

Delegated Report

Planning Ref: 23/00196/CONDIT

Applicant: Mrs Clare Crabtree

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 45A Sapcote Road Burbage Hinckley Leicestershire LE10 2AS

Proposal: Variation of condition 2 for planning permission 21/00756/HOU and 22/00922/CONDIT and condition 1 of 22/00540/NMA. Amendment to extend roof and combine existing gable windows.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.
- 2.2. In this case, planning permission for application 21/00756/HOU was granted for a two single storey extension to the rear and side of the dwelling. Non-Material Amendment permission (22/00540/NMA) was granted to revise the decision notice to of the original planning application. A further Section 73 application 22/00922/CONDIT was granted permission to vary condition 2 and condition 1 of 21/00756/HOU and 22/00540/NMA respectively. Condition 2 and 1 of the above planning permission requires that the development is carried out in complete accordance with approved plans, submitted within the applications.
- 2.3. This application seeks planning permission for the variation of condition 2 planning permission 21/00756/HOU and 22/00922/CONDIT and condition 1 of 22/00540/NMA. Amendments to extend the rear roof and combine the four windows to the front elevation to form two larger dormer windows.

3. Description of the site and surrounding area

- 3.1. This application site relates to a large site to the rear of 45 Sapcote Road, with a paved single-track driveway that leads to the house from the road. The site has a large man-made lake that was part of a planning application from the 1990s, the site is well screened by hedging and mature trees. The site lies within the countryside and within the green wedge that separates Burbage from Hinckley to the north. It sits at the most southern tip of the main body of the site, with the lake in the north of the site.
- 3.2. The dwelling is not viewable from Sapcote Road.

4. Relevant planning history

There are a number of planning applications, however these are the most recent and relevant ones to the above application.

Reference	Description	Decision	Date Decision
-----------	-------------	----------	---------------

			Issued
21/00756/HOU	Two single storey extension to the rear and side of the dwelling	Planning Permission	18.01.2022
22/00540/NMA	Non-material Amendment to Planning Application ref: 21/00756/HOU. Amendment to consist of revision to decision notice to include all previously approved plans	Permit Non Material Amendments	18.08.2022
22/00922/CONDIT	Variation of condition 02 (approved drawings) for Planning Permission 21/00756/HOU, Date of Decision: 18/08/2022 and condition 01 (approved drawings) 22/00540/NMA, Date of Decision 18/08/2022. Variation to include changes to proposed floor plans and elevations.	Planning Permission	23.09.2022
22/01052/HOU	Proposed single storey garage and photovoltaic panels (following demolition of existing woodstore)	Planning Permission	21.12.2022
23/00127/CONDIT	Variation of Condition 2 for planning application 22/01052/HOU. Amendment to increase the width of the approved garage.	Planning Permission	18.04.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comment received as a result of the publicity.

6. Consultation

- 6.1 There were no objections from the following consultee:
 - Burbage Parish Council

7. Policy

- 7.1 Core Strategy (2009)
 - Policy 4: Development in Burbage
 - Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 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 DM18: Vehicle Parking Standards
- 7.1. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF 2021)
 - Planning Practice Guidance (PPG)
- 7.2. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Highway Authority Design Guide

8. Appraisal

- 8.1. The principle of development, and design of the proposed dwellinghouse have already been established through the earlier grant of the extant planning permission on the site. The key issue in respect of this application is therefore:
 - Design and impact upon the character of the area
 - Impact on neighbouring amenities
 - Impact on Parking
 - Conditions

Design and impact upon the character of the area

- 8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. 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.

- 2.4. The proposed amendment is to extend the roof space to the rear of the property to increase the main bedroom size. The existing depth of the main bedroom is 8.352 metres and additional 2.02 metres are added to the existing depth of the bedroom. This is to the rear elevation and remains subservient to the dwelling. The site is some 70 metres away from the street and proposed work is not viewable from the street scene. The existing 4 front windows have pitched dormer roofs. The proposed work combines the windows to create two windows with flat roof. Flat roof dormer windows are a feature on Sapcote Road. The front elevation of the proposed property is not viewable from the street though. Aside from the proposed works, the layout, siting, roof design, height, width and external materials are retained. This does not significantly affect amenity space, the lake, the existing dwelling, or the character of the area.
- 8.3 The proposal respects the character of the surrounding area and is therefore considered to be in accordance with Policy 4 of the adopted Core Strategy, Policy DM10 of the SADMP, and the Good Design Guide.

Impact on neighbouring amenities

- 8.4 Policy DM10 of the adopted Site Allocation and Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.5 The roof extension does not introduce any new window. The sizes of existing windows is not increased or changed. Overall, there is no significant impact of overlooking, loss of light, or overbearing on any adjoining properties. The extension is fairly away from 45 Sapcote and there are no adverse impacts on neighbouring residential amenity in accordance with Policies DM10 of the SADMP, and the Good Design Guide. There is no significant impact on amenity space, lake and existing garage.
- 8.6 The proposal therefore is in accordance with Policies DM10 and the Good Design Guide.

Impact on parking provision

- 8.7 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.8 There is no increase in the number of bedrooms. The existing parking provision remains unchanged, and the development does not have any significant adverse impact on highway safety. Therefore, the proposal is considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

Conditions

- 8.9 The original planning permission 21/00756/HOU was subject to 3 conditions. The Non Material Amendment 22/00540/NMA was subject to 1 condition. The variation of condition application 22/00922/CONDIT was subject to 3 conditions. Standard Time Condition cannot be extended or altered for Section 73 applications and, as such, Condition 1 (Standard Time Condition) needs to refer to the original 3-year time scale for implementation of the development. Condition 2 needs amending to refer to the new proposed plans and elevation submitted within this application. Conditions 3 remains unchanged as external material for the proposed work would

match the existing materials and therefore considered reasonable and necessary to ensure satisfactory development of the site.

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 Policies DM1, DM10 and DM18 of the SADMP, Policy 4 of the adopted Core Strategy and relevant National Policy as it:

- Does not have an adverse impact upon the character and appearance of the area.
- Does not result to any major changes to the design of the property.
- Does not have a significant adverse impact upon the amenity of neighbours.
- Does not affect the sufficient provision of off-street vehicle parking.

10.2. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to amended conditions. No additional conditions are considered necessary.

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 the original planning permission 21/00756/HOU on 18 January 2025.

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:
 - Floor Plan (Drawing Number 5973-0203-P03: submitted: 20.04.2023).
 - Front Elevation (Drawing Number 5973-0208-P03; submitted: 20.04.2023).
 - Rear Elevation (Drawing Number 5973-0210-P03: submitted: 03.03.2023).
 - Garden Elevation (Drawing Number 5973-0211-P03: submitted: 03.03.2023).
 - 3D View (submitted: 03.03.2023).

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the 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 accord with the approved plans and elevation.

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).

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 suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from modular water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
3. The access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Surface water should be managed by sustainable methods, preferable those which disperse runoff by infiltration into the ground strata i.e., soakaways, pervious paving, filter drains, swales, etc., and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable

to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
6. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>
7. In relation to Conditions 10 and 11, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.