

Delegated Report

Planning Ref: 23/00252/HOU

Applicant: Mr Edis

Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: 29 Harwood Drive Hinckley Leicestershire

Proposal: Two storey side and front extensions 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 householder application seeks planning permission for two storey side and front extensions and a single storey rear extension. The proposed two storey side extension would replace an existing garage and extend 1.3 metres forward of the main front elevation with a width of 3 metres and a total depth of 10.2 metres including 3.3 metres beyond the main rear elevation. The proposed two storey front extension would extend 1.3 metres forward of the main front elevation at a width of 3 metres. The proposed single storey rear extension would extend 3.3 metres from the main rear elevation for the full width of the main dwelling. Two dual pitched gables would be formed on the front elevation with the existing lean-to roof retained between them. A dual pitched rear gable would also be formed on the rear elevation with a lean-to roof extending across the remainder of the elevation over the single storey rear extension.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley on a large residential estate and at the head of a small cul-de-sac. It is a detached two storey house with gable sided roof form, a garage with gable sided roof form attached to its left side elevation, a single storey front projection with lean-to roof providing a part open canopy porch and a single storey conservatory with very low profile lean-to roof attached to its rear elevation. The dwelling is constructed with buff/light brown facing brick, red/brown Roman concrete interlocking roof tiles and brown uPVC window frames and doors, other than the white uPVC framed conservatory that is to be demolished. The existing 9 metres long driveway and up to 5.7 metres deep site frontage is almost entirely surfaced in tarmac providing off-street parking for an additional three cars. The rear garden is enclosed by 2 metres high close boarded timber fencing.

- 3.2. The dwellings either side are the same house type, one being handed.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

- 5.2. One response has been received as a result of public consultation raising objections to the application on the following grounds:

- 1) Loss of light
- 2) Loss of off-street parking space

- 3) Extension too large for footprint of the land
- 4) Detrimental impact on quality of life
- 5) Loss of property value.

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) (2021)
 - 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 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
 - Impact upon parking provision

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 house extensions and states:

'Two-storey extensions to the front of properties 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. In addition, 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.' and,

'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.' 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.'

- 8.3 The proposed two storey side extension would not be set back from the front elevation or be subordinate in height but would have the same eaves and ridge height as the existing dwelling and therefore would not comply with the adopted Good Design Guide. Instead, it would extend 1.3 metres forward of the main front elevation with a subordinate front gable and a subordinate width of 3 metres to the existing 8.6 metres wide main dwelling. The proposed two storey front extension would also extend just 1.3 metres forward of the main front elevation at a subordinate width of 3 metres and would provide some symmetry to the front elevation and add some design variety to the three similar house types across the head of the cul-de-sac.
- 8.4 In this particular case it is considered that a set back and subordinate height for the two storey side extension is not critical in design terms as, in the event that the adjacent dwelling (No. 27) was to be extended in a similar manner, a gap of 2 metres would be maintained between the respective dwellings (1 metre either side of the boundary) and the proposed forward projecting front gable design would ensure that the detached character of the dwellings would be maintained. In addition, in this particular case, as the dwelling sits at the head of a small cul-de-sac, it would only be viewed directly from the front rather than from any acute angled view and therefore no significant terracing effect would be created. The applicant has pointed to other examples of non-subordinate (in height) two storey side extensions on this house type that have been constructed flush with the main front elevation on Kent Drive nearby on the estate.
- 8.5 The proposed two storey side extension would extend to a total depth of 10.2 metres including a not inappropriate depth of 3.3 metres beyond the main rear elevation with a subordinate dual pitched rear gable and subordinate width of 3 metres. The proposed single storey rear extension would also extend to a not inappropriate depth of 3.3 metres beyond the main rear elevation with a clearly subordinate lean-to roof form for the full width of the main dwelling.
- 8.6 An objection has been received on the grounds that the proposals are too large for the plot, however, 90 square metres of private rear amenity space would be retained. The dwelling is also in close proximity to a large public play space including children's play equipment.
- 8.7 Notwithstanding the objection received and degree of conflict identified with the adopted Good Design Guide, by virtue of their siting, scale, design and proposed use of matching external materials in their construction to ensure a unified appearance, it is considered that the proposals would nevertheless respect the scale, detached character and appearance of the existing dwelling and the surrounding area. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.8 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.
- 8.9 The Council's adopted Good Design Guide states:

'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.'

