

Delegated Report

Planning Ref: 24/00958/HOU
Applicant: Mr And Mrs A Smith
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 7 Lawton Close Hinckley Leicestershire

Proposal: Single storey side and rear extension replacing existing conservatory.

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 single storey side and rear extension to a dwelling, 7 Lawton Close, Hinckley.
- 2.2. The proposed single storey side/rear extension would be set back 3 metres from the main front elevation and extend for a width of 3 metres from the side elevation retaining a gap of 1.8 metres to the side boundary with a public footpath. It would extend for a total depth of 9.6 metres, including 4 metres in depth from the main rear elevation, and for a total width of 7.2 metres across part of the rear elevation to the same position as the existing conservatory that it would replace. It would have a lean-to roof design at the front/side and a low profiled dual pitched roof at the rear forming a rear gable with an eaves height of 2.6 metres and ridge height of 3.5 metres. The rear gable would have a contemporary design with full height glazed bi-fold doors and apex glazing. It is proposed that the extension and alterations would be constructed with matching corresponding external materials to the existing dwelling.
- 2.3. An additional plan has been received to provide the other northwest side elevation which was absent when originally submitted.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley on a large residential estate and at the end of a small cul-de-sac. It is a two storey detached house with asymmetric gable sided main roof form and a cat slide roof with two dual pitched roof dormer windows to the front elevation. It is constructed of red/brown multi facing bricks, brown concrete interlocking roof tiles and white uPVC windows. It has a conservatory with dual pitched roof attached to half of its rear elevation. There is a detached double garage with dual pitched gable sided roof form and white up-and-over door within the site frontage perpendicular to the dwelling along with a double width tarmac driveway, concrete block paved hard standing for a further vehicle and soft landscaping. The rear garden is enclosed by 2 metres high solid timber panel fencing.
- 3.2. The cul-de-sac and surrounding area comprises detached dwellings of varying scale, design and appearance. There are public footpaths to the front, southwest side and rear boundaries of the site.

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

6. Consultation

- 6.1. No other consultations necessary or undertaken.

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 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 DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4. 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 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. 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. In respect of rear extensions, it 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.'

- 8.3. The proposed single storey side/rear extension would be located behind the existing detached double garage and set back 3 metres from the main front

elevation. It would extend for an appropriate and clearly subordinate width of 3 metres from the side elevation, much less than half the width of the existing dwelling and have a window of matching style and proportion to existing front elevation windows. It would also have a clearly subordinate lean-to roof form with an eaves height of 2.6 metres and maximum height of 3.5 metres. It would therefore appear as a clearly subordinate addition and would have no visual prominence within the Lawton Close street scene. Notwithstanding its total depth of 9.6 metres, it would be set in from the side boundary with the adjacent public footpath by 1.8 metres and screened from it by the existing 2 metres high solid close boarded timber boundary fencing and therefore would have no significant visual impact upon the adjacent public footpath.

- 8.4 The proposal would extend for an appropriate depth of 4 metres from the main rear elevation and across only half of its existing width but to a total width of 7.2 metres including the side extension. It would have a not inappropriate low profiled dual pitched roof design forming a clearly subordinate rear gable with an eaves height of 2.6 metres and ridge height of 3.5 metres. The rear gable would have a more contemporary design with full height glazed bi-fold doors and apex glazing but nevertheless would be acceptable in design terms. It is proposed that the extension and alterations would be constructed with matching corresponding external materials to the existing dwelling to ensure a satisfactory and unified appearance.
- 8.5 By virtue of its siting, scale, design, the proposed use of matching corresponding external materials and existing screening, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse impacts upon the surrounding area or the adjacent public footpaths. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the Council's adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.6 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.
- 8.7 The Council's adopted Good Design Guide states:
- 8.8 *'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'*
- 8.9 The neighbouring dwelling to the northwest (No. 8) is a two storey gable fronted dwelling that extends further in depth than the main rear elevation of the application dwelling. The proposed extension would extend only approximately 2 metres beyond the rear elevation of No. 8 and at a separation distance to the side boundary of 5 metres. As a result of its single storey scale, depth and separation distance the proposal would not extend beyond a 45 degree line drawn from the nearest principal habitable room windows in the rear elevation of No. 8 or result in any significant adverse overbearing or overshadowing impacts upon the amenity of the neighbouring occupiers or any loss of privacy from overlooking. The remaining boundaries are adjacent to public footpaths and the proposal would be set in from

the nearest by 1.8 metres and screened by the existing 2 metres high solid close boarded timber fencing along the boundaries.

- 8.10 By virtue of the siting, single storey scale, design, separation distances and existing effective screening, the proposal would not result in any significant adverse impacts on the residential amenities or privacy of the occupiers of any neighbouring dwellings and that the proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the 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 and of appropriate design.
- 8.12 The site currently provides a minimum of four off-street parking spaces within the double garage, double width tarmacadam surfaced forecourt/driveway and additional concrete block paved hard standing within the site frontage. The proposal would not create any additional bedroom space and would have no impact upon the existing off-street parking provision within the site. It would therefore have a neutral impact upon the existing off-parking provision which would remain more than adequate to serve the resulting dwelling which is located in a highly sustainable urban location with easy access to a full range of services and facilities by alternative more sustainable transport means. The proposal would therefore remain in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 proposal relates to an extension and alteration to an existing dwelling located within the urban settlement boundary of Hinckley 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 its siting, scale, design, the proposed use of matching corresponding external materials and existing screening, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts upon the surrounding area. By virtue of the siting, scale, design, separation distances and existing screening, the proposal would not result in any significant adverse impacts on the residential amenities or privacy of the occupiers of any neighbouring properties. More than adequate off-street parking of a minimum of four spaces and private amenity space of 240 square metres would be retained within the site to serve the resulting dwelling. The proposal is 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 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: Site Location Plan Drawing No. 241344/P06, Proposed Site Plan Drawing No. 241344/P05 and Proposed Ground Floor Plan Drawing No. 241344/P03 received by the local planning authority on 14 October 2024 and Proposed Elevations Drawing No. 241344/P04 Rev A received by the local planning authority on 23 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 extension and alteration hereby permitted 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).

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.