

Delegated Report

Planning Ref: 24/00480/HOU
Applicant: Mr Noor Ul Aqtab Siddiqi
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: New Hall Field House High Street Earl Shilton Leicestershire

Proposal: Side/rear extension, front extension, six new dormer windows, a chimney and other alterations to the external elevations

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 side/rear extension, a front extension, six new dormer windows, a chimney and other alterations to a dwelling, New Hall Field House, High Street, Earl Shilton.
- 2.2. The proposed side/rear extension would replace an existing single storey structure attached to the west side elevation but to a greater depth and height. It would follow the front and west side building line of the existing structure to a width of approximately 8.7 metres and depth of approximately 9.7 metres, the same depth as the remainder of the existing dwelling. It would have a dual pitched gable sided roof form to the same eaves height (approximately 2.4 metres) and ridge height (approximately 6.5 metres) as the existing main roof of the dwelling and be fully flush with it.
- 2.3. The proposed front extension would extend 1.5 metres forward of the front elevation and for a width of 4 metres. It would have a dual pitched gable fronted roof form with an eaves height of 3.5 metres and ridge height of 5.3 metres. It would have a contemporary design with full height glazing set in a brick surround and form an atrium entrance feature. Six dormer windows with dual pitched gable fronted roof form are proposed, three to the front elevation and three to the rear elevation providing additional headroom and light to the existing and new loft space bedrooms which are currently served only by rooflights and side gable windows. The proposals also include a feature brick chimney on the east side gable and other external alterations to fenestration.
- 2.4. Proposed external materials are listed as brick and render to walls, roof tiles and white uPVC windows but no specific materials have been submitted with the application. It is requested that these are secured by a pre-commencement condition.
- 2.5. Amended plans have been submitted to address an error in the red edge of the site which initially included a small area of land not within the applicant's ownership.
- 2.6. A Preliminary Bat Roost Assessment and Bat Emergence and Re-Entry Survey Report has been submitted to support the application.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Earl Shilton on a back land plot to the east of High Street and to the rear of a listed building. It is a detached bungalow with gable sided roof form and loft space accommodation served by roof lights to the front and rear roof elevations and small

side gable windows. It has a central glazed atrium entrance that is flush with the front elevation and front roof slope. It has a double garage to the west side elevation. The dwelling is constructed with red multi rustic facing bricks, plain grey concrete roof tiles and white uPVC windows. In addition to the double garage there is ample parking and turning space within the site frontage on extensive loose stone hard standing. The dwelling sits within a large plot providing ample amenity space that is predominantly enclosed by 2 metres high brick walls and timber fencing.

- 3.2. There is a Grade II listed detached two storey dwelling (Hill Top House) to the west, a two storey detached house to the south, a public car park to the north and a public open space (Hall Field) to the east.

4. Relevant planning history

75/00904/4M

- Extension to bathroom
- Permitted
- 04.07.1975

87/01282/4

- Erection of dwelling house outline
- Outline permission
- 26.01.1988

88/01454/4

- Erection of house and double garage
- Approval of Reserved Matters
- 29.06.1989

19/00831/HOU

- Re-modelling of existing dwelling including conversion of garage to living accommodation, ground and first floor extensions, decking area, new roof, windows and 7 dormer windows
- Permitted
- 29.01.2020

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. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. Leicestershire County Council (Highways) raise no objection and refer to current standing advice.
- 6.2. Leicestershire County Council (Ecology) raise no objection subject to a condition to secure the recommended mitigation measures and habitat enhancements within the submitted bat survey report.
- 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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- 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 dwellings 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 dwelling and surrounding area
- Impact upon the setting of the neighbouring listed building
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Impact on protected species

Design and impact upon the character of the dwelling and surrounding 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 additional design advice in relation to various types of house extensions and alterations.

8.3 The Council's adopted Good Design Guide 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.' and,

'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. Where there are no public views into a site, a fully integrated two storey rear extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.'

