

Delegated Report

Planning Ref: 23/00422/HOU
Applicant: Mr Stewart Muscutt
Ward: Hinckley



Hinckley & Bosworth
Borough Council

Site: 132 Stanley Road Hinckley Leicestershire LE10 0HT

Proposal: Single storey rear extension

1. Recommendations

1.1. Refusal of planning permission.

2. Planning application description

2.1. This householder application seeks full planning permission for a single storey rear extension following the removal of an existing wall, 2 metre high fence and hedge that runs along the boundary of the property 132 Stanley Road, Hinckley.

2.2. The proposed rear extension measures 8.2 metres in depth, 3.2 metres in width and a high mono pitched roof with a maximum height of 3.9 metres adjacent to the common boundary. The extension creates a utility room and bathroom and an externally accessed machine room. Materials for the extension includes white uPVC windows and door, slate roof and red facing bricks to match the existing dwelling.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the urban settlement boundary of Hinckley. It is a detached two storey house with dual pitched roof form, constructed with red brick at ground floor level and render to the upper half, white uPVC windows and doors. The front hardstanding area has the capacity to hold three off-street cars. The property is not listed and not in a conservation area.

3.2. Surrounding properties are a mixed of semi-detached, detached, brick and rendered houses of varied form and scales.

4. Relevant planning history

88/00900/4

Extension to existing house for additional living accommodation

Planning permission – 19.09.1988.

12/00390/HOU

Extensions and alterations to dwellings

Planning Permission – 23.07.2012.

12/00138/CLUP

Certificate of proposed development for extensions and alterations to dwelling

Refusal of Certificate of Lawful Proposed Use – 27.04.2012.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. Two representations, one of which is an objection, have been received from neighbours as a result of this publicity. These include:

-Loss of light and overshadowing

-Loss of privacy

-Loss of hedge will impact the appearance of the area

-Overlooking into neighbour's gardens

6. Consultation

6.1. None required.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- 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 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 parking provision

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 and states that:

'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.'

8.3. The proposed rear extension measures 8.2 metres in depth, 3.2 metres in width and a high mono pitched roof with a maximum height of 3.9 metres. This is more than 50% of the depth of the original dwelling. The highest part of the extension exceeds the height of the existing windowsill on the first floor rear elevation. Materials for the extension are considered appropriate.

- 8.4 Although the proposed extension is comparatively large it is considered to be a subordinate addition to the existing dwelling. By virtue of its scale, mass and overall design, the proposal does not result in a significant adverse visual impact on the existing dwelling or wider character of the area. The proposal is not considered to be unacceptable in design terms or to significantly fail to respect or complement the scale, character and appearance of the existing dwelling and surrounding area. As such it is therefore considered to accord with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide with regard to its impact on the character of the site and surrounding area.

Impact upon neighbouring residential amenity

- 8.5 Policy DM10 of the adopted SADMP and the adopted Good Design Guide require that development should not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings. The 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.'

- 8.6 The National Planning Policy Framework (2021) states at paragraph 126 that good design is a key aspect of sustainable development that it creates better places in which to live and work and that it helps make development acceptable to communities. Paragraph 129 states that design guides carry weight in decision-making. Paragraph 130 states that planning decisions should ensure that developments are visually attractive. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account local design guidance.
- 8.7 The proposed extension creates an overall depth of the building of approximately 18 metres on this side of the dwelling. The existing fence joins the brick wall at the rear, so the removal of the fence, wall and hedges is replaced by the single storey extension on the boundary line. At 3.9 metres the proposed blank brick elevation is unusually high, given that it is a single storey extension, and is considered to have a significant overbearing impact on 130 Stanley Road and its rear garden.
- 8.8 It is acknowledged that there is an approximately 1.8m gap between the extension and the main dwelling at 130 Stanley Road, however as a result of its depth, position, height and roof design the proposed extension has a significant detrimental effect upon the residential amenity of the occupiers of 130 Stanley Road both in terms of the loss of light to the neighbours' habitable room closest to the proposed extension as well as in terms of an overbearing effect on the use of the rear garden.
- 8.9 By virtue of the above, it is considered that the proposal results in a significant adverse impact on the adjoining residential amenity and therefore is not in accordance with Policy DM10 of the adopted SADMP or the requirements of the NPPF.

Impact upon highway safety

- 8.10 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.11 There are currently three off-street car parking spaces to the front of the dwellinghouse. The proposal does not add additional bedroom and there is no impact on the existing parking provision. The application dwelling is located in a highly sustainable urban location with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal is in accordance with Policy DM18 of the adopted SADMP and the Leicestershire Highway Design Guide.

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 The equality implications arising from this application relate to the protected characteristics of a family member of the applicant who has health impairment, and the accommodation needs of the occupiers have been taken into consideration in the assessment of this application in relation to Policy DM10 of the adopted SADMP and the design guidance within the National Planning Policy Framework (2021).
- 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 is for an extension and alteration to an existing dwelling within the urban settlement boundary of Hinckley 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. Officers have expressed their concerns regarding the effect of the proposed development and have sought amendments. The Applicant has declined to make any amendments to the size or detailed design of the proposed extension.
- 10.3. As a result it is considered that by virtue of its position, height, depth, and overall design, the proposal results in significant adverse impacts on the residential amenity of the neighbouring property at 130 Stanley Road. The proposal is not in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted

Good Design Guide or the requirements of the National Planning Policy Framework (2021).

11. Recommendation

11.1 Refusal of planning permission for the following reason:

By virtue of its siting, height, depth, and overall design the proposal would result in significant adverse impacts on the residential amenity of the occupiers of 130 Stanley Road as a result of loss of light to a habitable room and as a result of the overbearing effect on their rear garden. The proposal is therefore considered be contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the adopted Good Design Guide Supplementary Planning Document (2020) and the overarching principles of the National Planning Policy Framework (2021) with particular reference to Section 12 and paragraphs 126 and 134.

11.2 Notes to applicant

1. The application has been determined in accordance with the following submitted details:

- Block Plan – Drg No.2 (submitted 18.08.2023)
- Site Location Plan (submitted 06.06.2023)
- Floor Plan, Elevations (submitted 06.06.2023)
- Proposed Floor Plan (submitted 06.06.2023)