

Delegated Report

Planning Ref: 24/00691/HOU

Applicant: Mr and Mrs Gartshore

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: Midway 75 Main Street Carlton Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Two storey side and rear extension and single storey front extension following demolition of existing garage, porch and conservatory

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 side and rear extension following demolition of the existing side garage, front porch and rear conservatory to a dwelling, Midway 75 Main Street, Calton.
- 2.2. The proposed two storey side extension would be set back from the main front gable elevation of the dwelling by approximately 3 metres and would extend approximately 5 metres in width from the southwest side elevation and to a depth of approximately 7 metres. It would have a dual pitched gable sided roof form with an eaves height of approximately 4 metres and ridge height of approximately 6.3 metres. It would have a feature brick chimney stack to the side elevation, a dormer window to the front elevation with a dual pitched gable fronted roof form and a pair of glazed doors with Juliette balcony and dual pitched gabled roof to the rear elevation at first floor.
- 2.3. The proposed two storey rear extension would extend flush with the main rear elevation gable of the dwelling by approximately 3.3 metres in depth and for a width of 7.9 metres with the same dual pitched roof forming a rear gable with the same existing eaves height of approximately 2.1 metres and same existing ridge height of approximately 6.3 metres. The rear gable would have a contemporary design with timber cladding and full height glazing to both the ground and first floors and side elevation roof lights.
- 2.4. The existing single storey front extensions would be replaced by new single storey extensions to a similar footprint as the existing structures of approximately 10 metres in total width and 1.5 metres in depth from the main front gable elevation. These would have a dual pitched roof form with an eaves height of approximately 2.1 metres and ridge height of approximately 3.6 metres and a small concealed flat roof area behind it to a height of approximately 3 metres. A new open porch with brick base and timber supports to a dual pitched gable fronted roof canopy would be added to the front elevation. The proposals also include other alterations to fenestration.
- 2.5. The application proposes that the existing buff/light brown brick walls would be surfaced in an off-white render with new red stock facing bricks used for the extensions along with grey concrete roof tiles and agate grey windows throughout and natural timber cladding to the rear gable and part side elevations and existing and new dormer windows.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Carlton in a residential area. It is a detached dormer bungalow with dual pitched gable fronted main roof form with a dormer window to each side elevation. There are single storey additions to the front and side elevations that have a lean-to/parapet roof and flat roof behind and a brick built multi-faceted conservatory with polycarbonate roof to the rear elevation. It has two feature brick chimneys, an open dual pitched roof porch canopy supported by low level brick walls and timber posts. It is constructed with buff/light brown facing bricks, weathered grey concrete interlocking roof tiles and white uPVC windows. The dwelling is set back from the highway boundary by approximately 16 metres and in addition to the double garage which is undersized in terms of its 4.5 metres depth, there are a minimum of two off-street parking spaces available to serve the dwelling on the loose stone surfaced hard standing/driveway within the site frontage. The rear garden is enclosed by a mix of 1.8 metres high close boarded timber fencing and soft landscaping.
- 3.2. The application dwelling lies on the north side of Main Street within a row of detached dormer bungalows of varying scale, design, style and appearance. There are detached dormer bungalows and two storey detached dwellings opposite to the south and open fields to the rear (north).

4. Relevant planning history

94/00990/FUL

- Extension to dwelling
- Permitted
- 27.01.1995

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

6. Consultation

- 6.1. Leicestershire County Council (Ecology) recommend an informative note to applicant in respect of bats as the site has good surrounding foraging and commuting habitat and the development involves extensive alterations to the existing roof structure.
- 6.2. No objection has been received from Leicestershire County Council (Highways) who refer to standing advice.
- 6.3. No objection has been received from Carlton 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 DM6: Enhancement of Biodiversity and Geological Interest
 - 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 dwelling and surrounding area
- Impact upon neighbouring residential amenity
- Impact upon parking provision
- Impact upon bats

Design and impact upon the character of the dwelling and surrounding 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.

8.3. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of various forms of house extensions and states:

'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,

'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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule.'

