

Delegated Report

Planning Ref: 23/00473/HOU

Applicant: Mr & Mrs Brown

Ward: Cadeby Carlton Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 163 The Park Market Bosworth Nuneaton

Proposal: Proposed single storey rear extension and alterations to Grade II Listed Dwelling

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 planning application seeks full planning permission for extensions and alterations to 163 The Park, Market Bosworth. 163 The Park is a Grade II Listed Building that is located within the Market Bosworth Conservation Area.

2.2. This scheme is an alteration of the design of the previously approved planning application, 22/00076/HOU. The existing garage is now retained on site, and the proposed basement level of the scheme has been removed.

2.3. The development is single storey extension to the side and rear of the host dwelling, which externally measures 15.1m in width x 7.9m in depth, with a total footprint of 104.6sqm. The scheme utilises a flat roof that has a maximum height of 3.4m.

2.4. The design of the extension also features stone piers that rise above the main extension to create separation between the three components of the scheme (the kitchen, dining room, and living room). Each component is set back by 0.5m from the previous component to the east and the stone piers reflect the stone used in the existing dwelling. The stone piers rise to a height of 4.4m, and the brick finish on the front elevation rises to a height of 3.7m.

2.5. The development is separated from the Listed Building by a 3.5m wide x 1.6m deep glazed link block, which provides access to the existing property, the new extension and to the historic enclosed courtyard to the rear of the house. To facilitate this glazed link, the existing uPVC conservatory and ancillary outbuilding are demolished.

2.6. The proposal also includes the replacement of the existing hedge in the western side garden of 163 The Park with a beech hedgerow that is maintained at a minimum height of 2m.

2.7. The scheme is constructed out of satin black ID system windows and sliding doors, Clipsham Bidwell Cream Sawn Walling Stone, reclaimed red brick, dark porcelain slabs for the external patio area and frameless glass balustrading with brush chrome handrails.

2.8. This application is in conjunction with the Listed Building Consent application 23/00474/LBC.

3. Description of the Site and Surrounding Area

- 3.1. 163 The Park is a Grade II Listed Building of special architectural and historic interest sited at the end of a ribbon of development forming the eastern entrance to the settlement of Market Bosworth and its associated conservation area. The application site is bound by open countryside to the north, east and south, and there are a number of modern dwellings to the west on the approach into Market Bosworth.
- 3.2. The Listed Building entry (National Heritage List England (NHLE) ref 1074288) identifies 163 The Park as a:
- “House, or lodge to Bosworth Park, circa 1890 in a neo-Dutch style. Brick with stone dressings and slate roof. Square in plan, symmetrical about each axis, each elevation comprising an ornate Dutch gable. Doorway in bolection moulded architrave flanked by 4-light stone mullioned and transomed window, and capped by one also, above a cartouche of stone with scrolled volutes. Side elevations each also contain 4-light mullioned and transomed windows. Hipped roof rises to central stack with terracotta panels and stone decorative bands. Stone modillion eaves cornice.”*
- 3.3. The Market Bosworth Conservation Area was designated in 1974 and subsequently extended in 2014 in recognition of the special historic and architectural interest of the area. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) identifies that a key aspect of the historic significance and character of Market Bosworth is how its development has been influenced by its location as a ridge top settlement, its agricultural economy and the strong manorial tradition based on Bosworth Hall within its parkland setting. The application site forms a key component of the setting of the area to the east of the conservation area, with the Listed Lodge marking the beginning of the village development, which is very tightly restricted to the north side of the road.
- 3.4. The MBCAA identifies that there are important views of each elevation of the Lodge which can be seen on both entering and leaving the village. From the west, the view of the Lodge has been carefully preserved by the retention a large garden at the side of the property. The garden also extends to the front of the property where its front elevation can be fully appreciated over a hedgerow and metal railings. The Lodge marks the entrance to the village and conservation area when approaching from the east, although views are slightly more restricted to the upper floors and roofscape due to the presence of some vegetation. On this approach, the flat roofed garage, located just to the north of the Lodge, is a rather incongruous presence within its setting, which is in contrast to the splendid avenue of mature trees which extended westwards on both sides of The Park from the Lodge. A rather unsympathetic conservatory has also been added to the rear elevation of the Lodge during the latter half of the 20th century.
- 3.5. When first constructed the Lodge was isolated but has subsequently been brought closer to the settlement through the construction of the 20th Century ribbon development along the north side of The Park. However, despite this, the Lodge remains sited in a spacious plot with well-maintained garden to the side, front and rear which allows for some appreciation of its previous historic function and more isolated nature.
- 3.6. Due to its special architectural and historic interest of 163 The Park and the character of the plot within which it sited it is considered that the application site makes a positive contribution to the significance of the conservation area.

