

Delegated Report

Planning Ref: 24/01074/HOU
Applicant: Mr Stewart Muscutt
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 132 Stanley Road Hinckley Leicestershire

Proposal: Two storey and single storey rear 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 two storey and single storey rear extension to a dwelling, 132 Stanley Road, Hinckley.
- 2.2. The proposed rear extension would extend for the full 6.5 metres width of the dwelling and for a total depth of 4 metres at single storey height and 2 metres at two storey height from the existing main rear elevation. Both elements would have a hipped pitched roof, the upper floor having the same 4.8 metres eaves height as the main roof but a clearly subordinate ridge height of 6.5 metres. The proposal includes the insertion of an additional first floor bedroom window in the existing south west side elevation of the dwelling. No specific external materials have been submitted at the application stage.
- 2.3. Amended plans (rear elevation and roof plan) have been submitted to correct minor drawing errors identified in respect of the hipped roof form of the proposal. In view of the minor nature of the corrections, no re-consultations are considered to be necessary or have been undertaken in this case.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley and in an established residential area. It is a traditionally styled detached two storey house with a dual pitched gable sided main roof form and a wide two storey dual pitched gable fronted projection to the front elevation with flat roofed bay windows and a porch extension with lean-to roof at its side. It has three red brick chimney stacks, a single storey square bay with flat roof to the rear elevation and a car port with flat corrugated roof attached to the side elevation. It is constructed of plain red facing bricks, smooth cream coloured render to the first floor front and side elevations, slate roof and white uPVC windows. The car port is used for general storage but the site frontage is entirely hard surfaced in tarmac and concrete and provides three off-street parking spaces with a depth of at least 5.5 metres. There is an extensive/long rear garden enclosed by a mix of hedgerow and fencing.
- 3.2. Neighbouring dwellings either side are two storey detached houses of similar age but varying design and appearance.

4. Relevant planning history

88/00900/4

- Extension to existing house for additional living accommodation
- Permitted

- 19.09.1988

12/00138/CLUP

- Certificate of proposed development for extensions and alterations to dwelling
- Refused
- 27.04.2012

12/00390/HOU

- Extensions and alterations to dwelling
- Permitted
- 23.07.2012

23/00422/HOU

- Single storey rear extension
- Refused
- 06.09.2023
- Appeal Dismissed on 03.01.2024

24/00647/HOU

- Two storey rear extension
- Refused
- 05.09.2024
- Appeal Dismissed on 19.11.2024

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. As a result of public consultation one response has been received objecting to the proposals on the grounds of loss of light and overbearing impacts on neighbours' residential amenity.

6. Consultation

- 6.1. No other consultations were necessary or undertaken.

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 DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)

7.4. 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 located 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
- Biodiversity

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 various forms of house extensions and 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.'

8.3 The proposed rear extension would extend for the full 6.5 metres width of the existing dwelling and for an appropriate total depth of 4 metres at single storey height and 2 metres at two storey height from the existing main rear elevation. Whilst the existing dwelling has a gabled main roof, the proposed hipped roof design would reduce its overall mass and visual impact in comparison to rear facing gables and the proposal is to the rear and is therefore considered to be acceptable in design terms. The upper floor would have the same 4.8 metres eaves height as the main roof but a clearly subordinate ridge height of only 6.5 metres compared to the 8 metres high main roof ridge. By virtue of its split scale and design it is considered that the proposal would appear as a clearly subordinate addition to the existing dwelling. By virtue of its siting to the rear it would not be a prominent structure or have any adverse visual impacts on the street scene or surrounding area. The design includes appropriately proportioned fenestration but no window detailing such as the stone headers and sills to the existing rear elevation windows, however, as the extension is to the rear of the dwelling, this is not considered to be critical in this case. However, no specific external materials have been submitted at this application stage and therefore a condition to require the submission of such details along with samples prior to any development above foundation level is considered to be reasonable and necessary to ensure a satisfactory external appearance. The proposal includes the insertion of a small additional first floor bedroom window in the existing side elevation of the dwelling. This would be set back from the front elevation, face the blank side elevation of the neighbouring two storey dwelling and would have no adverse visual impacts and would therefore be acceptable in design terms.

