

## Delegated Report

**Planning Ref: 23/01058/HOU**  
**Applicant: Mark Feechan,**  
**Ward: Burbage Sketchley & Stretton**



Hinckley & Bosworth  
Borough Council

**Site: 323 Rugby Road Burbage Leicestershire**

**Proposal: Two storey side extensions (both side elevations) single storey rear extension, loft conversion, detached garage, new entrance gates and wall and alterations to dwelling**

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### **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 extension and remodelling of an existing detached dormer bungalow including two storey side extensions (to both side elevations), a single storey rear extension, a new roof/loft conversion, a detached double garage, new entrance gates and front boundary wall and other alterations to 323 Rugby Road, Burbage.
- 2.2. The proposed two storey southeast side extension would be 6.9 metres in width and have a depth of 8.3 metres to be flush with the existing main rear elevation. The amended proposed two storey northwest side extension would have a width of 4.4 metres and have a depth of 7.65 metres to be flush with the existing main rear elevation. Both proposed side extensions would have dual pitched asymmetric side gables with 7.5 metres high main ridge heights, two storey 5.2 metres high eaves to the rear elevation and dual pitched roof front gables with 4 metres high eaves and ridge heights of 7.2 metres and 6.8 metres respectively to the front elevation.
- 2.3. The amended proposed single storey rear extension would have a width of 8.85 metres and extend to a depth of 7.4 metres from the main rear elevation and replace an existing narrower single storey rear range. It would have a dual pitched roof forming a rear gable with an eaves height of 2.8 metres and a ridge height of 6.8 metres. A feature chimney stack is proposed to its north side elevation and the rear gable would have extensive full height glazing including part gable infill.
- 2.4. The proposed new main roof with loft accommodation would have a main ridge height of 8.8 metres and main eaves height of 5.2 metres. The new roof over the forward projecting two storey gable would have a lower ridge height of 8.3 metres and matching 5.2 metres eaves height. The loft accommodation would be served by one front elevation window within the front gable and eight rooflights to the rear elevation roof slope.
- 2.5. The detached double garage would be located forward of the dwelling and set off the southeast boundary of the site by 1 metre. It would have a width of 7 metres and depth of 6 metres and a dual pitched gabled roof with an eaves height of 2.4 metres and ridge height of 5.8 metres. It would be orientated to face across the site frontage and would have two separate garage doors and three roof lights to its front elevation and door and windows within each side gable.
- 2.6. The new front boundary wall and gates would extend across the entire 29 metres front boundary of the site. The wall would be constructed to a height of 0.8 metres with 1 metre high pillars at 2 metres spacing. At the new access point which would

re-open an existing dropped kerb access, the wall would splay inwards from the front boundary rising to a height of maximum 1.8 metres. Double solid timber inwards opening access gates are proposed set back 6 metres from the highway boundary. Additional hardstanding is also proposed within the site frontage.

- 2.7. External materials proposed include a mix of re-claimed brickwork, re-claimed slip brick finish, natural sandstone effect porch, timber gable detailing painted silk grey with white render infill, timber window framing and timber casement windows painted silk grey and Marley smooth grey roof tiles.
- 2.8. Amended plans have been submitted during the course of the application to remove a basement level and associated external staircase from the scheme, remove dormer windows from the front roof elevation, reduce the width of the two storey northwest side extension and single storey rear extension, a minor relocation of the double garage off the side boundary and increased set back of the proposed new access gates. Re-consultation on the amended plans has been undertaken.

