

Delegated Report

Planning Ref: 24/00706/CONDIT

Applicant: Mr William Pope

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 72 Clarence Road Hinckley Leicestershire

Proposal: Application to vary condition 3 (materials) and condition 4 (privacy screen) on application 19/00970/HOU. Amendment to materials to be used on balcony.

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 application seeks to vary condition 3 (materials) and condition 4 (privacy screen) of planning permission 19/00970/HOU for a part retrospective single-storey rear extension, single storey front extension, first-floor balcony and partial rendering of the house.
- 2.2. This application proposes to alter the previously approved balcony materials. The 1.80 metre high privacy panels are proposed to be altered from opaque glazing to solid wood, the posts and handrails are proposed to be altered from metal to timber and the smoked glass balustrades are proposed to be altered to metal spindles.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey detached residential dwelling, situated within the settlement boundary of Hinckley. The application comprises the use of grey render to the walls, brown tiles to the pitched roofs and white uPVC to the windows. To the sites frontage sits a generous hardstanding sufficient to host a parking provision for a minimum of four off street parking spaces.
- 3.2. To the north-east of the site sits 'The Willows' a residential care home and to the south-west of the site sits 70 Clarence Road, a large two-storey detached residential dwelling. To the north-west of the site sits Queen's Park, an open space and recreational facility for community use.
- 3.3. There is a mix of brick and render finished properties along Clarence Road, as well as a wide range of property types and ages, resulting in a considerably mixed line of development.

4. Relevant planning history

02/01113/FUL

- TWO STOREY REAR EXTENSION
- PER
- 18.11.2002

19/00970/HOU

- Part Retrospective single-storey rear extension, single storey front extension, first-floor balcony and partial rendering of the house.
- PER
- 25.11.2019

19/01368/HOU

- Outbuilding annexe (retrospective)
- WDN
- 13.01.2020

20/00089/CLE

- Certificate of Lawful Existing Use for the use of the rear outbuilding as an annexe
- CERTLE
- 23.04.2020

83/00836/4

- EXTENSION TO DWELLING ESTABLISHMENT OF PRE SCHOOL PLAYGROUP FOR 25 CHILDREN
- REF
- 22.11.1983

92/00387/4

- CONSERVATORY TO THE REAR OF THE DWELLING
- PER
- 15.06.1992

88/01281/4

- EXTENSIONS TO FRONT AND REAR OF DETACHED HOUSE
- PER
- 22.11.1988

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 objections have been received.

6. Consultation

- 6.1. HBBC Planning Enforcement:

“A condition requiring the new amended privacy screening for the first floor rear balcony shall be erected and in place within 3 months.”

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

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)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Conditions

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 house extensions.

8.3 This application proposes to alter the previously approved balcony materials. The 1.80 metre high privacy panels are proposed to be altered from opaque glazing to solid wood, the posts and handrails are proposed to be altered from metal to timber and the smoked glass balustrades are proposed to be altered to metal spindles.

8.4 The balcony is not a prominent feature from Clarence Road nor prominent feature when seen from Queens Park. The neighbouring property, 70 Clarence Road, hosts metal railings to the first floor balcony facing to the west and the park, therefore the proposed use of metal spindles would not be an unusual addition to the area. The use of wood is not present nevertheless, the introduction of this material is considered to be a minor addition by way of its scale and positioning.

8.5 No further amendments in relations to the scale of the overall extensions have been made.

8.6 In consideration of the above, the proposal would have no adverse impacts upon the character and appearance of the area. Consequently, the proposal in complies with policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.7 Policy DM10 of the adopted SADMP and the adopted 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.
- 8.8 As the balcony already hosts full planning permission under the original planning permission (reference; 19/00970/HOU) and the alterations are material only, the main consideration is whether revised proposed materials will result in an adverse impact upon the neighbouring dwellings, 70 Clarence Road.
- 8.9 The revised alterations to the scheme would remain to incorporate the addition of a 1.80 metre privacy screen to the south-west retaining the privacy of the application dwelling and 70 Clarence Road. It would noticeably be of alternate materials, nevertheless the introduction of solid timber is not considered to result in a further adverse impact upon, 70 Clarence Road.
- 8.10 The development has been commenced and the balcony (in its structure) has been in situ for some time, yet the privacy screen has not been installed. Given the time that has elapsed and that the balcony has been used without the screen in place, condition 4 has been amended to ensure the privacy screen is put in place within 2 months of the date of this decision. This is to ensure that the development is promptly carried out in accordance with the approved plans and to protect the amenity of the adjacent occupiers.
- 8.11 Overall the proposal would result in a minimal impact on residential amenity to current and future occupiers in compliance with Policy DM10 of the SADMP.

Conditions

- 8.12 The original planning permission (reference; 19/00970/HOU) was issued with 4 conditions.
- 8.13 Condition 1 relates to the commencement of development within three years. The development has commenced and this condition is therefore no longer relevant.
- 8.14 Condition 2 relates to the development being carried out in accordance with the approved plans. This is to be reinstated (now condition 1) and amended in line with new plans submitted as part of this application.
- 8.15 Condition 3 relates to the external materials according with the approved Proposed Elevations and Floor Plans – Drawing No. 02A. This is to be reinstated and amended in line with new plans submitted as part of this application (now condition 2).
- 8.16 Condition 4 relates to the opaque privacy screening being erected before the balcony is first occupied. This is to be reinstated and amended in line with the new materials submitted as part of this application (now condition 3).

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.

10. Conclusion

- 10.1. The proposal is located within the settlement boundary of Hinckley and seeks to vary condition 3 (materials) and condition 4 (privacy screen) of planning permission 19/00970/HOU for a part retrospective single-storey rear extension, single storey front extension, first-floor balcony and partial rendering of the house at 72 Clarence Road, Hinckley, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. For the reasons given in the report above, it is considered that the proposed scheme of alterations would respect the overall scale, character and appearance of the existing dwelling and street scene. The proposals would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties. The proposal is considered to be in accordance with Policies DM1 and DM10 of the adopted SADMP 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan as received by the Local Planning Authority on the 31st July 2024.
- Proposed Plans as received by the Local Planning Authority on the 18th September 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. The materials to be used on the external elevations of the balcony shall consist of solid wood to the privacy panels, wood to the posts and handrail and metal spindles to the balustrades.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The solid timber privacy screen on the balcony hereby approved shall be installed within 2 months of the date of this permission (prior to 6th January 2025), the balcony shall not be used until such a time as the solid timber privacy screen has been erected in accordance with details as provided on the Proposed Plans as received by the Local Planning Authority on the 18th September 2024. Thereafter the privacy screen shall be retained and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of residential amenity and in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 **Notes to applicant**

- a) 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.