4. Relevant planning history

23/00587/HOU

- Extension to existing garage and removal of tree
- Awaiting Decision
- TBD

23/00474/LBC

- Proposed single storey rear extension and alterations to Grade II Listed Dwelling
- Awaiting Decision
- TBD

23/00217/DISCON

- Application to fully discharge conditions 3 (Materials) and 4 (Landscaping) and partially discharge condition 6 (Archaeology) relating to planning permission 22/00076/HOU
- Split Decision
- 20.04.2023

22/00077/LBC

- Single storey extension and alterations to Grade II Listed Building
- Permitted
- 23.09.2022

22/00076/HOU

- Single storey extension and alterations to Grade II Listed Building
- Permitted
- 18.10.2022

22/00071/LBC

- Replacement front door, internal panelling and secondary glazing to windows
- Permitted
- 09.09.2022

18/01157/HOU

- Demolition of existing single garage and carport and erection of outbuilding to be used as an annexe
- Permitted
- 28.01.2019

14/01251/HOU

- Demolition of existing single garage and carport and erection of outbuilding to be used as an annex
- Permitted
- 05.04.2015

14/00002/PP

- Erection of a dwelling with associated access and parking
- Appeal Dismissed
- 08.07.2014

13/01027/FUL

- Erection of a dwelling with associated access and parking
- Refused
- 30.01.2014

13/00502/FUL

- Erection of one dwelling and detached garage
- Withdrawn
- 16.07.2013

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 No responses have been received.

6. Consultation

6.1 Market Bosworth Parish Council have objected to the development on the following grounds:

- The development decontextualises and negatively impacts the Listed gate pillars to the side of the property.
- The proposal is contrary to, and in conflict with, Policy CE1(a) of the Market Bosworth Neighbourhood Plan Policies, which states that, *“All new development in Market Bosworth should be in keeping with its Character Area with regards to scale, layout, and materials not retain local distinctiveness and create a sense of place.”*
- The scheme is not sympathetic to the character of the approach into Market Bosworth as identified on Page 3 of *An Appraisal of the character of the Approaches to Market Bosworth Conservation Area (2013)*.
- Overbearing scale.
- Overdevelopment.
- Significant adverse harm to the character and setting of a Listed Building.

Market Bosworth Parish Council have also requested that the application is considered in conjunction with planning application 23/00587/HOU, which further negatively impacts the character of the Market Bosworth Conservation Area.

6.2 Market Bosworth Society have also objected to the application on the following grounds:

- Harm to a key view and vista at the entrance to the Market Bosworth Conservation Area.
- Introduction of unnatural features that are incompatible with the existing building.
- Significant adverse harm to the character and setting of a Listed Building.
- The application is in conflict with, and contrary to, Policies DM10, DM11, and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD (2016).

6.3 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- Leicestershire County Council (LCC)'s Archaeology Team (subject to conditions)

6.4 HBBC Conservation

As this proposal does not include any extensive excavations in comparison to the previous planning permission 22/00076/HOU, the Council's Conservation Officer does not consider a Construction Method Statement to be necessary. The scheme results in the removal of the unsympathetic conservatory. The design is appropriate and will sit comfortably alongside the listed building and preserves key elements that contribute to the setting of the listed building and to the character and appearance of the Conservation Area.

6.5 LCC Archaeology

LCC Archaeology have stated that the Written Schemes of Investigation (WSI) which were produced in support of the previous planning permissions, 22/00076/HOU and 22/00077/LBC, are satisfactory to support the current planning application. However, the programme for post-investigation publication and dissemination and deposition of the resulting material remains as an outstanding element of the archaeological work. This is secured via planning condition.

6.6 Historic England and the Lead Local Flood Authority have not commented on the application.

6.7 No further responses have been received.

7. **Policy**

7.1 Core Strategy (2009):

- Policy 11: Key Rural Centres Stand Alone

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Market Bosworth Neighbourhood Plan 2014-2027 (MBNP):

- Policy CE1: Character and Environment
- Policy CE5: Landscape of the Wider Parish

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. **Appraisal**

8.1. Extensions to existing domestic properties are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the significance of the listed building and the character of the surrounding area

- Impact upon residential amenity
- Impact upon parking provision and highway safety

Impact upon the Significance of the Listed Building and the Character of the Surrounding Area

- 8.2 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.
- 8.3 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 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.
- 8.4 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.7 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8 Planning permission 22/00076/HOU is a material consideration within this current planning application. This extant planning permission permitted a single storey extension to the side and rear of 163 The Park that was 0.6m smaller in width and 0.3m smaller in depth, which ultimately made the development 8sqm smaller in footprint than the new revised scheme.
- 8.9 Nevertheless, whilst the extension has a larger ground plan than the main building, its relative scale, its comparatively narrow width, and its staggered floor plan, which helps to break up the built volume of the extension both visually and physically,

ensure that the extension sits comfortably alongside the principal elevation of the Listed Building.