### **3. Description of the site and surrounding area**

- 3.1. The application site lies in a residential area of Burbage on the southwest side of Rugby Road. It currently comprises a detached dormer bungalow with a dual pitched gable sided main roof form, subordinate forward projecting gable, square ground floor bay window and two dormer windows to the front elevation. There is a double garage with flat roof attached to the front corner. A single storey range extends from the main rear elevation also with a subordinate dual pitched gable ended roof form. It is constructed predominantly of red/brown facing bricks but with small cream rendered panels above and below windows and concrete hanging tiles to the gable infills, brown concrete interlocking roof tiles and brown timber windows. In addition to the double garage the garage forecourt and site frontage provides tarmac hardstanding space for another four vehicles. The extensive plot is enclosed by a mix of 2 metre high timber panel fencing and hedgerows.
- 3.2. The dwelling is set well back from the highway frontage within a line of individually designed dwellings of varying scale within large plots, a number of which have garaging forward of the front elevation. No 327 to the southeast is a detached two storey dwelling with varied roof form and forward projecting garaging constructed on a similar building line. No. 321 to the north is a detached bungalow with integral garaging and half hipped gabled roof form constructed forward of the application dwelling. Both neighbouring dwellings extend for almost the full width of the plots that they occupy. To the west and southwest on Greenmoor Road to the rear of the site there are detached bungalows that occupy smaller plots. The northeast side of Rugby Road is characterised principally by detached bungalows and two storey dwellings but smaller in scale to those on the southwest side of Rugby Road and set behind an open landscaped public amenity space and access road.

### **4. Relevant planning history**

#### **94/00087/FUL**

- Extension to dwelling
- Permitted
- 09.03.1994

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Responses from four separate addresses have been received as a result of public consultation objecting to the proposals on the following grounds:

- 1) Overdevelopment, four storey building does not fit in with neighbouring development and would extend across full width of plot.
- 2) Has the appearance of a commercial building (hotel, apartment block or care home) rather than typical residential property in the area therefore out of character.
- 3) Overbearing appearance due to proposed height of dwelling.
- 4) Loss of privacy and amenity from overlooking from first floor windows and second floor rooflights.
- 5) No other properties have second storey roof height dormers, other 2.5 storey dwellings in local area have only second floor rooflights, can this restriction be conditioned to prevent their replacement with dormer windows in future.
- 6) Loss of privacy due to removal of trees and hedgerows from boundary.
- 7) Impact on amenity from sunlight reflection/glare from extensive glazing to rear elevation.
- 8) New access and wall will reduce the already inadequate off-street parking available within the site impacting on highway and pedestrian safety through on-street parking on footpaths, accesses and service road.
- 9) Concerns over future use and potential conversion to non-residential
- 10) Surface water flooding could be exacerbated by the proposals, particularly the construction of a basement.
- 11) Public sewer crosses the site and may be impacted by building works, particularly the proposed basement construction.
- 12) Loss of property value/desirability.

## **6. Consultation**

- 6.1. No objection has been received from Burbage Parish Council subject to an appropriate access gate set back.

## **7. Policy**

- 7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)
- 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 DM17: Highways and Transportation
  - 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 and alterations to existing domestic properties 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 highway safety and parking provision
- Other issues

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. Burbage Neighbourhood Development Plan (BNDP) contains no relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3). The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.
- 8.3 The proposals represent a complete remodelling of the existing dormer bungalow to a two storey dwelling with loft accommodation. The proposed new main roof would have a ridge height of 8.8 metres, a relatively modest increase of 2.3 metres over the 6.5 metres ridge height of the existing dwelling and would have a new main eaves height of 5.2 metres. The new roof over the forward projecting two storey gable would have a subordinate ridge height of 8.3 metres but matching 5.2 metres eaves height. Whilst the proposed full first floor and roof extension with loft accommodation would clearly increase the scale and mass of the dwelling, this would not be excessive in comparison to other neighbouring development along the southwest side of Rugby Road to the southeast of the site.
- 8.4 Given this remodelling to a two storey dwelling, it is considered that when applying the general principles of the adopted Good Design Guide, assessment against the scale and proportions of main body of the resulting dwelling would be of more relevance in design terms than the existing dwelling in this particular case.
- 8.5 In respect of two storey side extensions, the Council's adopted Good Design Guide 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.'*
- 8.6 The proposed two storey southeast side extension would have a subordinate width of 6.9 metres and the amended proposed two storey northwest side extension would have a subordinate width of 4.4 metres. Both would have clearly subordinate 7.5 metres high main ridge heights with matching rear eaves and dual pitched roof front gables with much lower 4 metres high eaves and clearly subordinate ridge heights of 7.2 metres and 6.8 metres respectively. Notwithstanding their increase in height in comparison to the existing dwelling, by virtue of their widths, eaves and ridge heights, the proposed two storey side extensions would appear as clearly subordinate additions to the main body of the resulting dwelling. In design terms the subordinate two storey forward projecting gables would not be out of character with other neighbouring development within the street scene to the southeast.

