

Delegated Report

Planning Ref: 24/00184/HOU
Applicant: Mr John Pearson
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 17 Woodlands Drive Groby Leicestershire

Proposal: Two storey front, side and rear extension, single storey rear extension, canopy roof to the side and additional rendering

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 a two storey front, side and rear extension, single storey rear extension, canopy roof to the side and additional rendering to a dwelling, 17 Woodlands Drive, Groby.

2.2. The amended proposed two storey extension would extend 0.75 metres forward of the existing main front elevation and 3.9 metres in width from the main side elevation of the dwelling to just inside the boundary of the site. It would extend for a total of 10.2 metres in depth, 2.5 metres beyond the existing main rear elevation of the dwelling. The proposed single storey rear extension would extend from the side elevation of the proposed two storey rear section to the same depth of 2.5 metres across the remaining 7 metres width of the rear elevation to be flush with the opposite side elevation. The two storey extension would have the same 6.1 metres roof height as the existing dwelling but with a perpendicular ridge line and a part side gable roof form. The amended proposed design would have a cat-slide type roof to the front elevation with a lower eaves height of 2.1 metres and a dual pitched roof gable fronted dormer window set within it. The rear elevation would have a dual pitched roof rear gable with higher 4 metres eaves and same 6.1 metres ridge height as the main roof. The proposed single storey rear extension would have a flat roof form to a height of 2.75 metres and a raised flat profile roof lantern. A new dual pitched canopy (porch) roof is proposed on the side elevation with an eaves height of 2.1 metres and ridge height of 3.2 metres. The application proposes a mix of off-white smooth render and as yet unspecified red/brown facing bricks to external walls, matching roof tiles to the pitched roof sections and matching uPVC windows.

2.3. The proposals would replace an existing flat roof garage attached to the side elevation, a small lean-to roof rear extension and result in the removal of two tall brick chimney stacks.

2.4. Amended plans have been submitted to address officer concerns in respect of the initial design of the proposed front elevation. Re-consultation on the amended plans has been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Groby on a residential estate. It is a detached dormer bungalow with gable fronted roof form and a flat roofed garage attached to its northwest side elevation. It has a small lean-to brick and tile kitchen extension to the rear elevation and a flat roofed white uPVC porch to its southeast side elevation. The dwelling is constructed of plain red/brown

facing bricks, plain red/brown concrete roof tiles and white uPVC windows. In addition to the garage there is a further off-street space on the concrete slab surfaced driveway within the site frontage. The rear garden is enclosed by 2 metres high solid close boarded timber fencing to the side boundaries. There is a large area of Ancient Woodland to the rear of the site.

- 3.2. To the northwest of the site there is a row of detached two storey houses of varied design, style and appearance. To the southeast of the site and opposite to the northeast there are detached bungalows with both hipped and gable sided main roof form (including front dormer windows) and a variety of styles and appearance being constructed with a mix of either red/brown facing bricks or off-white render or both.

4. Relevant planning history

None.

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. One response has been received as a result of public consultation objecting to the proposals on the grounds that by virtue of its proximity to the side boundary, two storey scale and its depth, the proposed two storey rear extension would result in visual intrusion, loss of light and visibility to the neighbouring property and potentially impede future maintenance of its near side elevation.

6. Consultation

- 6.1. No response has been received from Leicestershire County Council (Highways)
- 6.2. Groby Parish Council raise concerns in respect of overdevelopment.

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) (2023)
 - 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 within 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 and Ancient Woodland
- Impact upon neighbouring residential amenity
- Impact upon parking provision

Design and impact upon the character of the area and Ancient Woodland

- 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:

'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.' and, *'In assessing the merit of the planning application, consideration will be given to the impact on local character created by reducing the space between buildings.'* and,

'Dormer windows, which allow for additional headroom within roof spaces can be appropriate in certain situations, however these will be considered in the context of impact upon the character of the building and on neighbours' amenity and should reflect the window pattern of the dwelling. Material selection, and scale of window opening and position within the roofscape is critical in the success of dormers. Care should be taken to ensure that the existing horizontal and vertical rhythm together with the proportion of openings is either reflected or complemented.' and,

