

Delegated Report

Planning Ref: 24/00908/HOU
Applicant: Mr Richard Bassett
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: 10 Watling Street Atherstone

Proposal: Two storey rear extension including porch.

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 rear extension and porch to a dwelling, 10 Watling Street, Atherstone.

2.2. The proposed extension would replace an existing flat roofed single storey structure and small first floor extension above it. It would extend just over 4 metres in depth from the main rear gable elevation and for 7.1 metres in width extending 2.3 metres wider than the existing rear gable and side elevation. The rear elevation would have an asymmetric gable with matching eaves and ridge height as the existing roof but with a cat-slide roof extending down from the main side elevation to single storey height and with a side facing dormer window with dual pitched roof within it serving the first floor. It is proposed to be constructed in matching corresponding external materials.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Witherley and occupies a back-land position to the rear of other dwellings fronting onto the A5 Watling Street, including a grade II listed building, 12 Watling Street, to the east. The application dwelling occupies the rearmost section of a two storey building that is aligned perpendicular to the highway and has a dual pitched gable fronted roof form. The middle section of the same building provides an ancillary outbuilding/store to the adjacent listed building. The foremost section of the building is a single storey garage element that currently serves the application dwelling.

3.2. The application dwelling is a later addition to the original structure. It is constructed of red facing bricks of similar appearance and with plain grey roof tiles but it has an obvious join and none of the architectural brick eaves and roof verge detailing of the original structure and has white uPVC windows. The application site includes another single storey ancillary outbuilding that serves the application dwelling with a hard surfaced courtyard between them and a large private garden to the rear. The only access to the dwelling is via a footpath between the garage and the neighbouring two storey dwelling to the west, 8a Watling Street.

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 and a notice was displayed in the local press.

5.2. No responses have been received as a result of public consultation.

6. Consultation

6.1. No response has been received from Witherley Parish Council.

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- Planning (Listed Buildings and Conservation Areas) Act 1990
- 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 dwellings 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
- Impact upon the setting of the adjacent Listed Building
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Impact on tree and biodiversity gain

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 the use of appropriate external materials.

8.3. 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.' 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.’

- 8.4 The proposal would extend for an appropriate depth of just over 4 metres from the main rear gable elevation but for 7.1 metres in total width extending 2.3 metres wider than the existing rear gable and side elevation into an enclosed courtyard. The east side elevation facing towards the rear parking area and garden of the neighbouring listed building would extend and match the existing eaves and ridge height of the main roof and continue its characteristic existing linear roof form. However, the rear elevation would have an uncharacteristic asymmetric gable with a cat slide roof extending down from the main side elevation to single storey height and with a side facing dormer window with dual pitched roof within it serving the first floor. Notwithstanding this additional width and resulting uncharacteristic plan and roof form, the proposal would be located at the rear section of this back-land dwelling and within a well enclosed courtyard area where it would have little visual impact in any street scene or the surrounding area. In addition, it would replace an existing uncharacteristic flat roofed single storey extension and smaller first floor extension above it, with an extension of improved pitched roof design and with some architectural interest including a timber framed entrance porch and both arched and soldier brick header detailing to new windows. As a result, the proposal is considered to be acceptable in design terms in this particular case. It is also proposed to be constructed in matching corresponding external materials to ensure a satisfactory and uniform appearance to the existing dwelling.
- 8.5 Notwithstanding that the proposed extension would not be characteristic of the rectangular plan and roof form of the existing dwelling, by virtue of the back-land siting within a well enclosed private courtyard, its scale, design and proposed use of matching corresponding external materials, it is considered that the proposal would nevertheless respect and complement the scale and appearance of the existing dwelling and would have no significant adverse impacts upon its overall character or the character or appearance of the 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 the setting of the adjacent Listed Building

- 8.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.7 Section 16 of the NPPF (2024) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212 - 215 require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.8 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 requires all development proposals to accord with Policy DM10 and states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

8.9 10 Watling Street is a separate dwelling and a northern extension of linear form to a historic ancillary outbuilding that serves 12 Watling Street (also known as Witherley Lodge), which is located to the east and is a grade II listed building of special historic and architectural interest dating from the early 19th century. The application dwelling itself is not of any particular historic or architectural interest. It has none of the architectural brick eaves and roof verge detailing of the original outbuilding structure and does not form part of the curtilage of the adjacent listed building. Overall, the application dwelling is considered to be a neutral presence within the wider setting of the listed building.

