

Delegated Report

Planning Ref: 23/01013/HOU
Applicant: Mr and Mrs Gamble
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 26 Maryland Close Barwell Leicestershire

Proposal: Single storey side and rear extension (following the demolition of existing 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 the construction of a single storey rear and side extension to a dwelling, 26 Maryland Close, Barwell.
- 2.2. The proposed single storey rear/side extension would measure 7.1 metres in total width and extend 5 metres in depth across the rear elevation of the dwelling. It would wrap around the rear corner with an additional depth of approximately 4 metres and at a width of 1.5 metres to abut the rear of an existing car port with lean-to roof attached to the side elevation that is to be modified and part retained. The proposed extension would have a flat/parapet roof design to a height of 3 metres with two concealed rooflights. A narrow diameter log-burner flue would extend 0.8 metres above the parapet wall in the rear southeast corner. The proposal would replace an existing conservatory with lean-to roof attached to the rear elevation of the dwelling.
- 2.3. Contrasting external materials with white/off-white smooth render to external walls and dark grey powder coated aluminium windows and doors are proposed, with existing fenestration proposed to be spray painted to match these.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barwell on the edge of a large residential estate and at the end of a small cul-de-sac. It is a semi-detached two storey house with gable sided roof form, a car port with lean to roof attached to the side elevation and a conservatory with lean-to roof attached to the rear elevation. It is constructed of red multi facing bricks, grey concrete interlocking roof tiles and white uPVC windows. The site frontage is entirely hard surfaced in block paving and provides a minimum of two off-street parking spaces. The rear garden is enclosed by solid close boarded timber fencing of either 2 metres (to public open space) or 1.6 metres in height with trellis atop (to neighbouring garden).
- 3.2. Neighbouring development comprises similarly styled and designed semi-detached and detached two storey houses of red brick and grey concrete roof tile construction with either white or dark brown uPVC windows. There are large scale industrial/commercial units on an industrial estate to the south and an area of public open space to the west with open agricultural fields beyond.

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

6. Consultation

- 6.1. No objection has been received from Barwell Parish Council.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2006-2026 (2014)
 - No relevant policies
 - 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 to existing dwellings 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:

'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,

'Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.'

8.3 Notwithstanding its 7.1 metres width and 5 metres depth, by virtue of its appropriate single storey scale and 3 metres height, the proposed rear/side extension would still appear as a clearly subordinate addition to the existing dwelling. Notwithstanding its flat roof design and being located where it would be publicly visible from the adjacent open space, by virtue of its discreet siting to the rear of the dwelling and modified car port where it would not be an overly prominent feature in any street scene, it is considered that the proposal would have no significant or unacceptable adverse visual impact on the application dwelling or surrounding area. By virtue of its siting to the rear, single storey scale and contemporary flat roof design, the proposed use of contrasting external materials of white/off-white rendered walls in its construction is also considered to be acceptable in this case as together with the larger proportioned fenestration this would reflect that overall contemporary design. All proposed and existing windows/doors are to be finished in dark grey to provide some uniformity to the overall appearance.

8.4 Notwithstanding the proposed use of contrasting render materials to the external walls, by virtue of its siting, scale and contemporary design, it is considered that the proposed rear/side extension would nevertheless respect and complement the scale, character and appearance of the existing dwelling and would have no significant or unacceptable adverse visual impacts on the character or appearance of the street scene or surrounding area. The proposal is therefore considered to be acceptable in design terms and in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

8.5 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 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 proposed single storey rear extension would extend for a depth of 5 metres just inside the side boundary with the adjoining dwelling (No. 28). By virtue of this depth, the proposal would extend beyond a 45 degree line drawn from the centre point of the nearest ground floor rear elevation window of No. 28. However, notwithstanding this, the nearest window serves a galley kitchen area rather than a more sensitive seated area. By virtue of the nature of the window and the single storey scale of the proposal and its flat roof design to a height of only 3 metres, it is considered that the proposal would not result in any significant or unacceptable adverse overbearing or overshadowing impacts on the neighbouring window or rear garden of No. 28. This view was reinforced during the site visit when the neighbouring occupier confirmed verbally that he had no objection to the proposal. There are no windows proposed in the side elevation facing No. 28 and therefore the proposal would not result in

any loss of privacy to the neighbouring occupiers from direct overlooking. There are no other neighbouring dwellings that would be affected by the proposal.

- 8.7 By virtue of its siting, scale, design and relationship to neighbouring dwellings, it is considered that the proposal would not result in any significant or unacceptable adverse impacts on the privacy or residential amenity of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide. No objections to the proposal have been received from the occupiers of any neighbouring properties. The occupier of the adjoining semi-detached house confirmed verbally that he had no objections to the proposals during the site visit.

Impact upon parking provision

- 8.8 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.9 The proposal does not result in the creation of any additional bedrooms. The site frontage is hard surfaced in block paving and provides a minimum of two off-street parking spaces to serve the existing/resulting three bedroomed dwelling in accordance with the local highway authority design guide standards and this provision would be unaffected. This level of provision is considered to remain adequate to serve the existing/resulting three bedroomed dwelling in this urban location with easy access to a full range of services and facilities available by alternative and more sustainable transport means. The proposal 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 to an existing dwelling within the settlement boundary of Barwell 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 proposed use of contrasting external materials, by virtue of its discreet siting, single storey subordinate scale and contemporary flat roof design, it is considered that the proposed rear/side extension would nevertheless respect and complement the scale, character and appearance of the existing dwelling and would have no significant or unacceptable adverse visual impacts on the character or appearance of the street scene or surrounding area. Notwithstanding its depth, by virtue of its siting, scale, design and relationship to neighbouring dwellings, it is considered that the proposal would not result in any significant or unacceptable adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring properties. Adequate off-street parking for at least two vehicles and private amenity space of approximately 80 square metres would be retained within the site to serve the existing/resulting three bedroomed dwelling in accordance with design guidance. The proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the local highway authority 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: Site Location Plan, Proposed Ground Floor Plan, Proposed Roof Plan and Proposed Elevations Drawing No. 323/MAR/23/001 Rev. C received by the local planning authority on 15 December 2023.

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 shall be in accordance with the external materials details provided within the Planning Application form and as submitted on the approved Proposed Elevations Drawing No. 323/MAR/23/001 Rev. C received by the local planning authority on 15 December 2023.

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.