- 8.7 In respect of rear extensions, the Council's adopted Good Design Guide 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.'*
- 8.8 The amended proposed single storey rear extension would have a width of 8.85 metres and extend to a depth of 7.4 metres from the main rear elevation and replace an existing narrower single storey rear range. It would have a dual pitched roof forming a rear gable with ridge height of 6.8 metres and eaves height of 2.8 metres. A feature chimney stack is proposed to its north side elevation and the rear gable would have extensive full height glazing including part gable infill resulting in a contemporary but appropriate appearance. By virtue of its scale, height, width and depth the proposal would appear as a clearly subordinate addition to the main body of the resulting dwelling.
- 8.9 In respect of garages, the Council's adopted Good Design Guide states that:  
*'Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene.'*
- 8.10 Notwithstanding the adopted Good Design Guide, in this case there are a number of dwellings along Rugby Road which have either detached or attached garaging projecting forward of the principal elevation of the dwellings that they serve, including the neighbouring property 327 Rugby Road and also 331, 333 and 341 Rugby Road.
- 8.11 The proposed detached double garage would be located forward of the dwelling but still be set back a reasonable distance of 6 metres from the highway boundary and set off the southeast boundary of the site by 1 metre. It would have an appropriate width of 7 metres and appropriate depth of 6 metres and appropriate dual pitched gabled roof with an eaves height of 2.4 metres and ridge height of 5.8 metres. It would be orientated to face across the site frontage similar to that of the other identified to provide access from new hard-standing. It would have two separate garage doors and three roof lights to its front elevation and door and windows within each side gable. By virtue of its siting, layout, scale and appropriate design the proposal is considered to respect and complement the character of the wider street scene in this case and therefore would not result in any significant adverse impacts on the character of the surrounding area.
- 8.12 The proposed opening up of a previously existing more central access and the proposed front boundary wall and gates would result in the loss of vegetation from the site frontage. Notwithstanding this, there are a variety of highway boundary treatments along this section of Rugby Road including solid 2 metres high close boarded timber fencing, black metal railings, both low level and 1.8 metres high brick walls as well as both low level and higher hedgerows and vegetation.
- 8.13 The new wall and gates would extend across the entire 29 metres front boundary of the site but the vast majority of its length would be constructed to a height of only 0.8 metres with 1 metre high pillars at 2 metres spacing. At the access point the wall would splay inwards from the front boundary rising to a height of a maximum of 1.8 metres at a setback of 6 metres from the boundary. Double solid timber inwards opening access gates are proposed also set back 6 metres from the highway boundary and additional hardstanding for adequate off-street parking and turning is also proposed within the site frontage. The proposed front boundary wall and access gates would result in a more formal character to the site but it is considered that this would reflect the design and appearance and enhanced hierarchical status of the resulting dwelling within the street scene and would complement the variety of existing front boundary treatments within the wider street scene.