8.10 The proposed extension would extend further to the north of the application property and westwards out beyond the existing building line. Whilst this extension sideways would not fully respect the linear plan form of the outbuilding range it is considered that the proposed layout of the development would have no adverse effects upon the setting of the adjacent listed building. In addition, the proposed extension would generally respect the scale and appearance of the existing application dwelling. As a result, it is considered that it would continue to be a neutral presence within the setting of the adjacent listed building and would have no adverse impacts upon its significance. The proposal would therefore be compatible with the significance of the listed building and accord with Policies DM11 and DM12 of the adopted SADMP, section 16 of the NPPF (2024) and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

8.12 By virtue of its scale and separation distances to all neighbouring dwellings and their main amenity areas, the proposal would not result in any significant adverse overbearing or overshadowing impacts on any neighbouring properties. The proposed side elevation dormer window would face towards the dual pitched roof of the applicant's detached outbuilding and at a separation distance of 12 metres to the boundary of the rear amenity space of 8 Watling Street and therefore would not result in any significant adverse impacts on the privacy or amenity of the neighbouring occupiers of No. 8 from direct overlooking. The two proposed roof lights within the existing east side roof elevation would serve a corridor and be at a high level and therefore would not result in any significant adverse impacts on the privacy or amenity of the neighbouring occupiers of No. 12 from any overlooking to the rear parking yard serving the dwelling. The proposed rear elevation windows would face directly towards the applicants own garden. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon parking provision

8.13 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

8.14 The site currently provides one off-street parking space within an existing garage at the front of the site with no additional space being available within the site to increase this provision. However, there is a long tarmac surfaced lay-by within the public highway that extends along Watling Street and across the front of the garage door/access. It is unlikely that a third party would park across the front of the garage door and therefore, in effect, a second informal parking space is likely to be

available to the occupiers of the application dwelling as a result of the site circumstances.

- 8.15 The proposal would increase the size of the dwelling from three bedrooms to four bedrooms for which the local highway authority design guide would seek a third off-street parking space. This cannot be provided but in the specific circumstances of the case, it is not considered that the parking shortfall within the application site would be critical to a degree that the application should be refused on such grounds. Notwithstanding the identified shortfall, the level of existing/retained provision is not considered to be unacceptable in this case in respect of Policy DM18 of the adopted SADMP.

Impact on trees and biodiversity gain

- 8.16 There are a number of mature trees located within the garden of a neighbouring dwelling to the north east (The Orchard). The nearest of these is a mature multi stemmed ash tree with large branches that extend into the application site and over the roof of the application dwelling. At least one large branch would have to be removed to enable the extension to be constructed and there are also electricity service cables that run through the branches of this tree on the far side of the trunk.
- 8.17 By virtue of its sheer size the tree has some visual amenity value to the wider surrounding area and it is within the setting of the adjacent listed building but notwithstanding this, it is questionable whether the tree would be worthy of a tree preservation order and whether this would be practical in this case. The applicant has reasonable concerns about the potential danger of the overhanging branches falling directly upon the roof of the dwelling. The occupier of the neighbouring listed building also raised concerns during the site visit regarding the potential danger of the overhanging branches falling onto their parking area. There are also practical issues with the presence of electricity cables running through the trees branches and the reasonableness of protecting such a tree under such circumstances.
- 8.18 The applicant has submitted a copy of a quote obtained by the neighbouring land/tree owner from a tree contractor for the removal of a number of the branches overhanging the neighbouring gardens which would enable the extension to be constructed and also for the complete removal of the tree for their own purposes. The applicant indicates that the intended works are to be undertaken in 9 weeks' time. The applicant also confirms the presence of a large cess pit to the rear of the application dwelling adjacent to the trunk of the tree which would already have resulted in the removal of or lack of significant tree roots in the area proposed for the extension.
- 8.19 The removal of large branches from mature trees or their complete removal is not generally supported without reasonable justification. In this case, the tree is not within the control of the applicant and there are reasonable concerns relating to the future safety of the occupiers of the application dwelling as it currently stands from the potential for large, heavy branches falling on the roof. It is therefore considered that the proposed tree works would not be unreasonable or unacceptable in this particular case.
- 8.20 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 alterations to an existing dwelling located within the settlement boundary of Witherley 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. Notwithstanding its uncharacteristic plan and roof form, by virtue its siting, scale, design and proposed use of matching corresponding external materials, it is considered that the proposal would nevertheless respect and complement the scale, and appearance of the existing dwelling and would have no significant adverse impacts upon its overall character or the character or appearance of the surrounding area. The proposal would also preserve the character and appearance of the setting of the neighbouring grade II listed building. By virtue of their siting, scale and design together with separation distances and screening, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties. Notwithstanding the identified shortfall in the level of on-site parking provision, this is not considered to be unacceptable in this case and more than adequate private amenity space would be retained within the site to serve the resulting four bedroomed dwelling. The proposal is therefore considered to be in accordance with Policies DM1, DM10, DM11, DM12 and DM18 of the adopted SADMP, the general principles of the Council's adopted Good Design Guide, the overarching principles of Section 16 of the NPPF (2024) and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 No. TQRQM24158155728082, Proposed Block Plan Drawing No. 2428-02, Proposed Floor Plans Drawing No. 2428-04 and Proposed Elevations Drawing No. 2428-05 received by the local planning authority on 30 September 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the overarching principles of Section 16 of the National Planning Policy Framework (2024) and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The materials to be used on the external elevations of the proposed extension and alterations hereby permitted shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the overarching principles of Section 16 of the National Planning Policy Framework (2024) and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.