

Delegated Report

Planning Ref: 23/00304/HOU
Applicant: Mr Gregory Taylor
Ward: Ratby Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: 93A Station Road Bagworth Leicestershire

Proposal: Extension to existing garage for additional accommodation/workshop

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 an extension to the rear of an existing garage to provide ancillary accommodation/workshop space within the rear garden of a dwelling, 93A Station Road, Bagworth.

2.2. The proposed extension would have a width of 5 metres and a depth of 7 metres with a dual pitched gabled roof form with an eaves height of 2.5 metres and a ridge height of 4.25 metres. It would be attached to the rear elevation of the existing detached brick and tile dual pitched roof garage and offset from the south side boundary by 0.35 metres. The application proposes the use of matching external facing brick walls and roof tile materials in its construction to those of the existing garage.

2.3. An amended plan has been submitted to seek to address issues of encroachment suggested in responses the original plans. Re-consultation has been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Bagworth in a predominantly residential area. It is a detached bungalow with gable sided main roof form and a subordinate front projecting gable. It has a subordinate dual pitched roof gabled extension across its full rear elevation. It is constructed of red multi facing bricks, grey interlocking roof tiles and brown uPVC windows. It is set well back from the highway and the tarmac surfaced front/side driveway provides off-street parking and turning for at least four cars.

3.2. To the south of the site there are a number of similarly designed and styled detached bungalows, to the north there is a shared service road and a row of two storey terraced houses. To the rear (west) there is large public recreation area.

4. Relevant planning history

88/01363/4

- Extension to form dining room
- Permitted
- 29.11.1988

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. Responses to the application have been received from one neighbouring property raising objections to the application on the following grounds:

- 1) Encroachment of roof/guttering over neighbouring garden
- 2) Potential encroachment of new footings into neighbouring garden
- 3) Potential damage to footings/subsidence of neighbouring shed
- 4) Removal of boundary fencing.

6. Consultation

6.1. No response has been received from Bagworth and Thornton Parish Council.

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 located within 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
- 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 house extensions.

8.3 The proposed extension would have a width of 5 metres and a depth of 7 metres with a similar dual pitched gabled roof form with an eaves height of 2.5 metres and a ridge height of 4.25 metres. By virtue of its width, depth and height, the proposal would be clearly subordinate to the existing dwelling and would be located to the rear elevation of the existing detached brick and tile dual pitched roof garage where

it would have no significant or adverse visual impact in the Station Road public highway. Notwithstanding that it would be more visible from the shared service road located to the rear of the adjacent terraced houses to the north and the public recreation space to the west, it would be set inside the garden boundaries, screened by existing fencing to the north boundary and would not be an overly prominent structure from either viewpoints. The application proposes the use of matching external facing brick walls and roof tile materials in its construction to those of the existing garage to ensure a satisfactory and unified appearance.

- 8.4 By virtue of the siting, scale, design and subject to the proposed use of matching external materials in the construction to ensure a satisfactory appearance, the proposal would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the surrounding area. It is therefore considered that the amended proposed scheme would be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.5 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.
- 8.6 The neighbouring dwelling to the south (No. 93) is a detached bungalow built on a similar building line to the application dwelling that has been extended to the rear with a lean-to conservatory. The existing detached garage of the application dwelling extends 5 metres from the rear elevation of the neighbouring conservatory with a blank side elevation and just inside the south side boundary of the site. The proposal would extend the depth of this building by a further 7 metres, again with a blank south side elevation. Notwithstanding the additional depth, the proposal would be only single storey in height, located to the north, and has been amended to be set in from the side boundary by 0.35 metres with an eaves height of 2.5 metres and a ridge height of 4.25 metres but that would be set in from the side boundary by approximately 3 metres. There is also a timber boundary fence and a shed in the rear garden of No. 93 that would partially screen the proposal from No. 93. By virtue of its siting, scale, design and being set in from the side boundary, it is considered that the amended proposal would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of No. 93 or result in any loss of privacy to the occupiers from any potential overlooking.
- 8.7 By virtue of its siting, single storey scale and separation distance of 5.5 metres from the northern garden boundary of the site, the proposal would not result in any significant adverse overbearing or overshadowing impacts on the adjacent garden to the north. Whilst there are new door/windows in the north side elevation of the proposal these would not result in any loss of privacy to the neighbouring garden by virtue of the existing 1.8 metres high close boarded boundary fence that protects the privacy and amenity of the respective occupiers.
- 8.8 By virtue of its proposed ancillary use, siting, single storey scale, design, separation distances and screening, it is considered that the amended proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The amended proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.

Impact upon parking provision

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

- 8.10 The tarmacadam surfaced 28 metres long front/side driveway provides off-street parking and turning for at least four cars. This provision would be unaffected by the proposal and would remain adequate to serve the resulting dwelling. The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Other matters

- 8.11 A neighbouring occupiers raises objections to the application on the grounds of encroachment of the roof/guttering of the originally submitted structure over the existing boundary fencing and neighbouring garden, potential encroachment of new footings into the neighbouring garden, potential damage to footings/subsidence of the neighbouring shed and to any removal of boundary fencing. The amended plan submitted has sought to address these issue through the re-siting of the new structure within the side boundary by 0.35 metres. In any case, these issues are legal/civil matters between the respective landowners and not material planning considerations as to the acceptability or otherwise of the scheme.

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 is for an extension to an existing detached garage for ancillary accommodation/workshop purposes within the residential curtilage of a dwelling and within the settlement boundary of Bagworth 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, single storey scale, design and proposed use of matching external materials to ensure a satisfactory appearance, the proposal would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the surrounding area. By virtue of its use, siting, scale, design, separation distances and screening, the

amended proposal would not result in any significant adverse impacts on the privacy or residential amenities of the occupiers of any neighbouring dwellings. The proposal would retain adequate off-street parking for a minimum of four vehicles and private amenity space of approximately 106 square metres to serve the resulting dwelling. The amended proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the local highway authority design guidance standards 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 strict and complete accordance with the submitted application details, as follows: Location Plan, Proposed Site/Block Plan and Proposed Floor Plan and Elevations Drawing No. GT1-23-A2 received by the local planning authority on 20 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 extension and alteration shall be in accordance with the details submitted within the Planning Application Form and on the approved Proposed Floor Plan and Elevations Drawing No. GT1-23-A2 received by the local planning authority on 20 April 2023 and shall match the corresponding materials of the existing garage.

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.