'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.' 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 proposed two storey extension would extend 0.75 metres forward of the existing front elevation rather than being set back and rather than being subordinate in height would have a matching ridge height as the main roof of the dwelling and would therefore have a degree of conflict with the adopted Good Design Guide. However, by virtue of the 4 metres set back of its perpendicular ridgeline from the main front gable, its appropriate 3.9 metres width, lower 2.1 metres eaves height and amended design with an appropriately proportioned dual pitched gable fronted dormer window set within a cat-slide type roof to the front elevation, the amended proposal would nevertheless appear as a clearly subordinate addition of an appropriate scale and design which would maintain the dominance of the front gable of the existing dormer bungalow. There are three detached bungalows with flat roofed front dormer windows in the vicinity of the site and therefore the proposed front dormer window would not be an uncharacteristic feature within the street scene. As a result, it is considered that the amended proposal would respect the scale and character of the existing dwelling and would not result in any adverse visual impacts on the varied character of the wider street scene. Notwithstanding that the proposal would reduce the gap between the application dwelling and its neighbour to the northwest to approximately 1 metre, by virtue of the clearly

different scale, design, style and appearance of the respective dwellings to each other and the different ground level between them, the detached character of the street scene would be maintained.

- 8.4 At the rear, the proposed design with higher eaves height would be much less sympathetic to the overall character of the existing dwelling, however, by virtue of its not inappropriate width and depth and position to the rear, where it would not be visually prominent within any street scene, it is considered that the proposal would not be critically unacceptable in design terms to a degree that would warrant refusal of the application on such grounds in this particular case.
- 8.5 The proposed single storey rear extension would extend from the side elevation of the proposed two storey rear section to the same appropriate depth of 2.5 metres and for an appropriate width of 7 metres across the remaining rear elevation to be flush with the opposite side elevation. It would have a clearly subordinate flat roof to a height of only 2.75 metres with a raised flat profile roof light and two full height glazed doors to the rear elevation. Notwithstanding its contemporary flat roof design, by virtue of its appropriate depth, width and single storey scale the proposal would be a clearly subordinate addition to the existing dwelling and by virtue of its siting entirely to the rear in a well enclosed garden it would have no adverse visual impacts on any street scene and would therefore be acceptable in terms of its scale and design.
- 8.6 A new dual pitched canopy (porch) roof is proposed on the side elevation with an eaves height of 2.1 metres and ridge height of 3.2 metres. This would appear as an appropriate small scale addition and would be set back over 5 metres from the main front elevation where it would not be visually prominent.
- 8.7 The application proposes a mix of off-white smooth render and as yet unspecified red/brown facing bricks to external walls, matching roof tiles to the pitched roof sections and matching uPVC windows. The surrounding area has a mix of construction materials including red/brown facing bricks, off-white render and some dwellings with a mix of both and therefore, subject to the use of an appropriate facing brick which can be secured by a condition, the proposed external materials would ensure a satisfactory and unified appearance within the already varied street scene.
- 8.8 Groby Parish Council raise concerns in respect of overdevelopment however, it is considered that the proposals are of a reasonable scale in relation to the existing dwelling and its plot size and neighbouring development and would also maintain adequate private amenity space and off-street parking space within the site.
- 8.9 The proposal would be constructed 23.4 metres within the rear boundary with the Ancient Woodland of Martinshaw Wood to the rear of the site and therefore would not result in any adverse impacts on this protected natural open space.
- 8.10 Notwithstanding concerns of overdevelopment, by virtue of the siting, scale, amended design and subject to the proposed use of appropriate external materials, which can be secured by condition to ensure a satisfactory and unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse impacts on the varied character or appearance of the street scene or wider surrounding area. The proposals are 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

