor Plans Drawing No. 255 PL-05 Rev A and Proposed Elevations Drawing No. 255 PL-06 Rev A received by the local planning authority on 9 August 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 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 match the corresponding materials of the existing dwelling being Oast Russet facing bricks, Hawkins grey plain clay roof tiles, light green painted timber casement windows together with a vertical planked timber garage door.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.