

Delegated Report

Planning Ref: 24/00099/HOU

Applicant: Mr and Mrs McManus-Thomson

Ward: Cadeby, Calrton, M Bosworth and Shackerstone

Site: 1 Church Field, Congerstone

Proposal: Two storey rear extension and single storey front extension



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application is for the erection of a single and two storey rear extension, with a front extension. The application includes the demolition of an existing single storey rear extension (conservatory).

3. Description of the site and surrounding area

- 3.1. The development site is a mid-20th century semi-detached dwelling located within the Congerstone Conservation Area. The Congerstone Conservation Area Appraisal (CCAA) (2007) identifies that the dwelling forms part of a pocket of post-war development which detracts from the prevailing scale, form and grain of the conservation area. Consequently, the dwelling makes a negative contribution to the significance of the conservation area and forms part of a weak area as identified in the CCAA. Approximately 20m south of the site is the grade II* listed building the Church of St Mary the Virgin, which is separated from the side boundary of the dwelling by a churchyard. The dwelling is a negative feature within the setting of the church, but its poor visual quality is screened to a certain degree by the presence of a number of mature trees within the churchyard and the vicinity of the application site.

4. Relevant planning history

23/00362/TCA

(T1) - Large spruce tree - Fell

Decline to make

22.05.2023

5. Publicity

- 5.1. The application has been publicised by sending letters to neighbours and a site notice posted within the vicinity of the site.
- 5.2. One objection has been received, the objection relates to:
- Not in keeping with character of conservation area
 - Loss of light
 - Poor outlook for neighbour bedrooms

6. Consultation

- 6.1. Shackerstone Parish Council: No comments made.
- 6.2. HBBC Conservation Officer: No objections, comments included within the body of the report.

- 6.3. LCC Ecology: Following the submission of additional information Ecology has no objections subject to a condition to adhere to the relevant report.

7. **Policy**

7.1. **Site Allocations and Development Management Policies 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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology

Design and impact upon the character of the area

- 8.2. DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.4. Section 16 of the National Planning Policy Framework (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.

- 8.5. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD 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. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced and proposals which seek to improve neutral and negative areas inside conservation areas, which also lead to the overall enhancement of the conservation area, will be supported.
- 8.6. The development site is a mid-20th century semi-detached dwelling located within the Congerstone Conservation Area. The Congerstone Conservation Area Appraisal (CCAA) (2007) identifies that the dwelling forms part of a pocket of post-war development which detracts from the prevailing scale, form and grain of the conservation area. Consequently, the dwelling makes a negative contribution to the significance of the conservation area and forms part of a weak area as identified in the CCAA. Approximately 20m south of the site is the grade II* listed building the Church of St Mary the Virgin, which is separated from the side boundary of the dwelling by a churchyard. The dwelling is a negative feature within the setting of the church, but its poor visual quality is screened to a certain degree by the presence of a number of mature trees within the churchyard and the vicinity of the application site.
- 8.7. The proposal seeks to remove an existing conservatory to the rear of the dwelling and replace it with a two storey rear extension across most of the width of the rear elevation, with it orientated perpendicular to the existing dwelling and having a largely glazed gable end. The extension would be of a red brick and roof tiles to match the existing dwelling. The proposal also seeks to replace an existing porch on the front elevation with a slightly wider porch of a same dual pitched roof form and construction materials as the existing.
- 8.8. The proposed rear extension is of an appropriate layout, appearance and construction materials. Whilst it is of a considerable scale, in my opinion it remains subservient to the existing dwelling. The location and form of the proposed extension does not provide any particular opportunity to address the reasons as to why this dwelling is identified as a weak area in the conservation area and provide any enhancement to its significance, but due to its siting it will have no adverse impact upon the street scene and the character of the area. The proposed extension would result in an increase in the amount of development within the setting of the church with the southern (side) elevation of the extension being the most visible component of the extension from within the churchyard, but as this consists of a blank wall projection from the existing dwelling that would be subordinate in scale it is considered that the proposal would have no more than a negligible and not adverse impact upon the significance of the grade II* listed church and its setting.
- 8.9. The replacement porch would remain subordinate in scale to the front elevation of the dwelling and its appearance would be consistent with the existing porch and reflect the prevailing character of the existing dwelling. As for the rear extension, a replacement porch presents no particular opportunity to enhance the character of the dwelling, and overall it is considered that this element of the proposal would have no adverse impact upon the conservation area.
- 8.10. The proposal is considered to have a neutral impact upon the character and appearance of 1 Church Field and the wider Congerstone Conservation Area, therefore preserving its significance. The proposal also considered to be compatible with the significance of the grade II* listed building the Church of St Mary the Virgin

and its setting. Consequently, the proposal would comply with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.12. The proposed porch is not considered to have any detrimental impact on neighbouring amenity owing to its size, scale and location.
- 8.13. The proposed extensions to the rear include the demolition of the existing conservatory and the erection of a part single and part two storey rear extension. The single storey element is located towards the boundary with the neighbouring property and is not considered to cause detrimental impacts to the neighbouring amenity in terms of loss of light. Privacy, overlooking or overbearing impacts due to its single storey nature, and in addition, when considering the existing conservatory and existing boundary treatments, this element is not considered to worsen any impact. The proposal also includes a sizeable two storey rear extension element, this is set away from the boundary to the neighbouring property and given this separation. The extension achieves a 45 degree angle from the first floor rear window of the neighbouring property and the depth of both the single and two storey extension is 4.25m in depth. It is not considered to cause significant detrimental impacts to neighbouring amenity in terms of loss of light or overbearing impacts. In addition, the design and location of the windows and doors on the proposed extensions are designed as such to not give rise to loss of privacy or significant overlooking impacts.
- 8.14. As such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.16. The proposal includes the additional of 1 bedroom, altering the dwelling from a 3 bedroom to a 4 bedroom semi-detached. Four off-street car parking spaces have been indicated on the parking provision plan by the applicant, which is considered sufficient to satisfy the LHDG requirements. The proposal is not considered to give rise to any detrimental impacts to highway safety.
- 8.17. As such the proposal is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

9. Ecology

- 9.1 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value.

- 9.2 LCC Ecology have been consulted as part of this proposal and following the submission of the 'Emergence Survey Report – Bats' details have been confirmed to be acceptable subject to the adherence with the recommendations made within Appendix 1. As such the proposal is in accordance with Policy DM6 of the SADMP.

10. **Equality implications**

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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).

11. **Conclusion**

- 10.1. The proposal is considered to be acceptable in terms of its impact on the character of the area and overall design, its limited impacts on neighbouring amenity and highway safety/vehicular parking, and with Ecology matters.
- 10.2. It is therefore considered that the proposed development would be in accordance with Policies DM6, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP.

12. **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:

Proposed Elevations Drg No. PL231-301 Rev B
Existing and Proposed Roof Plans Drg No. PL231-204 Rev B
Proposed Ground Floor Plan Drg NO. PL231-202 Rev D
Proposed First Floor Plan Drg No. PL231-203 Rev B
Site Location Plan Drg No. PL231-99
Block Plan Drg No. PL231-100 Rev B
Parking Provision Details Drg No. PL231-101
Emergence Survey Report – Bats Submitted 23/09/2024

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 proposed elevations of the extensions shall accord with the approved materials detailed within the application form.

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

4. The development hereby permitted shall be carried out in full accordance with the approved 'Emergence Survey Report – Bats' which was submitted to the Local Planning Authority on 23rd September 2024.

Reason: To ensure a satisfactory form of development, and to safeguard biodiversity interests in accordance with Policy DM6 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.