

Delegated Report

Planning Ref: 24/00833/HOU

Applicant: Mr and Mrs Tim Bassett

Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Fishers Acre Hinckley Lane Higham On The Hill Leicestershire

Proposal: Single storey lower ground floor extension with extended balcony above and single storey upper ground floor 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 the construction of a single storey lower ground floor extension with extended balcony above and a single storey upper ground floor extension to a dwelling known as Fishers Acre, Hinckley Lane, Higham on the Hill.
- 2.2. The proposed single storey lower ground floor extension would be built into the higher ground/garden to the north of this split level dwelling. It would extend 2 metres in depth from the north elevation of the dwelling and for 3.7 metres in width. It would have a flat roof with a height of 3 metres and have an extended 8.3 metres wide balcony/decking area above with stepped access to the garden and a metal railings balustrade around its perimeter. The proposed single storey upper ground floor extension would replace an existing flat roof sun room and raised external patio area to the south elevation of the dwelling. It would extend for the same 9.2 metres depth and 5.7 metres width but with an additional 4.7 metres wide canopy roof across the south elevation to provide covered patio space. It would have a flat roof design to a height of 6 metres from the lower ground floor level. It is proposed that the extensions and other alterations to existing fenestration would be constructed in matching corresponding external materials to the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located in the countryside immediately to the east of the rural village of Higham on the Hill. It is a C20th detached split level two storey and single storey dwelling with a low profiled dual pitched gabled main roof form. It has an entrance hall, garaging and servicing areas to the lower ground floor and a much larger upper floor providing the main living spaces, external patio area and raised gardens to three sides with access via external steps. Other than the two storey eastern (front) elevation, the dwelling appears predominantly as a single storey structure. It is constructed with plain red facing bricks, plain grey concrete roof tiles and white uPVC windows and doors. In addition to the integrated double garaging the tarmac surfaced forecourt and driveway provides at least four further parking spaces. There are raised garden areas to the north, south and west of the dwelling which are enclosed to the external/public boundaries by mature landscaping and trees.
- 3.2. The application dwelling lies to the west of a shared vehicular access from Hinckley Lane to the south that also serves a two storey residential barn conversion and a large farm complex with large scale buildings and extensive concrete yard areas to the east of the site.

4. Relevant planning history

88/00581/4

- Garage extension with patio area above
- Permitted
- 22.06.1988

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 and a notice was displayed in the local press.

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

6. Consultation

6.1. No objection has been received from Leicestershire County Council (Ecology).

6.2. No response has been received from Leicestershire Badger Group.

6.3. No response has been received from Higham on the Hill 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 DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF) (Dec 2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Higham on the Hill Conservation Area Appraisal and Map (2009)
- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Notwithstanding its countryside location, extensions and alterations to existing domestic properties within established residential plots 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 dwelling and surrounding countryside

- Impact upon Higham on the Hill Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the dwelling and surrounding countryside

- 8.2 Policy DM4 of the adopted SADMP allows extension of existing buildings in the countryside which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside.
- 8.3 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.
- 8.4 The proposed single storey lower ground floor extension would be set back from the main front (east) elevation and built into the higher ground to the north side of this split level dwelling such that it would be almost fully screened other than directly from the east. Even then, along with the existing adjacent external steps providing access to the higher north side garden it would be screened by existing boundary landscaping and would not be at all visually prominent. It would extend only 2 metres in depth from the north elevation of the dwelling and for only 3.7 metres in width with a flat roof of only 3 metres in height and would therefore appear as a clearly subordinate addition to the existing dwelling. The proposed extended 8.3 metres wide balcony/decking area would sit above the extension and the existing higher garden area with two step access to the garden and a metal railings balustrade around its perimeter. It would appear only as a slightly raised decking area attached to the rear elevation of the dwelling within the north side garden from all but the eastern side.
- 8.5 The proposed single storey upper ground floor extension would replace an existing flat roof sun room and raised external patio area to the south elevation of the dwelling. It would extend for the same 9.2 metres depth and 5.7 metres width as these features but with an additional 4.7 metres wide flat canopy roof further across the south elevation to provide covered patio space. It is considered that the contemporary flat roof design would complement the individual split level design of the existing dwelling. The flat roof would be to a height of 6 metres from the lower ground floor level but would be clearly subordinate to the main low profiled dual pitched roof and would appear as only a single storey structure other than from the east elevation. It would have level access to the south side garden area. The existing external steps from the parking area to the higher south side garden area would be retained.
- 8.6 Whilst the original dwelling has a dual pitched main roof, it does have an existing flat roof extension (which would be replaced by a larger one) and it is considered that in this case the flat roof design would not be incongruous with the modern individual split level design of the dwelling. It is proposed that the extensions and other alterations to existing fenestration would have appropriate proportions and would be constructed with matching corresponding external materials to the existing dwelling which would ensure a satisfactory and uniform appearance.
- 8.7 Notwithstanding their contemporary flat roof design, by virtue of their siting, scale and subject to the proposed use of matching corresponding external materials in their construction to ensure a satisfactory and uniform appearance, it is considered that the proposals would nevertheless respect and complement the scale, character

