

Delegated Report

Planning Ref: 23/00963/HOU
Applicant: Mrs Gayle Vann
Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: 1 Norwood Close Hinckley Leicestershire

Proposal: First floor side and rear extension and alterations to dwelling

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 first floor side and rear extension to a dwelling, 1 Norwood Close, Hinckley.
- 2.2. The amended proposed first floor side/rear extension would extend over an existing single storey side extension and part of a single storey rear extension. The side extension would be flush with the existing front elevation and extend 2.7 metres in width and a total of 11.4 metres in depth, including 2.7 metres beyond the existing first floor rear elevation. It would extend 8.7 metres in width across the entire rear elevation of the dwelling to be flush with the opposite side elevation. The first floor side extension would have a dual pitched roof forming a side gable fully flush with the existing main roof gable with the same 5 metres eaves height and 7.7 metres ridge height and roof pitch. The proposed first floor rear extension would have a dual pitched roof form with full width rear elevation gable with the same 5 metres eaves height and 7.7 metres ridge height as the existing main roof of the dwelling. The remaining depth of the existing single storey rear extension would have a lean-to roof form. The amended scheme proposes the use of matching corresponding external materials in the construction.
- 2.3. Amended plans have been received to address issues of scale, character and appearance raised by the planning case officer in respect of the initial plans submitted. Re-consultation on the amended plans has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Hinckley on a large residential estate and on a prominent corner plot. It is a detached two storey house with gable sided main roof form. A single storey side and rear extension with a hipped/lean-to roof extends part way along the side elevation and wraps around the rear elevation for its full width. The dwelling is constructed with red/brown facing brick, grey concrete interlocking roof tiles and white uPVC windows. The site currently provides three off-street car parking spaces on the 6.5 metres deep and up to 12 metres wide fully block paved site frontage. The rear garden is enclosed by 2 metres high close boarded timber fencing.
- 3.2. The surrounding area is characterised by predominantly two storey dwellings of similar style and appearance but with some variation in designs as is found on most contemporaneously constructed residential estates.

4. Relevant planning history

19/00207/HOU

- Single storey side and rear extension
- Permitted
- 23.04.2019

07/00367/FUL

- Erection of wall and fence
- Permitted
- 12.07.2007

80/01434/4

- Erection of a new porch and wc
- Permitted
- 11.11.1980

5. Publicity

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

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

6. Consultation

6.1. No other consultations necessary or undertaken.

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) (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 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:

'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.'

- 8.3 The amended proposed first floor side/rear extension would extend over an existing single storey side extension and part of the depth of a single storey rear extension that already wraps around the side and rear elevation. The proposed side extension would be flush with the existing front elevation rather than having a set back and would have a fully flush dual pitched gable sided roof form with matching 5 metres eaves height and 7.7 metres ridge height and pitch as the existing main roof of the dwelling rather than being subordinate in height as required by the adopted Good Design Guide. Notwithstanding this conflict, it is considered that a set back and subordinate height for the first floor side extension is not critical in design terms in this particular case as the dwelling occupies a corner plot where there is no potential for terracing and by virtue of its subordinate 2.7 metres width of less than half the 6 metres width of the original dwelling, the proposal would result in a well-balanced design to the front elevation with appropriately proportioned fenestration that is not significantly dissimilar to that of other two storey dwellings within the wider estate.
- 8.4 The amended proposed first floor side/rear extension would extend to a total depth of 11.4 metres, including a not inappropriate depth of 2.7 metres beyond the main/original first floor rear elevation. It would extend 8.7 metres in width across the entire rear elevation of the dwelling to be flush with the opposite side elevation. The rear elevation would have a dual pitched roof form with full width rear elevation gable with the same 5 metres eaves height and 7.7 metres ridge height as the existing main roof of the dwelling. The amended design includes appropriately proportioned fenestration, including new first floor side elevation windows to provide some visual interest and break up the expanse of new brickwork. Notwithstanding its fully flush depth, width and height, in this particular case, it is considered that the overall scale and design of the amended proposal would not be significantly out of scale with development in the surrounding area and would not be inappropriate for this prominent corner plot.
- 8.5 By virtue of its two storey height, the proposal would have a greater visual presence within the Portland Drive street scene, however, notwithstanding this, by virtue of it being set in from the side highway boundary by between 3.5 and 4 metres, it is considered that the proposal would not be an overly visually prominent feature or

result in any significant adverse visual impacts on the surrounding area. The amended scheme also proposes the use of matching corresponding external materials in the construction which would ensure a satisfactory and unified appearance that would reflect that of neighbouring development.