8.4. The proposed two storey side extension would extend approximately 5 metres in width from the southwest side elevation and to a depth of approximately 7 metres with a dual pitched perpendicular gable sided roof form with higher eaves than the existing front gable and a matching ridge height of approximately 6.3 metres. Notwithstanding its width and matching height, by virtue of the substantial 3 metres set back from the main front gable elevation this would remain the visually dominant feature of the dwelling from within the street scene and therefore the proposed side extension would still appear as a subordinate addition. The replacement feature brick chimney stack to the side elevation and the appropriately proportioned front dormer window with a dual pitched gable fronted roof form would respect similar features within the street scene on the neighbouring dormer bungalows either side. The proposed pair of glazed doors with Juliette balcony and dual pitched gabled roof to the rear elevation at first floor would complement the existing and proposed

dormers on the side and front elevations and would be appropriately proportioned in relation to the main rear gable. Overall, the scale and design of the proposed side extension is therefore considered to be acceptable.

- 8.5 The proposed two storey rear extension would extend for a width of 7.9 metres flush with the existing main rear elevation gable of the dwelling and for an appropriate depth of approximately 3.3 metres. It would have the same dual pitched roof forming a rear gable with the same existing eaves height of approximately 2.1 metres and same existing ridge height of approximately 6.3 metres. The rear gable would have a contrasting contemporary design with timber cladding and full height glazing to both the ground and first floors that would enhance the overall design of the dwelling and is considered to be acceptable in terms of its scale, design and appearance.
- 8.6 The proposed single storey front extensions would have a similar design and footprint of approximately 10 metres in total width and 1.5 metres in depth from the main front gable elevation as the existing structures that they would replace. These would have a dual pitched roof form with a clearly subordinate ridge height of approximately 3.6 metres. The extension would have a small flat roof area but this would be concealed behind the pitched roof. The proposed replacement of the double up-and-over garage door with vertical timber doors and timber detailing to the gable above and the Oak framed open porch roof canopy would enhance the overall appearance of the front elevation.
- 8.7 In order to avoid mismatched brick work and for personal preference, it is proposed that the existing buff/light brown brick walls would be surfaced in an off-white render with new red stock facing bricks used for the extensions along with grey concrete roof tiles and agate grey windows throughout and natural timber cladding to the new rear gable and existing and new dormer windows. The proposed materials and their disposition would result in an acceptable appearance that would complement the variety of construction materials within the wider street scene.
- 8.8 By virtue of the siting, scale, design and the proposed use of appropriate complementary external materials to ensure a satisfactory appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and that of the varied wider street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9 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.'*
- 8.10 The neighbouring dwelling to the southwest (No. 73) is a detached dormer bungalow set inside the side boundary by 1 metre. Its near side gable has three windows at ground floor serving as a secondary kitchen window (obscurely glazed),

toilet window (obscurely glazed) and a hallway/stairs window. There is also a hallway/landing window at first floor but no principal habitable room windows. The proposed two storey side extension would extend up to 2 metres inside the side boundary and in line with the side gable of No. 73 where it would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring occupiers. The only two windows proposed in the near side elevation of the proposed side extension facing No. 73 would be at ground floor and therefore would not result in any significant loss of privacy to the neighbouring occupiers from overlooking. The proposed replacement single storey front extension would extend approximately 0.8 metres closer up to the side boundary and 5 metres forward of the main front elevation of No. 73. However, the front entrance door/hallway is the closest part of No. 73 to the proposal and therefore it is considered that this would not result in any significant adverse impacts on the residential amenity of the neighbouring occupiers. As the proposals do not extend beyond the rear elevation of No. 73 no rear elevation windows would be adversely affected.