and appearance of the existing individually styled split level dwelling and by virtue of the effective screening of the site by mature boundary trees and hedgerows would not result in any significant adverse visual impacts on the rural appearance or open character of the surrounding countryside. The proposals are therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon Higham on the Hill Conservation Area

- 8.8 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. 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. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.9 The application site is separated from the Higham on the Hill Conservation Area by Hinckley Lane to the south and Stoke Road to the west and is screened from these public highways and the conservation area beyond them by mature trees and landscaping such that there is no intervisibility between the site and the conservation area. The application dwelling has no historic or architectural significance in this case.
- 8.10 By virtue of the siting of the proposed extensions well within the application site boundaries, their scale, design and appearance, existing screening and separation distances it is considered that the proposals would have no visual or other impacts upon the character or appearance of the Higham on the Hill Conservation Area and therefore that its significance would be preserved. The proposals would therefore be in accordance with Policies DM11 and DM12 of the adopted SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.11 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.
- 8.12 The only immediate neighbouring dwelling is a detached two storey domestic barn conversion that lies to the east of the site on the opposite side of the 10 metres wide shared vehicular access. This has a blank west side elevation facing the application site other than for a number of small rooflights. It has an extensive concrete surfaced yard area to the north serving large scale farm buildings and a hard surfaced courtyard area to the south providing parking and turning areas. Its private amenity space is located to the far eastern side at the rear of a single storey dual pitched roof range enclosing the eastern side of the courtyard.
- 8.13 By virtue of their siting, scale and separation distance relative to the neighbouring dwelling, it is considered that the proposals would have no significant adverse impacts upon the privacy or residential amenities of the occupiers of the neighbouring dwelling. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

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 loss of a single integral garage space but would not affect the other retained integral garage or the tarmac surfaced forecourt and driveway which together would provide at least four off-street parking spaces of appropriate dimensions. This level of retained provision would be adequate to serve the resulting four/five bedroomed dwelling and would remain in accordance with the local highway authority design guide provision standards for a dwelling of this size. The proposals would therefore 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. Notwithstanding its countryside location outside of the settlement boundary, the proposals relate to extensions and alterations to an existing dwelling within an established residential plot where there is a general presumption in favour of sustainable development as set out in Policy DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. Notwithstanding their contemporary flat roof design, by virtue of their siting, scale and subject to the proposed use of matching corresponding external materials in their construction to ensure a satisfactory appearance, the proposals would nevertheless respect and complement the scale, character and appearance of the existing dwelling and by virtue of the effective screening of the site would not result in any significant adverse visual impacts on the rural appearance or open character of the surrounding countryside. By virtue of their siting, scale, design, separation distances and substantial intervening screening, the proposals would have no adverse visual or other impacts on the Higham on the Hill Conservation Area or its

wider setting and would therefore preserve its significance. By virtue of their siting, scale and separation distance, it is considered that the proposals would have no significant adverse impacts upon the privacy or residential amenities of the occupiers of the neighbouring dwelling. More than adequate off-street parking and turning and private amenity space would be retained within the site to serve the resulting four/five bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM4, DM10, DM11, DM12 and DM18 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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, Block Plan, Proposed Floor Plans and Proposed Elevations Drawing No. 1358-02 Revision D received by the local planning authority on 2 September 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 extensions and alterations shall match the corresponding materials of the existing dwelling as detailed on the approved Proposed Elevations Drawing No. 1358-02 Revision D received by the local planning authority on 2 September 2024.

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.