- 8.10 The development is set back from the rear elevation of the principal building, and it is screened by a new native species hedge, which is planted to the front of the extension. As a result, the scheme is likely to have a neutral effect on the Listed Building's general surroundings as it retains the front garden and the important views of the west elevation of the Listed Building that are considered important to its setting and significance. It is therefore considered that the development preserves the key elements of the heritage asset's spacious surroundings that contribute to its setting, and the character and the appearance of the Conservation Area.
- 8.11 The height of the flat roof, the brick wall on the front elevation and the stone pillars remains the same as those approved in 22/00076/HOU. The development also utilises the same design, landscaping, and use of materials as the previously approved scheme. The materials utilised within this application were approved via 23/00217/DISCON.
- 8.12 The overall design of the proposal has a modern aesthetic that provides a distinct contrast to the principal Listed Building. This design does not compete with the architectural style of the existing property and allows the significance of the building to be clearly appreciated. Despite the contemporary form and appearance of the extension, the feature stone walls, and brick front walls match and complement the materials of the Listed Building. It is considered that the use of reclaimed red brick and Stamford Stone Clipsham Bidwell Cream Sawn limestone have a satisfactory external appearance and preserve and enhance the significance of the Listed Building and the Market Bosworth Conservation Area.
- 8.13 The proposed glazed link is a relatively modest, small scale and contemporarily styled structure that does not affect any historic fabric or architectural features and does not materially harm the character or appearance of the existing house and its setting.
- 8.14 By virtue of these factors, it is therefore considered that the proposed development sits comfortably alongside the Listed Building whilst preserving the key elements of the Listed Building's spacious surroundings that contribute to its setting and the character and appearance of the Market Bosworth Conservation Area. Therefore, the proposal complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

- 8.15 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.16 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.17 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.18 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, "An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design."
- 8.19 There are no neighbouring properties to the north, east or south of the scheme. Therefore, the property's closest neighbour is 157 The Park to the west of the site. There is only one glazed wall on the western side elevation of the development, which is towards the rear of the scheme and 4.4m from the rear elevation of the western neighbouring dwelling. Given the siting of the scheme, and its Good Design Guide compliant separation distance from 157 The Park, the development is not considered to have a significant adverse impact on the privacy or amenity of nearby residents.
- 8.20 By virtue of the single storey scale, design, window positions, orientation and separation distances, it is considered that the proposal does 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 proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.21 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.22 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.23 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.24 The development makes no alterations to the capacity of the dwelling, the existing access, or the off-street parking provision for the site. Therefore, the scheme is not considered to create a material impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design.
- Does not have an adverse impact upon the character and appearance of the area.
- Retains over 80sqm of rear amenity space.
- Does not have a significant adverse impact upon the amenity of neighbours.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate 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 received by the Local Planning Authority as follows:
- Existing Plans & Elevations, Drg No. 21/52 01A (submitted: 18.05.2023)
 - Scheme 4 – Floor Plan / Elevations / 3D View – Drg No. 21/52 25A (submitted: 12.05.2023)
 - Site Location Plan – Drg No. 21 52 11 (submitted: 12.05.2023)
 - Site Plan – Drg No. 21/52 26 (submitted: 12.05.2023)

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 match the corresponding materials of the approved Landscaping Boundary Treatments and Materials Plan (21 52 13A) (submitted: 15.06.2023).

Reason: To ensure that the development has a satisfactory external appearance and to preserve and enhance the significance of the Listed Building and the Market Bosworth Conservation Area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall be implemented in accordance with the landscape management plan within the approved Landscaping Boundary Treatments and Materials Plan (21 52 13A) (submitted: 15.06.2023).

Reason: To ensure that the development has a satisfactory external appearance and to preserve and enhance the significance of the Listed Building and the Market Bosworth Conservation Area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The programme for post-investigation publication & dissemination and deposition of resulting material must be fulfilled within 12 months of completion of the fieldwork, and in accordance with the approved Written Schemes of Investigation (WSIs) for Historic Building Recording (Level 3) (submitted: 09.03.2023), and for Archaeological Strip, Map & Sample Excavation (ASMSE) (submitted: 09.03.2023), unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and recording as specified in *Historic England's Good Practise Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment* (p. 11) and to advance the understanding of, and safeguard the significance of the heritage asset in a manner proportionate to its importance in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 205 and Section 16 of the National Planning Policy Framework.

a. **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.
2. The Applicant should note that any works that could affect the roof space and associated features is likely to require a bat survey. The property is in a suitable location for bat foraging and appears very suitable for bat roosts.
3. Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.