- 8.14 The existing detached dormer bungalow is an unremarkable dwelling and typical of its time. It is considered that the overall design of the proposed remodelling, extensions and alterations would result in a reasonably well balanced dwelling with appropriately proportioned fenestration and timber architectural detailing which would enhance the overall character and appearance of the site and would be further enhanced by the type, mix and finish of external construction materials. These include the proposed use of (as yet unspecified) re-claimed brickwork, (as yet unspecified) re-claimed slip brick finish, natural sandstone effect porch, timber frame gable detailing painted silk grey with white render infill, timber window framing and timber casement windows painted silk grey and Marley smooth grey roof tiles throughout. Subject to a condition to require the submission of the additional specific external materials details for prior approval, this would ensure a satisfactory and uniform appearance that would respect and complement the variety of appearance within the wider street scene.
- 8.15 Objections to the application raise concerns of overdevelopment, that a four storey building of the proposed height extending across the full width of the plot would be out of character with neighbouring development and would have the appearance of a commercial building rather than typical residential property in the area.
- 8.16 The southwest side of Rugby Road is characterised by large, detached dwellings which extend almost to the sides of each plot and with a wide variety of scales, heights, designs and appearance.
- 8.17 The amended scheme has removed the basement level (which would in any case have been below ground and not publicly visible), and the dormer windows from the front roof elevation, leaving only roof lights on the rear elevation. The resulting dwelling would therefore appear two storey and domestic in scale albeit with discreet accommodation within the roof space and being of substantial size. The amended scheme would also result in the dwelling being set in from both the side boundaries of the site by approximately 3 metres. Notwithstanding the objections received and that there are bungalows to the northwest and rear of the site, there are varying ridge heights along this section of Rugby Road and there are other properties within the wider street scene that are similar in height to the dwelling now proposed. Therefore, it is considered that the scale, height, width and mass of the amended scheme would nevertheless respect and complement that of other neighbouring dwellings to the southeast along this side of Rugby Road as would the proposed layout with garaging forward of the main front elevation.
- 8.18 Notwithstanding that the proposals would result in a much larger dwelling within the plot and a substantial increase in floor space at all levels, the existing dwelling is undersized for the size of the plot. The proposals would retain more than adequate private amenity space of over 460 square metres at the rear together with substantial areas for off street parking and turning space within the 19 metres deep and 29 metres wide site frontage to serve a dwelling of this size. The proposals would therefore fit comfortably within the extensive plot without resulting in any overdevelopment of the site. Notwithstanding the increase in the scale, height, width and mass of the resulting dwelling in comparison to the existing dormer bungalow, by virtue of the 19 metres set back from the highway boundary, it is considered that it would not be overly prominent within the wider street scene or result in any adverse visual impacts on the surrounding area.
- 8.19 Notwithstanding the objections received, by virtue of the siting, layout, scale, design and subject to the use of appropriate and complementary external materials to ensure a satisfactory and unified appearance, it is considered that the resulting dwelling would be compatible with the size of the plot and that the proposed remodelling and extensions and alterations would respect and complement the

scale, character and appearance of neighbouring development and would have no significant adverse visual impacts on the already varied wider street scene or surrounding area. The proposals are therefore considered to be in general accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and Burbage Neighbourhood Development Plan.

#### Impact upon neighbouring residential amenity

- 8.20 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 amenity of nearby residents and occupiers of adjacent buildings.
- 8.21 Objections have been received on the grounds that the proposals would result in an overbearing appearance by virtue of the height and scale of the proposals, that the proposals would result in loss of privacy and amenity from overlooking and sunlight reflection/glare from multiple new first floor windows and second floor rooflights and removal of a hedgerow and a tree from the boundary.
- 8.22 No. 321 Rugby Road is a detached half hipped roof bungalow located to the north of the application site and set forward of the application dwelling and with a blank near side elevation. It has a large rear elevation window with its centre-point set in from the side boundary by approximately 4.5 metres. The proposed two storey northwest side extension would be set back from the rear elevation of No. 321 by approximately 4.5 metres and therefore the gap between would still enable direct sunlight to the neighbouring rear garden. The amended scheme has reduced the width of the proposed two storey side extension such that it would be set in by 2.7 metres from the side boundary, a separation distance of 7.2 metres in total. Notwithstanding that the proposal would extend beyond a 45 degree line drawn from the nearest rear elevation habitable room window, by virtue of its separation from both the side boundary and the rear elevation window, it is considered that it would not result in any significant adverse overbearing or overshadowing impacts on the rear elevation or rear garden of No. 321 and there are no windows proposed that would result in any potential direct overlooking or loss of privacy to the occupiers. No objections to the proposals have been received from the occupiers of this neighbouring property.
- 8.23 No. 327 Rugby Road is a two storey detached house located to the southeast of the application site and set off the side boundary by approximately 3 metres. It is set back from the application dwelling other than a 1½ storey projection which extends much further forward with garaging at ground floor and bedroom accommodation above. The proposed two storey southeast side extension would extend 6.5 metres closer to the side boundary with No. 327 but would retain a separation distance of approximately 3 metres to the side boundary and 6 metres to the side elevation of No. 327. Notwithstanding that there are a number of ground floor side elevation windows facing the application site, by virtue of the separation distance it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on these windows of No. 327. There are no upper floor windows proposed that would result in any potential direct overlooking or loss of privacy to the occupiers. There is an existing 2 metres high close boarded timber panel fence that protects the privacy of the respective occupiers in respect of opposing ground floor windows. The proposal would not extend beyond the rear elevation of No. 327 or have any adverse impacts on the rear garden of No. 327 due to its relative siting. The proposed detached garage would be sited forward of the garaging of No. 327 but set off the side boundary by 1 metre and would have no significant adverse impacts on any windows of No. 327 or result in any significant overbearing or overshadowing impacts on the neighbouring front garden by virtue of its siting to the north and design with roof sloping away from the boundary. No

objections to the proposals have been received from the occupiers of this neighbouring property.