- 8.11 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. The Council's 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.'*
- 8.12 An objection has been received on the grounds that by virtue of its proximity to the side boundary, two storey scale and its depth, the proposed two storey rear extension would result in visual intrusion and loss of light and visibility to/from the conservatory lounge and living space at the rear of a neighbouring property.
- 8.13 The neighbouring dwelling to the northwest (No.19) is a two storey detached house set in from the side boundary with the application dwelling by approximately 1 metre and constructed with a slightly higher relative ground level. It has a blank near side elevation facing the application site and single storey lean-to sections to both its front and rear elevations that currently extend beyond the main front and rear elevations of the application dwelling. There is also a conservatory that extends further from its rear elevation that is set further in from the side boundary by approximately 3.5 metres.
- 8.14 The proposed two storey extension would extend to just inside the side boundary with No.19 and extend 2.5 metres in depth from the main rear elevation of the application dwelling. Additional plans have been submitted to demonstrate the potential impact/relationship of the proposed two storey extension in terms of both separation distance and ground level to the nearest rear elevation windows of No. 19 at both ground and first floor level. Notwithstanding its two storey scale and its position to the southeast, by virtue of its modest depth in relation to the principal habitable room rear elevation windows of No.19, and in particular the conservatory that has been constructed approximately 3.5 metres inside the side boundary, it is considered that the proposal would not extend to any significant degree beyond a 45 degree line drawn from those windows or result in any significant adverse overbearing or overshadowing impacts on No.19. There are no side elevation windows proposed facing No. 19 that would result in any significant loss of privacy to the neighbouring occupiers from any potential direct overlooking.
- 8.15 An objection to the proposal has also been received on the grounds that the construction of the extension would potentially prevent or hinder future maintenance of the near side elevation of the neighbouring house. However, the house in question is set off the side boundary with the application dwelling by approximately 1 metre which is a commonplace situation which does not under normal circumstances prevent future property maintenance.
- 8.16 The neighbouring dwelling to the southeast (No.15) is a detached hipped roof bungalow set off the side boundary with the application dwelling by approximately 3 metres and that extends much further to the rear than the application dwelling. By virtue of its modest 2.5 metres depth, single storey scale, flat roof design and 5 metres separation distance to the side elevation windows of No. 15, the proposed single storey rear extension would not result in any significant adverse overbearing

or overshadowing impacts on No.15. There are no new windows proposed facing No. 15 that would result in any significant loss of privacy from potential direct overlooking, being only repositioned/replacement entrance hallway windows.

- 8.17 Notwithstanding the objection received, by virtue of the siting, scale, amended design, separation distances and differences in relative ground levels, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and that the proposals are therefore in accordance with Policy DM10 of the adopted SADMP and the general principals of the Council's adopted Good Design Guide.

Impact upon parking provision

- 8.18 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.19 The proposal would result in an additional (third) bedroom and the loss of the existing garage. However, two hard surfaced off-street parking spaces of appropriate dimensions are proposed, and can be provided, within the site frontage to serve the resulting three bedroomed dwelling and these can be secured by a planning condition. This level of provision would remain adequate to serve the resulting three bedroomed dwelling in accordance with the local highway authority design guide provision standards for a dwelling of this size and Policy DM18 of the adopted SADMP.

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 proposals are for extensions and alterations to an existing dwelling within the settlement boundary of Groby 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. Notwithstanding concerns raised, by virtue of the siting, scale, amended design and subject to the use of appropriate external materials, which can be secured by condition to ensure a satisfactory and unified appearance, it is considered that the proposals would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse impacts on the varied character or appearance of the street scene or wider surrounding area. Notwithstanding the objection received, by virtue of the siting, scale, amended design, separation distances and differences in relative ground levels, it is considered that the proposals 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 provision for two vehicles and more than adequate private amenity space of over 350 square metres would be retained to serve the resulting three bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP 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 at scale 1:1250 received by the local planning authority on 29 February 2024 and Proposed Block/Site Plan Drawing No. D301 Rev B, Proposed Ground Floor Plan Drawing No. D101 Rev B, Proposed First Floor Plan Drawing No. D102 Rev B, Proposed Front and South Side Elevation Drawing No. D201 Rev B and Proposed Rear and North Side Elevation Drawing No. D202 Rev B received by the local planning authority on 15 March 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 and alterations 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).

4. Within one month of the first occupation of the extension hereby permitted, a minimum of two off-street parking spaces each with dimensions of 5.5 metres in length and 2.5 metres in width shall have been provided and hard surfaced in permeable hard-bound materials within the frontage of the site and once so provided shall be permanently retained for such use and maintained as such at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policies DM17 and DM18 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.
2. 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 Leicestershire County Council (Highway Authority) on 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.