

Delegated Report

Planning Ref: 23/00671/HOU
Applicant: Mr & Mrs Simpson
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 13 Johns Close Burbage Leicestershire

Proposal: Two storey and single storey rear extension, single storey front extension and canopy roof and other alterations

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 the construction of a two storey rear extension, single storey front extension and canopy roof and other alterations to a dwelling, 13 John's Close, Burbage.
- 2.2. The proposed rear extension would extend 7 metres in total depth from the main rear elevation, 4.5 metres in depth at two storey and 2.5 metres in depth at single storey and for a width of 8 metres. It would have a dual pitched roof forming a rear gable over the two storey section with matching eaves height of 5 metres as the main roof and a subordinate roof ridge with a height of 7 metres. The single storey section would have a lean-to roof form with an eaves height of 2.6 metres and maximum height of 3.5 metres. The existing conservatory would be demolished as part of the scheme. The proposed front extension comprises a 9.6 metres wide and 1.3 metres deep lean-to canopy roof with an eaves height of 2.6 metres and a maximum height of 3.4 metres with four brick and pole supports. A small dual pitched gable would be formed above the front doors. A 2.9 metres wide and 0.9 metres deep square bay window would also be constructed below the canopy roof. The existing flat roof porch would be demolished as part of the scheme. Other alterations proposed include the formation of a number of new openings and the bricking up of others to suit alterations to the internal layout of the dwelling.
- 2.3. An amended plan has been submitted to rearrange the internal layout to provide a bedroom to the front elevation and bathroom and en-suite to the side elevation and address issues raised during the course of the application. Appropriate 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 Burbage in a cul-de-sac in a residential area. It is a detached two storey house with a gable sided main roof form. It has a shallow depth entrance porch with a flat roof and decorative railings to its front elevation, a white uPVC conservatory attached to its rear elevation and a single storey flat roof addition to its northeast side elevation and rear. There is a detached hipped roof garage set back to the southwest side and rear. The dwelling and garage are constructed with light brown facing bricks, grey interlocking concrete roof tiles and white uPVC windows. There are white decorative louvred shutters to the first floor front elevation windows and two brick stacks to the roof. There is off-street parking for four vehicles within the garage and on the block paved double entrance driveway and site frontage. The private rear garden is enclosed by a mix of 2 metres high solid close boarded timber fencing and conifer hedgerows.

- 3.2. John's Close comprises a mix of two storey dwellings, dormer bungalows and bungalows of a variety of designs, styles and construction materials.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One objection was received to the originally submitted proposals but this has been withdrawn following the submission of amended plans to address the overlooking/loss of privacy issue raised.

6. Consultation

- 6.1. No objection has been received from Burbage Parish Council.

7. Policy

- 7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)
- 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
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - 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 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. Burbage

Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

- 8.3 In respect of rear extensions, the Council's adopted Good Design Guide 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.'
- 8.4 The two storey part of the proposed rear extension would have an appropriate depth of 4.5 metres from the main rear elevation with a width of 8 metres but would not extend for the full width of the existing dwelling and is therefore considered to be of an appropriate depth and width. It would have a dual pitched roof forming a rear gable with matching eaves height of 5 metres as the main roof and a clearly subordinate roof ridge with a height of 7 metres. The proposed rear extension would extend a further 2.5 metres in depth at single storey and for the same width of 8 metres. It would have an appropriate lean-to roof form with an eaves height of 2.6 metres and clearly subordinate maximum height of 3.5 metres. The proposed rear extension would create a substantial amount of additional floor space, almost double that of the existing ground floor. Notwithstanding this, by virtue of its siting to the rear, its clearly subordinate height and width and appropriate depth, appropriately proportioned fenestration and subject to the proposed use of matching corresponding external materials in its construction, the proposal would nevertheless respect and complement the scale, character and appearance of the existing dwelling and would not be visually prominent in any street scene or result in any significant adverse impacts on the character or visual appearance of the wider surrounding area.
- 8.5 The proposed front extension comprises a 9.6 metres wide and only 1.3 metres deep lean-to canopy roof with an eaves height of 2.6 metres and clearly subordinate maximum height of 3.4 metres with four brick and pole supports. A 2.9 metres wide and 0.9 metres deep square bay window would also be constructed below the canopy roof. The proposal would be clearly subordinate to the existing dwelling, constructed of matching corresponding external materials to the existing dwelling and would not over-dominate its front elevation. Whilst not a feature found on other dwellings within the close, the majority of which are detached bungalows, the application dwelling is an individually designed and styled two storey dwelling and the proposal would not detract from its overall character or appearance or result in any adverse impacts on the varied character and appearance of the wider street scene. The proposal is therefore considered to be acceptable in design terms as are the other alterations to fenestration included in the scheme to suit the internal layout alterations.
- 8.6 By virtue of the siting, scale, design and subject to the proposed use of matching corresponding external materials to ensure a satisfactory and unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan.
- Impact upon neighbouring residential amenity
- 8.7 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.
- 8.8 The 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.'