- 8.24 To the southwest (rear) of the site there are detached bungalows, Nos. 43 and 45 Greenmoor Road. The proposed extensions would result in an increase in both the height and width of the application dwelling resulting in a substantial increase in the overall scale and mass of its rear elevation compared to the existing situation. However, notwithstanding this, the two storey rear elevation would be set in from the rear garden boundary by over 20 metres and the separation to the rear elevations of the bungalows to the rear would be approximately 33 metres and 40 metres respectively and well in excess of the separation distance standards for habitable room window separation (21 metres) and garden depths (7 metres) suggested as being acceptable within the adopted Good Design Guide. The proposed rear elevation rooflights would be even further away. Whilst the proposed single storey rear extension would extend further in depth this would still be 12.5 metres inside the rear garden boundary and there is adequate screening provided by a 2 metres high solid timber panel fence that protects the privacy of the respective occupiers at ground level. In the case of No. 45, the rear boundary screening is currently enhanced by a 4 metres high conifer hedge screen. By virtue of the separation distances and screening it is considered that the proposals would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy from direct overlooking to the occupiers of these bungalows.
- 8.25 There is another bungalow to the northwest of the site (No. 41 Greenmoor Road) which is constructed much closer to the rear corner of the application site but the rear elevation of the application dwelling is, and would remain, off set from the rear elevation and garden of this bungalow. As such there would be no directly opposing habitable room windows and only oblique views available and at a distance of over 25 metres to its rear elevation windows from the nearest rooflight. Therefore, notwithstanding the objections received, it is considered that the proposals would not result in any significant adverse overbearing or overshadowing impacts or any significant loss of privacy from direct overlooking to the occupiers of No. 43. There is no evidence submitted to suggest that the proposals would result in any significant or unacceptable sunlight reflection or glare from the new windows proposed. The hedgerow that has been removed was within the applicants own rear garden, not adjacent to any boundary and appears to have separated the main amenity space from a vegetable garden. In any case, its removal along with other such vegetation does not require planning permission.
- 8.26 A request has been made as a result of public consultation that a condition be attached to any planning permission to restrict the future construction of dormer windows (to replace roof lights) in order to protect neighbouring properties from loss of privacy from overlooking from such windows. A similar condition to remove permitted development rights for extensions and alterations that was attached to a planning permission for a replacement dwelling at 339 Rugby Road (references 19/00413/FUL and 19/01079/CONDIT) was successfully appealed (Appeal reference APP/K2420/W/20/3244583). By virtue of the size of the plot in which that dwelling was to be constructed together with adequate separation distances to neighbouring properties, the Inspector considered that such a condition was not justified. Therefore, it is also considered that such a condition cannot be justified in this case either.
- 8.27 Notwithstanding the objections received, by virtue of the siting, layout, scale, design, separation distances and existing screening, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties.

The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

#### Impact upon highway safety and parking provision

- 8.28 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.29 An objection has been received that the proposed access and wall will reduce the already inadequate off-street parking available within the site impacting on highway and pedestrian safety through on-street parking on footpaths, across other accesses and a service road.
- 8.30 In addition to the double garage the existing double width garage forecourt and site frontage provides tarmac hardstanding parking space for at least four vehicles.
- 8.31 The proposed opening up of a previously existing and more central dropped kerb access would enable the provision of improved highway and pedestrian visibility splays over and above those available at the existing constrained access point which would be subsequently closed by the proposed construction of the new front boundary wall. This is considered to result in a minor highway and pedestrian safety gain. The access would have a minimum width of 3.6 metres which would be in excess of the 2.75 metres required for a residential access within the highway authority design guide. The proposed double gates would be hung so as to open inwards only and would be set back a minimum of 6 metres behind the highway boundary in accordance with the highway authority design guide. Highway related conditions can be imposed to require the provision and retention of adequate inward opening gate set back, pedestrian visibility splays and permeable hardbound surfacing of the access drive to an appropriate depth. Notwithstanding the objection received, subject to appropriate highway related conditions, it is considered that the proposals would not result in any significant adverse impacts on highway or pedestrian safety and that they would therefore be in accordance with Policy DM17 of the adopted SADMP. Notwithstanding the objection received, the proposed layout would provide ample space within the extensive 19 metres deep and 29 metres wide site frontage to enable the provision of adequate off-street parking and turning spaces within the site to serve a dwelling of the proposed size in accordance with Policy DM18 of the adopted SADMP.