- 8.4 The proposed side/rear extension would replace an existing single storey structure attached to the west side elevation but to a greater depth and height. It would follow the front and west side building line of the existing structure and extend to the same depth as the remainder of the existing dwelling and with a fully flush dual pitched gable sided roof form to the same eaves height, pitch and ridge height as the existing main roof. The proposal would result in only a small extension to the overall footprint of the existing dwelling at the rear of the existing garage and the proposed modest increase in the ridge height of the new roof by just 0.5 metres (from 6 to 6.5 metres) and retention of the existing 2.4 metres eaves height would result in a dwelling that would remain visually compatible with the extensive plot and the scale of neighbouring two storey dwellings to the west and south. Notwithstanding that side extensions are generally required to be set back and subordinate in height by the adopted Good Design Guide, in this particular case a fully flush extension would not be critical by virtue of the secluded back land position of the dwelling, its detached individual character and appearance and separation distances. The proposal is therefore considered to be acceptable in terms of its siting, scale and design in this case.

- 8.5 In respect of front extensions, the Council's adopted Good Design Guide states:

'Two-storey extensions to the front of properties are unlikely to be acceptable as they will be visually prominent within the street scene. If this type of development is proposed, it should take the form of the existing building, mirroring the roof pitch, replicate or have lower eaves height and the ridge should be below the existing ridge height. The proposal should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation.'

- 8.6 The proposed front extension would extend only 1.5 metres forward of the front elevation and for an appropriate width of only 4 metres. It would have a dual pitched gable fronted roof form with a higher eaves height of 3.5 metres but clearly subordinate ridge height of 5.3 metres. It would therefore be of appropriate proportions and would not over dominate the front elevation. It would have a contemporary design with full height glazing set in a brick surround and form a focal glazed atrium entrance feature that would add character and interest to the dwelling. The proposal is considered to be acceptable in terms of its siting, scale and design and to meet the general principles of the adopted Good Design Guide in respect of front extensions. The proposed provision of an unobtrusive brick chimney on the east side gable and other external alterations to existing fenestration to ensure a unified appearance is also considered to be acceptable in design terms.

- 8.7 In respect of dormer window extensions, the Council's adopted Good Design Guide states:

'Dormer windows, which allow for additional headroom within roof spaces will be considered in the context of impact upon the character of the building and on neighbours' amenity and should reflect the window pattern of the dwelling. Material selection, and scale of window opening and position within the roofscape is critical in the success of dormers. Dormers to fronts of properties will only be acceptable where this is a prevailing feature of the surrounding context.'

- 8.8 The proposals include the construction of six dormer windows with dual pitched gable fronted roof form, three to the front elevation and three to the rear elevation providing additional headroom and light to the existing and new loft space bedrooms which are currently served only by rooflights. Dormer windows are not characteristic of the application dwelling or the surrounding area, however, the dwelling occupies a back land position where the dormers would not be overly visually prominent or result in any significant adverse visual impacts on the application dwelling or surrounding area. In addition, by virtue of its detached character and individual steep pitched roof design that readily lends itself to their inclusion, it is considered that dormer windows should not be considered to be unacceptable in principle in this particular case. By virtue of their appropriate siting, spacing, size, scale and design, the dormers would appear subordinate to and fit appropriately within each roof slope without over dominating them, would reflect the window pattern below them and add interest to an otherwise extensive plain roof.
- 8.9 It is proposed that all external walls would be finished in either facing bricks or render with a tiled roof and white uPVC windows. However, no specific external materials have been submitted and the agent has requested that a pre-commencement condition be used to secure these details. This would ensure control in achieving a satisfactory appearance for the development, particularly as it is within the wider setting of a listed building. The surrounding area includes the use of both red facing bricks and render to external walls and a variety of roof materials and therefore a mix of sympathetic materials is likely to be acceptable.
- 8.10 By virtue of their siting, scale, design and subject to the proposed use of appropriate external materials throughout to ensure a satisfactory appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts upon the character or appearance of the 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 the setting of the Grade II listed Hill Top House

- 8.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.12 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 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.
- 8.13 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.14 Hill Top House (7 High Street), a grade II listed building dating from the late-C18 is located adjacent to the application site to the west, and at its closest point the rear elevation of Hill Top House is approximately 20 metres from current garage of New

Hall Field House. It must therefore be assessed if the site falls within the setting of this designated heritage asset.