- 8.10 An objection to the proposals has been received on the grounds of loss of light and detrimental impact on quality of life.
- 8.11 The proposed single storey rear extension would extend only to a similar 3.3 metres depth as the neighbouring dual; pitched roof garage to the north attached to the blank side elevation of No. 31 and at a separation distance of approximately 4 metres to the main body of No. 31. The proposed two storey front extension would extend only 1.3 metres forward of No. 31 and at the same 4 metres separation distance. Notwithstanding the 3.3 metres rear projection of the proposed two storey side extension this would be at a separation distance of 8.5 metres to the side boundary and 12 metres to the main body of No. 31. Notwithstanding the objection received and their position to the south of No. 31, by virtue of their siting, scale, depth, separation distance and screening by existing structures it is considered that the proposals would not result in any significant adverse overbearing or loss of light/overshadowing impacts on the residential amenity of the occupiers of No. 31. There are no side elevation windows proposed that would result in any significant loss of privacy to the neighbouring occupiers from potential overlooking.
- 8.12 The proposed two storey side extension would extend to a total depth of 10.2 metres, a majority of which would be adjacent to the blank side elevation of the neighbouring dwelling to the south (No. 27) and at a separation distance of approximately 4.4 metres. The proposal would extend to a similar depth to the rear as the neighbouring garage which lies between the proposal and the main body of No. 27 and only 1.3 metres beyond the main front elevation of No. 27. By virtue of the proposed depths and separation distance, the proposal would not extend beyond a 45 degree line drawn from any front or rear principal habitable room windows of No. 27 and would be sited to the north where it could not result in any overshadowing. Therefore, it is considered that the proposal would not result in any significant adverse overbearing or loss of light/overshadowing impacts on the residential amenity of the occupiers of No. 27 and there are no side elevation windows proposed that would result in any significant loss of privacy to the neighbouring occupiers from potential overlooking.
- 8.13 The proposed new first floor rear elevation bedroom window would face directly towards the rear of the neighbouring dwellings to the west on Kent Drive (Nos. 34 and 36) at a separation distance of only 7.5 metres to the common rear garden boundaries and approximately 18 metres to the main rear elevation windows. Notwithstanding that this would be less than the 21 metres back to back separation distance between habitable room windows in the adopted Good Design Guide, No. 34 would be screened from the proposal by a 4 metres high conifer screen within and along its rear garden boundary and the proposed bedroom window would be off-set from the rear elevation windows of No. 36 by approximately 4 metres. It is therefore considered that the proposal would not result in any significant adverse impacts on the residential amenity or privacy of those neighbouring occupiers and no objection to the proposal has been received from those occupiers.
- 8.14 Notwithstanding the objection received, by virtue of their siting, scale, design and separation distances together with existing neighbouring structures and screening, it is considered that the proposals would not result in any significant adverse overbearing or overshadowing impacts on any neighbouring properties or result in any significant adverse impacts from overlooking or loss of privacy to the occupiers

of any neighbouring properties. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 An objection has been received on the grounds that the proposals would result in a loss of off-street parking to serve enlarged dwelling.
- 8.17 The site currently provides up to four off-street parking spaces to serve the existing four bedroomed dwelling, one within the undersized garage and three on the 9 metres long driveway and up to 5.7 metres deep site frontage which is almost entirely surfaced in tarmacadam.
- 8.18 The proposals would result in an additional fifth bedroom and the garage being replaced further forward and extended to almost 6 metres in length. By virtue of the additional forward projection of 4.5 metres this would result in the loss of a viable off-parking space of sufficient length directly in front of the new garage on the driveway. Notwithstanding this, it is considered that off-street parking for three further vehicles would be retained within the site frontage, albeit at an angle, to serve the resulting five bedroom dwelling and with no adverse impacts on highway safety given its location within and at the head of a small cul-de-sac. This level of provision would meet the local highway authority design guidance and is considered to be satisfactory 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 and more sustainable transport means. Notwithstanding the objection received, the proposals are therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 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. Notwithstanding the objection received, by virtue of their siting, scale, design and proposed use of matching corresponding external materials, it is considered that the proposals would respect the scale, character and appearance of the existing dwelling and the surrounding area. Notwithstanding the objection received, by virtue of their siting, scale, design, separation distances and existing screening it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. Satisfactory off-street parking for up to four vehicles would be maintained within the site in this highly sustainable urban location along with satisfactory private rear amenity space of approximately 90 square metres to serve the resulting five bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and not unacceptable in relation to the general principles of the adopted Good Design Guide 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 Drawing No. 145/001 Rev A, Proposed Block Plan Drawing No. 145/002, Proposed Floor Plans Drawing No. 145/020 and Proposed Rear and Side (north) Elevation Drawing No. 145/023 received by the local planning authority on 22 March 2023 and Proposed Front and Proposed Side (south) Elevation Drawing No. 145/022 Rev A received by the local planning authority on 19 April 2023.

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 extensions and alterations 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.