

Delegated Report

Planning Ref: 24/01054/HOU
Applicant: Mr P Kingsley-Elton
Ward: Groby



Site: 20 Castell Drive Groby Leicestershire

Proposal: Two storey side extension and single storey front extension and 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. This application seeks permission for a two storey side extension under a duo-pitch roof (concrete tiled). The application also proposes an extension to the front of the property consisting of a tiled mono pitch roof to be constructed above host dwelling's existing bay window and the single storey element that will protrude beyond the proposed (set back) first floor extension above. The existing front entrance porch, which is located within the centre of the host dwelling's front elevation, is proposed to be extended in depth by approx. 0.6 metre with a gable roof (tiled) above. The proposed gable roof will integrate with the proposed mono – pitch roof(s).
- 2.2. A single storey rear extension (approx. 9.2 metre width by 4.9 m depth - at its deepest point) and will span the width of host dwelling's lower rear elevation. The extension's footprint is proposed to be L-shaped, which will allow an access to proposed utility room space, accessed via an external doorway.
- 2.3. The rear extension will be under a flat roof with 2 No. glass lantern type windows inserted within its centre.
- 2.4. The extension would be constructed of materials to match the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application property is a modern (1960s), brick built, two storey detached property (under a duo-pitched tiled roof) and is located within a linear row of dwellings of a similar scale (two storey detached dwellings), but of varying age (mid –late 20C) and design styles.

4. Relevant planning history

- 4.1. None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents
- 5.2. One Comment received from neighbour: In summary:
 - The proposed side elevation will be built in close proximity existing (No.18) ground floor side elevation and concerned the proposal will hinder access for future maintenance requirements

- The close proximity of the proposed side elevation could cause damage to No.18 existing footings.
- The two properties (No 18 and proposal site No.20) share a sewer and must be noted on the plans.

6. Consultation

6.1. Groby Parish Council – formal response:

- Overdevelopment of the plot
- Concerns over the loss of existing side access to the rear of the property, whereby emergency access will be lost.
- Ensure that neighbours are consulted.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highway Safety.
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is further supported through the adopted Good Design Guide.

8.3 HBBC Good Design Guidance SPD (2020) recommends that two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling, and therefore should be set back from the front elevation and set down below the main roof ridgeline by at least 0.5 metres in both directions.

8.4 The guidance also recommends that, in the spirit of neighbourliness and to protect the character of the surrounding streetscene, an adequate distance of one metre

should be maintained between adjacent dwelling houses and their side boundary (providing a gap of two metres in total between both properties).

- 8.5 Further to concerns raised by the parish council regarding the scale (in relation to the surrounding plot) of the initial proposal submitted as part of this application, and upon advice provided by the case officer, the proposed design was subsequently amended during the course of this application, whereby, the application proposes a set back of the proposed side extension's front elevation from the host dwellings existing front elevation by approximately 0.5 metres and the set down of the proposed roof ridge approx. 250mm below the host dwelling's main ridge line,
- 8.6 Contrary to the above design guidance, the proposed side extension will be constructed within approx. 700mm of the common boundary/ side elevation (west) shared with the adjoining neighbour (No.18) - which is a chalet type dwelling. However, given the space (approx. 6 metres at the widest point) to retained between the proposed side extension's proposed upper side elevation (west) and the adjoining neighbour's existing roof slope together with the proposed amendments (set back from the existing front elevation/set down from the roof ridge), the proposal will not introduce a terraced appearance between neighbouring properties. Furthermore, given the amended design, the proposed side extension will appear suitably subservient (in scale) to the host dwelling. Otherwise, despite the proposed side extension's lower level will be sited in close proximity to the shared common boundary/neighbour's side elevation, given its scale and design, the proposal will retain a relatively large front amenity space and the development sit comfortably within its plot.
- 8.7 The proposed side extension, extension to the existing porch and additional mono-pitch roofs will be able to be viewed from the nearby highway, however, given its siting, scale and design the proposal is sympathetic to the design and scale of the host dwelling and neighbouring properties, and furthermore, the proposal will not introduce an incongruous or harmful feature within the surrounding streetscene. The proposal therefore accords with Policy DM10 of the SADMP and the recommendations of The Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.8 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. This is further supported through the adopted Good Design Guide.
- 8.9 The proposed two storey side extension's side elevation (west) would be sited close to the boundary shared with the adjoining neighbour. However, the neighbouring dwelling's upper side (east) elevation does not contain windows that serve habitable within its side (west) elevation. Otherwise, despite a new upper floor window, which will serve a proposed bedroom space, to be inserted within the proposed upper rear elevation, the proposal will not introduce any undue overlooking of both neighbouring properties' rear amenity space than that is already experienced or to be expected from a two story (suburban) dwelling.
- 8.10 Nevertheless, in order to protect the amenity and privacy of the adjoining property (No.8) a condition will be attached to the approval of this application that any window opening inserted within the upper side (west) elevation would require permission from the Local Planning Authority.
- 8.11 The proposed two storey side elevation would introduce relatively large feature (side gable elevation) when viewed from adjoining neighbour's (No.18) rear amenity space, however, given the proposal will be constructed upon the host dwelling's existing two storey side gable (west) and will not protrude beyond both the host dwelling's and the adjacent neighbour's rear elevations, the extension would not

cause any undue overshadowing upon the adjoining neighbour's rear amenity space. Furthermore, despite its proposed siting – which will be in close proximity to the shared boundary- the proposed side gable would introduce a (brick built) side elevation that is similar in design and scale to what can already be viewed. Therefore, by virtue of its siting and scale, the proposal will not introduce an overbearing/oppressive feature upon the neighbouring occupants.

- 8.12 Otherwise, given their siting and scale, the proposed single storey rear extension (under a flat roof) and the front porch extension elements of this application will not introduce any undue overshadowing, overlooking or introduce an overbearing upon the adjoining neighbour's living space windows or amenity space most enjoyed by their occupants.
- 8.13 In view of the above considerations, the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14 Policy DM18 of the SADMP and the Local High Way Authority's Highway Design Guidance states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.15 The proposal would provide one additional bedroom, resulting in a four bedroomed property. Parking is available to the front of the site for provision of two/three off-street parking spaces.
- 8.16 Therefore the proposal is considered to comply with Policy DM10 of the SADMP and the associated LHA Design Guidance.

Other Matters

- 8.17 Concerns have been received from the neighbouring dwelling regarding potential damage that could be caused to neighbouring dwelling's foundations. Furthermore concern was raised regarding the proposal will hinder future access to the neighbouring dwelling's side elevation to allow for future maintenance. Such concerns however are subject to Civil Law i.e. The Party Wall Act and are not material town planning considerations.

9. Equality implications

- 9.1 **Where No Known Implications** 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 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.
- 9.5 There are known equality implications arising directly from this development.
- 9.6 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 is located within the settlement boundary of Groby and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.
- 10.2. The proposed development would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. In addition sufficient off-street parking provision would be available on the site. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the SADMP 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

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:

- Drg. No. 20CD/2024 1/3 Site Plan & Location Plan (amended) - Received by the Local Planning Authority 7th March 2025
 - Drg. No. 20CD/2024 2/3 Proposed Floor Plans and Elevations (amended)
 - Drg. No. 20CD/2024 3/3 Proposed Section and Roof Plan (amended).
- Both drawings received by the LPA 17th January 2025.

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 extension and alteration shall match the corresponding materials of the existing dwelling.

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).

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no window other than those approved under this permission shall be inserted into the upper side (west) elevation of the proposed extension unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.2 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.