- 8.15 The National Planning Policy Framework (NPPF) (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015).
- 8.16 Historic England recommends undertaking a five-step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. Despite the retention of the original brick boundary wall to Hill Top House remaining in situ along the boundary between the two plots and the presence of a number of mature trees within the garden to the House, both the application site and Hill Top House can be glimpsed from each other, as a result it is considered that the application site is located within the setting of the Hill Top House and consequently the development proposal may affect the heritage asset.
- 8.17 The second step is to assess the degree to which the setting makes a contribution to the significance of the heritage asset or allows its significance to be appreciated. Hill Top House is an impressive two-storey Georgian house dating from the late-C18. It was sited in a reasonably sized plot, the extent of which was defined along its eastern boundary with common land, known as Hall Field, by a red brick wall. At some point during the mid-C20 part of the Hall Field was acquired as additional garden land for the House, so the extent of the plot extended further east, although the majority of the original boundary wall was retained. New Hall Field House was constructed on this extended plot in the late-1980s. There is therefore a historical relationship between the application site and Hill Top House by virtue of it being located within the former (but not original) garden of the House, it is considered that the historic interest provided by this relationship makes a limited but positive contribution to the significance of the House. There is also a visual relationship between the House and the application site; views from the application site to the House allow for a limited appreciation of its special historic and architectural interest, although views from the House to the application site over the original boundary wall must now be taken in that the context of the application dwelling and surrounding area now being largely suburban in character. Overall, it is considered that the application site makes a minor but positive contribution to the significance of Hill Top House and allows for that significance to be appreciated.
- 8.18 The third step is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the Hill Top House or on the ability to appreciate that significance. The proposal is for a remodelling of the dwelling including a first floor extension over the existing garage, installation of dormer windows upon the north and south elevations, and alterations to the construction materials including the rendering of the facing walls. The proposed remodelling would result in a dwelling of wholly modern form, character and appearance. Whilst the remodelling would result in an increase in the mass and scale of the western elevation of the dwelling in comparison to the existing dwelling and previously consented scheme it is considered that it would have no discernible effect upon the significance of Hill Top House due to the distance between the extension and the House and the partial visual screening offered by the mature trees within the garden of Hill Top House. The existing brick boundary wall along the western boundary of the site would also be unaffected by the proposal. Due to the siting, scale, mass, design and materials proposed for the remodelling of New Hall Field House it is

considered that the minor positive contribution the application site makes to the significance of the Grade II listed Hill Top House would be maintained, as would the appreciation of this significance, and therefore the effect of the development on the significance of the House is considered to be neutral.