- 8.11 The neighbouring dwelling to the northeast (No. 77) is a detached dormer bungalow set inside the side boundary by approximately 1.5 metres and 2.5 metres from the side elevation of the application dwelling. No. 77 has the same main rear elevation building line as the application dwelling. The nearest ground floor window in the rear elevation of No. 77 is to a habitable room but its quarter point would be approximately 4 metres from the side elevation of the proposed two storey rear extension. Therefore, by virtue of its 3.3 metres depth the proposed two storey rear extension would not extend beyond a 45 degree line drawn from this nearest window and together with the sympathetic roof form that slopes away from the side boundary, it is considered that the proposed rear extension would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of the neighbouring occupiers. The nearest first floor rear elevation window in No. 77 is a box dormer that is set much further inside the side boundary and therefore its outlook would be unaffected.
- 8.12 There would be a number of new and relocated existing windows at ground floor on the near northeast side elevation facing towards No. 77 but these would not result in any significant loss of privacy to the neighbouring occupiers by virtue of the existing 2 metres high close boarded timber fencing enclosing the rear garden and by other windows facing towards the almost blank (other than a small ground floor window) near side elevation of No. 77 rather than towards any sensitive private areas. A first floor side elevation rooflight is proposed that would face directly across the rear of No. 77 and therefore a condition to ensure that this, and the corresponding roof light facing towards No. 73, would have a sill height of a minimum of 1.7 metres above the floor level of the bedroom that they serve would be reasonable and necessary to protect the privacy and amenity of the respective neighbouring occupiers. A further condition to ensure that the proposed alterations to the existing dormer window facing the side elevation of No. 77 and serving a bathroom, would include the fitting of obscure glazing (as is currently the case), is also considered to be reasonable and necessary for similar purposes.
- 8.13 By virtue of the siting, scale, design, separation distances and screening and subject to conditions to control the sill height of the first floor side elevation roof lights and for the fitting of obscure glazing where reasonably necessary, 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. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposals have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 The proposals would add additional space to two of the existing three bedrooms rather than increase their number. Notwithstanding the loss of the existing garage, there is ample room for two/three off-street parking spaces on the existing loose stone surfaced hard standing within the site frontage and this would be unaffected by the proposal. Therefore, the proposals would retain adequate off-street parking provision to serve the existing/resulting three bedroomed dwelling in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide which would require two spaces for a three bedroomed dwelling.

Impact upon bats

- 8.16 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.17 Leicestershire County Council (Ecology) recommend an informative note to applicant in respect of legal responsibilities before and during the proposed works to mitigate the small risk of the presence of bat roosts given the good quality surrounding habitat but low potential for bat roosts of the existing well maintained roof structure and limited roof space. This is considered to be sufficient to mitigate against any potential adverse impacts on bats or their habitat in this particular case and to be in accordance with Policy DM6 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 relate to extensions and alterations to an existing dwelling located within the settlement boundary of Carlton 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. By virtue of the siting, scale, design and the proposed use of appropriate complementary external materials to ensure a satisfactory appearance, it is considered that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and that of the varied wider street scene. By virtue of the siting, scale, design, separation distances and screening and subject to conditions to control the sill height of the first floor side elevation roof lights and for the fitting of obscure glazing where reasonably necessary, 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 for a minimum of two vehicles would be retained along with more than adequate private amenity space of approximately 320 square metres to serve the existing/resulting three bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM6, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide 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 and Proposed Block Plan Drawing No. 24/50 – 04 received by the local planning authority on 15 July 2024 and Proposed Floor Plans and Proposed Elevations Drawing No. 24/50 – 01g received by the local planning authority on 16 August 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. The materials to be used on the external elevations of the proposed extensions and alterations hereby permitted shall be in accordance with the external materials details submitted on the approved Proposed Elevations Drawing No. 24/50 – 01g received by the local planning authority on 16 August 2024 and within the email from the applicant dated 5 August 2024 namely Wienerberger Oast Russet Sovereign Stock facing bricks, Grey Modern Marley roof tiles, agate grey windows, painted off-white render and natural timber cladding.

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).

4. The proposed roof lights within the southwest and northeast side elevations (facing 77 and 73 Main Street Carlton) and serving bedroom 2, shall have a sill height of a minimum of 1.7 metres above the finished first floor level of the room in accordance with the approved Proposed Elevations Drawing No. 24/50 – 01g received by the local planning authority on 16 August 2024. Once so provided the roof lights shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The first floor dormer window in the northeast side elevation facing 77 Main Street, Carlton shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale as existing and in accordance with the approved Proposed Elevations Drawing No. 24/50 – 01g received by the local planning authority on 16 August 2024. The window shall be permanently maintained as such at all times.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. The property may be suitable for roosting bats, which are protected by law from harm. It is the applicant's responsibility to ensure that bat legislation is not breached, and therefore may need to consult with a licensed bat ecologist prior to commencement to ensure that bats will not be impacted by the works. The applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as all works must cease if bats are found during the course of the works whilst advice from a licensed bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area etc. but may also be present in crevices in stone or brickwork and in cavity walls.