

Delegated Report

Planning Ref: 23/01153/HOU

Applicant: Mr Gardiner

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 122 Station Road Market Bosworth Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Two storey rear extension

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 to a dwelling, 122 Station Road, Market Bosworth.

2.2. The proposed rear extension would extend across the full 6 metres width of the rear elevation and along the side boundary with the adjoining semi-detached dwelling to a depth of 3 metres at ground floor. The first floor would be set off the side boundary by 1.3 metres and have a width of 4.7 metres to be flush with the other side elevation and would extend for a depth of 2.3 metres with a central feature window with an additional depth of 0.6 metres. The two storey section would have a dual pitched roof with rear gable with matching 5.1 metres eaves height as the main roof and a subordinate ridge height of 6.5 metres. A lean-to roof with an eaves height of 2.7 metres and maximum height of 3.6 metres would extend over the remainder of the ground floor accommodation. The proposal would have a contrasting contemporary design with extensive glazing to both the ground and first floor rear elevation including wide bi-fold doors with soldier brick headers at ground floor and a feature glazed window at first floor. Matching corresponding external materials are proposed in the construction.

2.3. Amended plans have been submitted to define the extent of the residential curtilage of the application dwelling following the previous subdivision of the larger plot for an access/service road and new dwelling on a separate land plot to the rear. By virtue of the nature of the amendment, no re-consultation is considered to be necessary or has been undertaken.

3. Description of the site and surrounding area

3.1. The application dwelling is located within the settlement boundary of Market Bosworth in a residential area and is set back from the highway. It is a traditionally styled semi-detached two storey house with hipped roof form and central shared brick chimney stack. It has a ground floor bay window to the front elevation and small lean-to canopy roof above the front door. It has a small single storey store with lean-to roof attached to the rear elevation which would be demolished. The dwelling is constructed predominantly of plain red facing bricks but with cream rendered panels at first floor to the front and side elevations with red brick quoin detailing and red brick soldier headers above windows, small red plain clay roof tiles and white uPVC windows. There is off-street parking space for between two to four cars on the 5.5 metres wide and 11 metres long loose stone surfaced site frontage. The retained 23.5 metres long rear garden provides approximately 115 square metres of amenity space.

- 3.2. The application dwelling lies between a row of much larger individually designed and more modern two storey dwellings to the east and a row of similarly scaled traditionally styled hipped roof semi-detached dwellings to the west, many of which have been extended or altered in various forms. There is a separate building plot with planning permission allowed on appeal for a detached single storey dwelling to the rear of the application site and school playing fields beyond to the north.

4. Relevant planning history

22/00025/PP

- Single dwelling with associated garaging, landscaping and alterations to existing access
- Appeal Allowed
- 16.01.2023

21/00439/FUL

- Single dwelling with associated garaging, landscaping and alterations to existing access
- Refused
- 30.05.2022

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. Responses from two separate addresses have been received as a result of public consultation. These object to the proposals on the following grounds:
- 1) Loss of light and vista from this and other neighbouring development
 - 2) Impact on quality of life from this and other neighbouring development
 - 3) Noise and disturbance during construction from this and other neighbouring development
 - 4) Misleading site plans which omit other development approved to the rear and its access road to the side
 - 5) Potential reduction in access road width
 - 6) Extension too large for the reduced site

6. Consultation

- 6.1. Market Bosworth Parish Council object to the proposals on the following grounds:
- 1) Excessive in bulk and scale and would be overdevelopment of the site
 - 2) Overbearing on adjoining semi-detached property, might block light
 - 3) Does not match in style, poor relationship in appearance and amenity value

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026 (2015)
- Policy CE1: Character and Environment
- 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 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 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 CE1a of the 'made' MBNP requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. The application dwelling is identified as lying within Character Area D: Suburban Residential in the MBNP. Policy CE1b of the 'made' MBNP states that any new development within Character Area D should pay particular regard to existing rooflines.

8.3 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.'

8.4 An objection has been received relating to the submitted site plans being misleading due to the reduction in size of the original plot to enable separate development of a new dwelling with planning permission to be undertaken to the rear and with access to the side and a potential reduction in the width of the access. However, amended plans have been submitted to redefine the extent of the residential curtilage of the application dwelling following the previous subdivision of the larger plot to satisfactorily address this issue. The proposal would have no significant impact on the width of the approved access road to the new dwelling which would remain at 3.75 metres as previously approved.

8.5 Objections have also been received on the grounds that the proposal would be excessive in bulk and scale and would be overdevelopment of the site and that the

style of the extension does not match the existing dwelling resulting in a poor relationship in appearance and amenity value.