- 8.6 Notwithstanding the degree of conflict identified with the adopted Good Design Guide, by virtue of the siting, amended scale and amended design and subject to the proposed use of matching corresponding external materials in the construction to ensure a satisfactory and unified appearance, it is considered that the amended proposal would nevertheless respect the scale, detached character and appearance of the existing dwelling and would not result in any significant adverse visual impacts upon the character or appearance of the wider street scene or surrounding area. The amended proposal is therefore considered to be acceptable and in accordance with Policy DM10 of the adopted SADMP and some of the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.7 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.' The Guide also suggests that a minimum rear garden length of 7 metres and a minimum back to back separation distance between principal habitable room windows of 21 metres should be maintained.

- 8.8 The adjacent neighbouring dwelling to the southwest (No. 2) is a similarly designed and styled two storey detached house that is set in from the side boundary with the application dwelling by approximately 3 metres with a driveway between leading to a flat roofed garage set back to its side and rear. It is constructed on a similar front building line as the application dwelling and has a single storey rear extension with lean-to roof extending across its entire rear elevation to a depth of approximately 3 metres beyond its main rear elevation, the same as the garage.
- 8.9 By virtue of the modest 2.7 metres depth of the proposed first floor rear extension and separation distance of approximately 3 metres to the main side elevation of No. 2, the proposal would not extend beyond a 45 degree line drawn from any of the principal habitable room windows in the rear elevation of either the ground floor or first floor of No. 2 or result in any significant adverse overbearing or overshadowing impacts on the neighbouring dwelling. No windows are proposed in the rear side elevation of the proposal facing No. 2 and therefore the proposal would not result in any adverse impacts on the privacy or amenity of the neighbouring occupiers of No. 2 from any potential direct overlooking.
- 8.10 The new first floor bedroom windows in the rear elevation of the proposed rear extension would be set in from the rear garden boundary by approximately 10.5 metres, 3.5 metres greater than suggested and considered to be acceptable by the adopted Good Design Guide. They would also be partially offset from, and at approximately 20.5 metres only very marginally under the 21 metres separation

distance suggested and considered to be acceptable to the principal habitable room windows in the main rear elevation of the neighbouring dwelling to the rear, 56 Portland Drive. Therefore, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts or significant loss of privacy to the occupiers of No. 56 Portland Drive.

- 8.11 By virtue of the siting, amended scale, amended design and separation distances, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy to the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide. No objections to either the original or amended proposal have been received from the occupiers of any neighbouring properties.

Impact upon parking provision

- 8.12 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.13 The proposal would increase the size of three of the four existing bedrooms and provide additional en-suite facilities rather than increase the total number of bedrooms within the dwelling. In addition, the proposal would not result in any significant loss of space within the site frontage or adversely impact the existing three off-street parking spaces that would be retained on the existing block paved hard standing on the 6.5 metres deep and up to 12 metres wide site frontage. This level of provision would remain adequate to serve the existing/resulting four bedroomed dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal would therefore be in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance which seeks three off-street parking spaces to serve a four bedroomed dwelling.

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 are for extension and alterations to an existing dwelling located 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. Notwithstanding the degree of conflict identified with the adopted Good Design Guide, by virtue of the siting, amended scale and amended design and subject to the proposed use of matching corresponding external materials in the construction to ensure a unified appearance, it is considered that the amended proposal would nevertheless respect the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts upon the character or appearance of the wider street scene or surrounding area. By virtue of the siting, scale, design and separation distances, the proposal would not result in any significant adverse impacts on the privacy or residential amenity of any neighbouring properties. Adequate private amenity space of approximately 160 square metres and three off-street parking spaces would be retained within the site. Overall, the proposal is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and some of the general 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 Ref No. TQRQM23264112220192 and Proposed Block Plan Drawing No. 2323-02 received by the local planning authority on 3 October 2023 and Proposed First Floor Plan Drawing No. 2323-05 (Option 2) and Proposed Elevations Drawing No. 2323-06 (Option 2) received by the local planning authority on 5 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 alterations hereby permitted shall match the corresponding materials of the existing dwelling as submitted on the approved Proposed Elevations Drawing No. 2323-06 (Option 2) received by the local planning authority on 5 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.