- 8.19 Overall, it is considered that the minor positive contribution the application site makes to the significance of the Grade II listed Hill Top House would be maintained, as would the appreciation of this significance, and therefore the effect of the proposed development on the significance of the House is considered to be neutral. Therefore, the proposal would be compatible with the significance of the listed building and its setting, and as a result the proposal would comply with Policies DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.20 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.
- 8.21 The proposed side/rear extension would extend to within approximately 1 metre of the boundary wall that forms the rear garden boundary of Hill Top House located to the west. It would replace the existing garage but with a greater depth to a total of 9.7 metres and form a higher dual pitched blank gable to the same eaves height (approximately 2.4 metres) and ridge height (approximately 6.5 metres) as the existing main roof of the dwelling. Notwithstanding its increase in height and depth and proximity to the rear garden boundary, by virtue of its additional height and depth being well screened by the existing mature trees within the neighbouring garden together with the separation distance of over 20 metres from the main rear elevation windows of Hill Top House, it is considered that the proposed side/rear extension would not result in any significant adverse overbearing or overshadowing impacts on the neighbouring dwelling. There are no new windows above ground floor level that would result in any significant loss of privacy to the neighbouring occupiers of Hill Top House from direct overlooking as the new west side gable would be blank and the proposed dormer windows would be at an oblique angle to the boundary.
- 8.22 The proposed front atrium and dormer windows would also be at an oblique angle to the other neighbouring dwelling to the south (Old Hall Field House) and approximately 14 metres inside the boundary of the site and approximately 20 metres to the nearest corner of the neighbouring dwelling. By virtue of their orientation and separation distance it is considered that they would not result in any significant loss of privacy to the neighbouring occupiers of Old Hall Field House from direct overlooking.
- 8.23 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 and would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring occupiers.

Impact upon parking provision

- 8.24 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

- 8.25 Leicestershire County Council (Highways) raise no objection and refer to standing advice.
- 8.26 The local highway authority design guide requires three off-street parking spaces to serve a dwelling with three or more bedrooms. Notwithstanding the loss of the double garage, the site currently provides more than adequate additional off-street parking and turning space on loose stone hard standing within the extensive site frontage. This provision would be unaffected by the proposals and would remain more than adequate to serve the resulting five bedroomed dwelling located within a highly sustainable urban location with easy access to a full range of services and facilities by alternative more sustainable transport means. The proposals would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Impact upon protected species

- 8.27 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.28 By virtue of the site being adjacent to open land and the proposals including works to the existing roof space, Leicestershire County Council (Ecology) required the submission of a bat roost survey report prior to determination of the application to inform the potential for the proposed development to impact on bats and their habitat. The submitted Preliminary Roost Assessment found some potential for roosting bats and therefore recommended an emergence survey to be carried out to further inform the use of the building/site by bats. A Bat Emergence and Re-Entry Survey Report has subsequently been submitted which did not record any bat roosting activity and minimal bat activity was observed at the site throughout the survey. It therefore concludes that no current bat roosts are present and consequently, no impacts on bats or their roosts are foreseen. The report recommends a low impact lighting strategy for the site and the fitting of an integrated bat box on the dwelling to enhance the biodiversity potential of the site. Leicestershire County Council (Ecology) recommend a standard condition requiring that the development be carried out in accordance with the recommendations and enhancements within the bat survey report. Subject to compliance with such a condition, the proposal would accord with Policy DM6 of the adopted SADMP and the general principles of the NPPF (2023) in respect of the conservation and enhancement of biodiversity.

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 subject to the use of appropriate external materials throughout to ensure a satisfactory appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling, would not result in any significant adverse visual impacts upon the character or appearance of the surrounding area and would be compatible with the significance of the adjacent listed building and its setting. By virtue of their 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 retain more than adequate private amenity space and off-street parking provision to serve a five bedroom dwelling within this extensive plot. A condition can be imposed to secure mitigation and habitat enhancement measures in respect of bats. The proposals are considered to be in accordance with Policies DM1, DM6, DM10, DM11, DM12 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide, Section 16 of the NPPF (2023) and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 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. PL22010.07 Rev A received by the local planning authority on 12 June 2024 and Proposed Floor Plans Drawing No. PL22010.05 Rev B and Proposed Elevations Drawing No. PL22010.06 Rev B received by the local planning authority on 15 May 2024.

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. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the extensions and alterations hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10 and DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall be carried out in full and strict accordance with the recommendations and enhancements identified within the submitted Bat Emergence and Re-Entry Survey Report by arbtech dated 16 August 2024.

Reason: In order to protect wildlife species and their habitat in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

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.