

Delegated Report

Planning Ref: 24/00123/HOU
Applicant: Mrs Sanda Felstead
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 77 Hinckley Road Earl Shilton Leicester Leicestershire LE9 7LH

Proposal: Single storey rear and side 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 rear and side extension to a dwelling, 77 Hinckley Road, Earl Shilton.
- 2.2. The proposed single storey rear extension measures 10.1 metres across the full width of the dwelling and a depth of 4.5 metres. The side extension is to the south of the site. It measures 1.8 metres in width and 3 metres in depth. Both rear and side extension have flat roof with maximum height of 3 metres. The extension is constructed with white render on the wall and white uPVC windows and doors.

3. Description of the site and surrounding area

The application site is located within the settlement boundary of Earl Shilton. The two storey detached dwellinghouse is brick built, has a hipped roof form, white uPVC windows and doors, a flat roof attached garage, large loose stones and hardstanding driveway and bordered by a hedge. Properties to the eastern side are predominantly large residential dwellings of varied scale and style which are set significantly back from the road with open frontages. The dwelling is not listed and not within a conservation area.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No comment received from Earl Shilton Parish Council.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)
- 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 2023)
- 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 to existing dwellings 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. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states:

Rear and side 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. and,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

8.3 The rear extension covers the full width of the main dwelling and is joined by a single storey side extension to the southwest elevation. The rear extension measures 10.1 metres and a depth of 4.5 metres. The side extension measures 1.8 metres in width and 3 metres in depth. Both rear and side extension have flat roof with maximum height of 3 metres. Flat roof form is a character of the main dwelling. The attached garage has a flat roof and has similar roof height to the proposed extension. The height, width and depth of the extension are appropriate and subordinate to the character of the original building. The external detailing and materials complement the street character. The extension has proportioned window size that complement the main dwelling and provide some uniformity to the overall appearance.

8.4 By virtue of its siting, scale and design, it is considered that the proposed rear and side extension respect and complement the scale, character and appearance of the

existing dwelling and have no significant or unacceptable adverse visual impacts on the character or appearance of the street scene or surrounding area. The proposal is therefore considered to be acceptable in design terms and 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 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. 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.'

- 8.6 The rear extension is single storey in scale and is approximately 2.5 metres from the north east boundary fence. The adjoining dwelling to the north (No.75) is 1.5 metres away from the fence boundary fence. The extension has a side window facing the 75 Hinckley Road, however due to the existing fence and separation distance, there is no significant loss of privacy or overlooking into the gardens of 75 Hinckley Road. The extension does not result in any significant overbearing impact on adjacent properties and no significant breach of the 45 degree rule.
- 8.7 The side extension is designed to have a single storey scale, appropriated dimensions and approximately 0.4 metres separation distance from the south west site boundary. The side window to the rear extension facing the south west boundary is approximately 2 metres from the boundary fence and screen by the fence and hedges along the boundary line. The rear window to the side extension is obscured. The proposal has no significant or unacceptable adverse overbearing or overshadowing impacts or any loss of privacy to the neighbouring occupiers.
- 8.8 By virtue of its siting, scale, design, separation distance and relationship to neighbouring dwellings, it is considered that the proposal does not result in any significant or unacceptable adverse impacts on the privacy or residential amenity of any neighbouring properties and is therefore in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposal have been received from the occupiers of any neighbouring properties.

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 proposal creates additional bedroom, resulting in a total of four bedrooms. The site frontage is part hard surfaced and part loose stones. It is large and provides a minimum of four off-street parking spaces to serve the resulting dwelling in accordance with the local highway authority design guide standards and this provision is unaffected. This level of provision is more than adequate to serve the dwelling in this urban location with easy access to a full range of services and facilities available by alternative and more sustainable transport means. The proposal is therefore in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance 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 is for an extension to an existing dwelling within the settlement boundary of Earl Shilton 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 subordinate scale, design, matching materials, separation distance and relationship to neighbouring dwellings, the proposed rear and side extension respect and complement the scale, character and appearance of the existing dwelling and has no significant or unacceptable adverse visual impacts on the character or appearance of the street scene or surrounding area. There are no significant or unacceptable adverse impacts on the privacy of the occupiers of any neighbouring properties. Adequate off-street parking and private amenity space is retained within the site to serve the dwelling in accordance with design guidance. The proposal is 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 guide 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 complete accordance with the submitted application details, as follows: Site Location Plan Ref Number 100054135, Proposed Site Plan Drawing Number 77-HR-106, received by the local planning authority on 05 April 2024, Proposed Plan Drawing Number 77-HR-103, Proposed Elevation Drawing Number 77-HR-104 received by the local planning authority on 06 February 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 extension and alteration shall be in accordance with the details provided within approved Proposed Elevations Drawing Number 77-HR-104.

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.