- 8.6 The proposed rear extension would extend across the full 6 metres width of the rear elevation at ground floor height, not unlike many rear elevation extensions and would extend along the side boundary with the adjoining semi-detached dwelling to an appropriate depth of 3 metres. The first floor would be set off the side boundary by 1.3 metres and have a width of only 4.7 metres to be flush with the other side elevation and would extend for a depth of only 2.3 metres. The two storey section would have a dual pitched roof to the same pitch as the main roof and form a rear gable with matching 5.1 metres eaves height as the main roof and a clearly subordinate ridge height of 6.5 metres. A subordinate lean-to roof with an eaves height of 2.7 metres and maximum height of 3.6 metres would extend over the remainder of the ground floor accommodation. Rather than being excessive in either bulk or scale, by virtue of its appropriate width, depth and height, the proposal would appear as a clearly subordinate addition to the existing dwelling. It would also retain approximately 115 square metres of amenity space to serve the existing/resulting three bedroomed dwelling which would be well in excess of the 80 square metres suggested as being acceptable for a dwelling of this size within the adopted Good Design Guide. Therefore, the proposal would not result in any overdevelopment of the site.
- 8.7 The application dwelling has a traditional style with ground floor front bay, and red brick quoins to the first floor. The proposal would have a contrasting contemporary design with extensive glazing including wide bi-fold doors at ground floor and a feature glazed window at first floor. The proposed fenestration reflects the more contemporary design and style of the extension and is considered to be appropriate in its proportions and design. In addition, notwithstanding this contrast, the proposal would be constructed entirely to the rear where it would not be prominent in, or have any significant adverse visual impacts on, the street scene or surrounding area.
- 8.8 Notwithstanding the objections received, by virtue of the siting, scale, footprint, design and subject to the proposed use of matching corresponding external materials in its construction to ensure a satisfactory and unified appearance, it is considered that the proposed extension and alteration would respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts upon the street scene or surrounding area. The proposal is therefore considered to be in general accordance with Policy CE1 of the 'made' MBNP, 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.
- 8.10 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.'

- 8.11 Objections have been received on the grounds that the proposal would have an overbearing impact on the adjoining dwelling and result in a loss of light and vista.
- 8.12 The proposed rear extension would extend only 3 metres in depth from the main rear elevation along the common boundary with the adjoining dwelling (No. 124). Whilst this would extend beyond a 45 degree line drawn from the nearest ground floor window in the rear north facing elevation of the neighbouring dwelling, this would be at only single storey height with a roof sloping away from the boundary and the window appears to serve a ground floor bathroom rather than a principal habitable room. The proposed first floor would be set in by 1.3 metres from the common boundary and would extend for only 2.3 metres in depth from the rear elevation and therefore would not extend beyond a 45 degree line drawn from the nearest ground or first floor windows in the rear north facing elevation of No. 124. By virtue of the modest depth, separation distance and north facing aspect, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing/loss of light impacts on the occupiers of No. 124.
- 8.13 There are no windows proposed that would result in any loss of privacy to any neighbouring occupiers from direct overlooking with the proposed new side facing rooflights being at high level and the new first floor side elevation bathroom window facing the blank rear elevation of the neighbouring garage across an access road rather than facing any sensitive private areas. The proposed new first floor window in the rear elevation would be 23 metres from the rear boundary of the site to the development plot at the rear which would be more than adequate to mitigate any potential overlooking to the new dwelling.
- 8.14 Noise and disturbance during construction from this and other neighbouring development is temporary in nature and would not result in any permanent or long term adverse impacts on the residential amenity of the occupiers of neighbouring dwellings or provide a sustainable planning reason to refuse the application. Excessive or unsociable noise and disturbance is controlled by separate environmental legislation.
- 8.15 Notwithstanding the objections received, by virtue of its siting, scale, design and separation distances, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on the residential amenity of, or any significant loss of privacy from direct overlooking to, the occupiers of the adjoining dwelling or any other neighbouring properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.16 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.17 The proposed two storey rear extension would not result in an increase in the number of bedrooms to the dwelling which would remain at three but would provide a relocated bathroom at first floor. The proposal would not impact on the existing available off-street parking provision of between two to four spaces on the 5.5 metres wide and 11 metres deep loose stone surfaced site frontage. The existing/retained level of provision would remain adequate to serve the existing/resulting three bedroomed dwelling. The proposals would therefore be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guidance standards.

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 is for an extension and alterations to an existing dwelling within the settlement boundary of Market Bosworth 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, scale, design and proposed use of matching corresponding external materials to ensure a unified appearance, the proposal is considered to respect and complement the scale, character and appearance of the existing dwelling and would have no significant adverse visual impacts on the street scene or surrounding area or result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate off-street parking for a minimum of two cars and private amenity space of approximately 115 square metres would be retained within the site to serve the resulting three bedroomed dwelling. The proposal is considered to be in general accordance with Policy CE1 of the 'made' MBNP, Policies DM1, DM10 and DM18 of the adopted SADMP and the principles of the adopted Good Design Guide 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: Location Plan and Proposed Site Plan Drawing No. 23 97 05 Rev B and Proposed Floor Plans and Elevations Drawing No. 23 97 03 Rev C received by the local planning authority on 25 January 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 extension and alteration hereby permitted shall be in accordance with the external materials details submitted on the approved Proposed Elevations Drawing No. 23 97 03 Rev C received by the local planning authority on 25 January 2024 and shall match the corresponding materials of the existing dwelling where stated.

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).

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.