- 8.9 The neighbouring dwelling to the northeast (No. 12) is a detached bungalow occupying a substantial plot and has similar main building lines as the application dwelling but with two dual pitched roof single storey ranges extending from its rear elevation inside the near side and far side boundaries and an infill conservatory. It is also orientated such that its main rear elevation faces away from the near side boundary with the application dwelling. By virtue of the orientation of the rear elevation of No. 12, its existing single storey rear extensions and the separation distance of approximately 3.5 metres between the proposal and the near side elevation of No. 12, the proposed rear extension would not extend beyond a 45 degree line from any rear elevation windows or therefore result in any significant adverse overbearing or overshadowing impacts on No. 12 or its rear amenity space. An objection to the originally submitted proposals was received on the grounds of loss of privacy as a result of direct overlooking from a proposed new first floor side elevation bedroom window. However, amended plans have been submitted and now propose a bathroom and en-suite to the first floor side elevation with obscurely glazed and non-openable lower windows and only openable top lights. By virtue of the amendment, the proposal would not result in any loss of privacy to the neighbouring occupiers of No. 12 from overlooking and following re-consultation with the neighbour the objection has been withdrawn.
- 8.10 The neighbouring dwelling to the west (No. 14) is a two storey detached house with similar main building lines as the application dwelling but is set off the near side boundary by approximately 3.5 metres and with only a wide flat roofed garage between extending up to the side boundary. By virtue of the proposed 7 metres depth of the rear extension, it being set 4 metres inside the side boundary with No. 14 and the separation distance of over 8 metres to any principal habitable room windows in the rear elevation of No. 14 together with screening provided by the existing hipped roof garage, the proposed rear extension would not extend beyond a 45 degree line from any rear elevation windows or result in any significant adverse overbearing or overshadowing impacts on No. 14 or its rear amenity space. There are no first floor side elevation windows proposed facing No. 14 that would result in any loss of privacy to the neighbouring occupiers from overlooking.
- 8.11 The proposed rear extension would extend 4.5 metres closer to the rear boundary of the site. However, by virtue of the retained separation distance of 21.5 metres to the rear boundary and the existing screening of the neighbouring gardens provided by a tall conifer hedgerow, the proposals would not result in any adverse overbearing or overshadowing impacts or loss of privacy to the neighbouring occupiers on Sketchley Lane to the rear.
- 8.12 By virtue of the siting, scale, design and separation distances the proposed front extension and alterations would not result in any adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties.
- 8.13 By virtue of the siting, scale, amended design, separation distances, and subject to the proposed use of obscure and fixed glazing where appropriate, it is considered that the amended proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties.

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 parking provision

- 8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 The proposals would result in the addition of a fourth bedroom to the dwelling. The local highway authority design guide requires that three off-street parking spaces should be provided to serve a dwelling of that size. The site currently provides at least four off-street parking spaces within the garage and on the block paved double length and double entrance driveway and site frontage. Notwithstanding the proposed front extension and alterations, this level of provision would be unaffected by the proposals and would therefore remain adequate to serve the resulting four bedroomed dwelling which is located in a highly sustainable urban location where a full range of services and facilities are available by alternative and 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.

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 extensions and alterations to an existing dwelling located within the urban settlement boundary of Burbage 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 the siting, scale, design and subject to the proposed use of matching corresponding external materials to ensure a satisfactory and unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area and would not

overdevelop this substantial plot. By virtue of the siting, scale, amended design, separation distances, and subject to the proposed use of obscure and fixed glazing where appropriate, it is considered that the amended proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking and private amenity space of approximately 300 square metres would be retained within the site to serve the resulting four bedroomed dwelling. The amended proposals are 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 principles of the Burbage Neighbourhood Development Plan 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: Site Location Plan Drawing No. 1613/SL and Proposed Block Plan Drawing No. 1613/BP received by the local planning authority on 13 July 2023 and Proposed Floor Plans and Elevations Drawing No. 1613 Rev A Sheet 2 received by the local planning authority on 15 August 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).

4. The first floor windows serving a bathroom and en-suite room in the northeast side elevation (facing 12 John's Close, Burbage) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres above the finished floor level of the room that they serve as detailed on the approved Proposed Elevations Drawing No. 1613 Rev A Sheet 2 received by the local planning authority on 15 August 2023. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking 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.