8.4 By virtue of its siting to the rear, subordinate scale and design and subject to the use of appropriate external materials in its construction to ensure a satisfactory

appearance, the proposed rear extension and alteration would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts upon the character or appearance of the wider street scene or surrounding area. The proposal is 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 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 An objection to the proposal has been received on the grounds that it would result in an overbearing and overshadowing/loss of light impacts on a neighbouring dwelling and patio area due to its depth and height and would result in flooding of the patio due to the pitched roof.
- 8.7 The neighbouring dwelling to the northeast (No. 130) is a two storey detached house with hipped roof form that is set off the side boundary by approximately 2 metres. The near side elevation of No. 130 has a number of windows which appear by their size to be secondary in nature or to non-habitable rooms but, in any case, are already compromised in terms of their outlook by their position facing the blank side elevation of the application dwelling which extends just inside the side boundary. The rear elevation of No. 132 is set back approximately 0.5 metres from that of the application dwelling.
- 8.8 The application site history includes two previous recent applications for rear extensions, one for a single storey extension of 8 metres in depth with a high monopitch roof extending just inside the side boundary and another for a two storey rear extension of 4 metres in depth with a dual pitched roof forming a rear gable and extending just inside the side boundary. Both were reasonably refused planning permission on the grounds of significant adverse overbearing/overshadowing impacts upon the residential amenity of the occupiers of No. 130 as a result of their combined depth, height and overall mass and position to the southwest. The decisions to refuse were each subsequently supported by dismissed planning appeals.
- 8.9 The current application proposes a split scale 4 metres deep single storey extension and 2 metres deep two storey extension to the rear elevation extending just inside the side boundary and having subordinate hipped pitched roof form to an eaves height of 2.5 metres and 4.8 metres respectively and ridge height of 3.5 metres and 6.5 metres respectively.
- 8.10 The proposed single storey extension would extend approximately 3.5 metres further in depth than the rear elevation of No. 130 and at a separation distance of over 2 metres between side elevations and over 1 metre further to the centre point of the nearest ground floor window in its rear elevation. Therefore, it would not extend to any significant degree, if at all, beyond a 45 degree line drawn from the

relevant point of that window. Notwithstanding its position to the southwest and proximity to the side boundary and neighbouring patio, by virtue of its hipped roof form with an eaves height of only 2.5 metres and hipped roof sloping away from the boundary to a short ridge height of only 3.5 metres set in 3.5 metres from the side boundary, it is considered that by virtue of its scale and design, the single storey section would not result in any significant adverse overbearing or overshadowing impacts upon the rear elevation windows or rear patio/garden of No. 130.

- 8.11 The proposed two storey extension would extend only approximately 1.5 metres further in depth than the rear elevation of No. 130 and at a separation distance of over 2 metres between side elevations and further to the nearest ground and first floor windows in its rear elevation. Therefore, it would not extend beyond a 45 degree line drawn from the relevant point of those windows. Notwithstanding its position to the southwest and proximity to the side boundary and neighbouring patio, by virtue of its 1.5 metre depth and hipped roof form sloping away from the boundary, it is considered that the two storey section would not result in any significant adverse overbearing or overshadowing impacts upon the rear elevation windows or rear patio/garden of No. 130. There is nothing to suggest that rainwater could not be adequately drained from the proposed hipped roof or would result in flooding of the adjacent patio area and this would in any case be addressed through a separate building regulations application.
- 8.12 The neighbouring detached two storey dwelling to the southwest (No. 134) has a blank side elevation that extends along the side boundary of the site and approximately 4 metres in depth beyond the main rear elevation of the application dwelling. The proposal would therefore extend only to a similar depth as No. 134 at single storey height and not as far in depth at two storey height. The proposal includes the insertion of an additional first floor bedroom window in the existing south west side elevation of the dwelling but this would face directly towards the blank side elevation rather than any sensitive private amenity areas. Therefore, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of, or privacy to, the occupiers of No. 134.
- 8.13 Notwithstanding the objection received, by virtue of the siting, split scale, hipped roof design, separation distances and relationship to neighbouring properties, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the neighbouring properties or result in any significant loss of privacy to the occupiers. The proposal is 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 proposal would not result in the provision of any additional bedrooms and would remain as a three bedroomed house. The site frontage is entirely hard surfaced in tarmacadam and concrete and currently provides three off-street parking spaces with a depth of at least 5.5 metres. This provision would remain unaffected by the proposal and would remain adequate to serve the existing/resulting three bedroomed dwelling in this highly sustainable urban location with access to a full range of services and facilities by alternative and more sustainable transport means. The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide standards.

Biodiversity

- 8.16 The proposal would be exempt from the biodiversity gain condition by virtue of being a householder application development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

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 an extension and alteration to an existing dwelling located within the urban settlement boundary of Hinckley 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 (2024).
- 10.2. By virtue of the siting, scale, design and subject to the use of satisfactory external materials in its construction, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and surrounding area. Notwithstanding the objection received, by virtue of the siting, split scale, hipped roof design, separation distances and relationship to neighbouring properties it is considered that the proposal 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 of three spaces and private amenity space of over 250 square metres would be retained to serve the existing/resulting three bedroomed dwelling. The proposed extension and alteration is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good 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 at scale 1:1250, Proposed Front, North East Side Elevation and Rear Elevations Drawing No. 1 and Proposed Block/Roof Plan Drawing No. 2 received by the local planning authority on 9 January 2025 and Proposed South West Side Elevation Drawing No. 3 and Proposed Ground and First Floor Plans Drawing No. 4 received by the local planning authority on 3 December 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. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the extension hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity 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.