

## Delegated Report

**Planning Ref: 24/00869/HOU**

**Applicant: Miss Debbie Middleton**

**Ward: Earl Shilton**



Hinckley & Bosworth  
Borough Council

**Site: 4 Coniston Court Earl Shilton Leicestershire**

**Proposal: Timber storage unit forward of front elevation (retrospective)**

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### **1. Recommendations**

#### **1.1. Grant retrospective temporary planning permission subject to:**

- Planning condition outlined at the end of this report

### **2. Planning application description**

2.1. This householder application seeks retrospective planning permission for a timber storage shed within the site frontage of a bungalow, 4 Coniston Court, Earl Shilton.

2.2. The shed measures 1.25 metre in width, 1.8 metres in depth and 2.15 metres in height to the top of the monopitch roof and is sited on concrete slabs to the front of the bungalow. It is constructed with horizontal timber panels to three sides and narrow vertical timber double doors to the front elevation all treated with a clear preservative. It is used for the secure storage of a mobility scooter.

### **3. Description of the site and surrounding area**

3.1. The application bungalow is located within the settlement boundary of Earl Shilton and within a residential courtyard development of similar bungalows arranged around and off a shared central concrete block paved parking courtyard which also contains gazebo structures and landscaping. It is a detached bungalow with gable sided roof form that sits within a row of others and is accessed via a short shared dead-end walkway serving four bungalows in total that extends north from the northwest corner of the main courtyard. There is a dual pitched open canopy roof that extends across and above the walkway between the roof of the application dwelling and that of the neighbouring bungalow to the east. There are accesses to rear gardens on both sides of the application bungalow.

### **4. Relevant planning history**

None.

### **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.

5.2. As a result of public consultation three responses have been received objecting to the proposal on the following grounds:

- 1) Its siting in the front garden is inappropriate and is an eyesore that lowers the tone of the area
- 2) It obstructs views of the footpath and communal central car park
- 3) If in rear garden there would be no inconvenience to neighbours
- 4) Offers a hiding place and affects safety and security of neighbours
- 5) Is in breach of planning regulations
- 6) Legal covenant in deeds preventing buildings within site frontage.

## **6. Consultation**

6.1. 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

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. Extensions and ancillary detached buildings 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
- Other matters

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 provides further advice in respect of the siting and design of various forms of house extensions.

8.3. The shed measures 1.25 metres in width, 1.8 metres in depth and 2.15 metres in height to the top of the monopitch roof and is sited on concrete slabs to the front of the bungalow. It is constructed with horizontal timber panels to three sides and narrow vertical timber double doors to the front elevation all treated with a clear preservative. It is used by the applicant for the secure storage of a mobility scooter.

8.4. By virtue of the materials used in its construction and its siting forward of the front elevation, the proposal is considered to be unsuitable for any long term planning permission by virtue of its adverse visual impacts on the relatively uniform and uncluttered character and appearance of the bungalow and wider development. However, taking into account the particular and sensitive mobility and health circumstances of the applicant and its required use, it is considered that a

temporary short term planning permission would not be unreasonable or inappropriate in this particular case.

- 8.5 Notwithstanding its siting forward of the building line, by virtue of its intended use, subordinate scale, design and external timber materials of reasonable current appearance, subject to planning permission being granted on a temporary short term basis for the benefit of the applicant only, it is considered that the storage shed would not be unacceptable in visual terms in the short term and would not result in any significant adverse long term visual impacts on the character or appearance of the wider development in such circumstances. The proposal is therefore considered to be acceptable on a temporary short term basis in respect of Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 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.
- 8.7 As a result of public consultation, three objection responses have been received. The grounds for the objections are that the proposal obstructs views of the footpath and communal central car park from the neighbouring bungalow, could be located in the rear garden where it would have no inconvenience to neighbours and adversely affects the safety and security of neighbouring occupiers by providing a hiding place.
- 8.8 The neighbouring dwelling to the north (No. 5) is a similar but semi-detached bungalow and is constructed on the same building lines as the application bungalow. There is a 1 metre wide access separating the two bungalows leading to the rear gardens. The centre-point of the nearest window in the front elevation of No. 5 is 2.5 metres from the blank north side elevation of the shed and therefore the proposal would not cross a 45 degree line drawn from the window. In any case, the window is also obscurely glazed and appears to serve a bathroom rather than being a principle habitable room window. Therefore, it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupier of No. 5 to the north.
- 8.9 By virtue of its siting, scale, and separation distances to all other neighbouring bungalows it is considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any other neighbouring occupiers. There has been no evidence submitted to suggest that the proposal would have any significant adverse impacts on the safety or security of any neighbouring occupiers.
- 8.10 Notwithstanding the objections received, it is considered that by virtue of its siting, scale, design and separation distances, that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide in this respect.

Other matters

- 8.11 Planning permission does not override legal covenants or restrictions on land but such issues are not a material planning consideration.

## **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 The equality implications arising from this application relate to the protected characteristics of restricted mobility and health of the applicant and the specific need for the proposal over and above the identified conflicts with Policy DM10 of the adopted SADMP and the adopted Good Design Guide in respect of the visual impacts of the proposal on the surrounding area.
- 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 ancillary domestic storage shed within the residential curtilage of an existing dwelling within the 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. Notwithstanding the objections received and its siting forward of the building line, by virtue of the particular circumstances of the applicant, its use, scale, design and appearance, subject to planning permission being granted on a temporary short term basis for the benefit of the applicant only, it is considered that the storage shed would not be unacceptable in visual terms in the short term and would not result in any significant adverse long term visual impacts on the character or appearance of the wider development or the residential amenities of any neighbouring properties in such circumstances. The proposal is therefore considered to be acceptable on a temporary short term basis in respect of Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

- 11.2 **Grant retrospective temporary planning permission** subject to:

- Planning conditions outlined at the end of this report

## **11.3 Conditions and Reasons**

1. The timber storage shed hereby permitted shall be used only by and for the benefit of the applicant and shall be for a limited period, being the period of

two years from the date of this permission, or the period during which the application premises are occupied by the applicant, whichever is the shorter. When the application premises cease to be occupied by the applicant or at the end of the specified two year period, whichever shall first occur, the timber storage shed hereby permitted shall be removed from the site frontage unless a further temporary permission has been granted by the Local Planning Authority.

**Reason:** The proposal is unsuitable for a permanent permission by virtue of its siting forward of the dwelling within the site frontage and its timber construction materials which result in a degree of conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). However, by virtue of the personal circumstances of the applicant a temporary short term permission is considered to be reasonable in the particular circumstances of this case.