#### Other issues

- 8.32 Objections have been received on the grounds that the proposed dwelling is large enough to potentially operate for uses other than as a single private dwelling (including for commercial purposes). Any such future use would be subject to separate full planning permission for a change of use of the premises and does not form part of this householder planning application and is not material to the determination of this application.
- 8.33 Objections have been received on the grounds that the proposals may impact on a public sewer running through the site previously referred to in a note to applicant on an earlier planning permission notice. The applicant/agent has obtained a drainage search which suggests that there is no such public sewer within the boundaries of the site.
- 8.34 Objections have been received on the grounds that the proposals may exacerbate flooding during times of heavy rainfall, in particular the construction of the proposed basement. The basement has been removed from the amended scheme and there

is no definitive evidence provided that the proposals would result in flooding of neighbouring properties.

- 8.35 Loss of neighbouring property value/desirability is not a material planning consideration and therefore is not material to the determination of this householder planning application.

## **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 relate to extensions and alterations to an existing dwelling located within the urban settlement boundary of Burbage 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 the objections received, by virtue of the siting, layout, scale and design and subject to the use of appropriate and complementary external materials in the construction to ensure a satisfactory and unified appearance, it is considered that the resulting dwelling would be compatible with the size of the plot, that the proposed remodelling and extensions and alterations would respect and complement the scale, character and appearance of neighbouring development and would have no significant adverse visual impacts on the already varied wider street scene or surrounding area. Notwithstanding the objections received, by virtue of the siting, layout, scale, design, separation distances and existing screening, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Notwithstanding the objection received, subject to highway related conditions it is considered that the proposed access arrangements would result in improved access visibility and a minor highway and pedestrian safety gain over and above the existing access. Adequate off-street parking and turning can be provided within the extensive site frontage for at least four vehicles along with the

retention of more than adequate private amenity space of approximately 460 square metres to serve the resulting five bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and Burbage Neighbourhood Development Plan 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, Proposed Block Plan, Proposed First and Second Floor House Plans, Proposed Garage Floor Plan and Proposed Garage Elevations Drawing No. 23127-03 Rev L received by the local planning authority on 5 February 2024 and Proposed Ground Floor House Plan, Proposed House Elevations and Proposed Wall/Entrance Gates Elevation Drawing No. 23127-02 Rev K received by the local planning authority on 1 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. Notwithstanding the submitted details, 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 dwelling, detached garage and boundary wall 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. The vehicular access gates hereby permitted shall be set back from the highway boundary by a minimum distance of 6 metres and shall be hung so as to only open inwards away from the highway boundary in accordance with the approved Proposed Block Plan Drawing No. 23127-03 Rev L received by the local planning authority on 5 February 2024. Once so provided the vehicular access gates shall be permanently so maintained at all times thereafter.

**Reason:** To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted details, prior to its first reuse the vehicular access shall be provided with minimum 2.0 metre by 2.0 metre pedestrian visibility splays on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent highway footway. Once so provided, the pedestrian visibility splays shall be permanently so maintained at all times thereafter.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to its first reuse, the vehicular access shall have been surfaced with permeable tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once so provided, shall be permanently so maintained at all times thereafter.

**Reason:** To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. The applicant/developer is advised that Rugby Road is a busy main road route into and out of Hinckley and that adequate parking and turning space for all construction and other vehicles, associated plant, materials etc. will need to be provided entirely within the residential curtilage of the site in order to avoid any obstructions in the public highway in the interests of highway and pedestrian safety.
3. 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 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 1989 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.