

Delegated Report

Planning Ref: 24/00489/CONDIT

Applicant: Mr Khanna

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 77A Edward Street Hinckley Leicestershire

Proposal: Variation of condition 2 (approved plans) 21/00939/FUL

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.
- 2.2. In this case, planning permission for application 21/00939/FUL granted full planning permission for extension of the building to create/enlarge a single four bedrooomed dwelling. The host property is currently used as two residential flats, which are subdivided over two floors.
- 2.3. The approved two storey side extension provides a garage/store with bedroom above. The approved single storey rear extension (under a mono pitch roof) would require the demolition of the existing two storey rear extension (under a flat roof). This element the approved design would span the width of the host property's rear elevation and also adjoin the lower rear elevation of the approved two storey side elevation.
- 2.4. This application seeks permission for the variation of the condition 2 (approved plans) of application 21/00939/FUL, whereby the design and layout of the approved details are proposed to be amended. Furthermore, due to the reduction in the approved extensions floorspace, 3 bedrooms are now proposed to be provided (within a single dwelling) within the property's existing first floor.
- 2.5. This application proposes that the existing two storey element rear extension (under a flat roof) is retained and a single storey rear extension under a mono-pitch roof (3.1 metres depth by 5.8 metres width, 3.5 metre height, 2.2 metre lowest eaves height) is constructed within the "dog-leg" space between the existing two storey rear extension and the adjoining dwelling's boundary. As a consequence, the previously proposed single storey rear extension is omitted from the proposal. This extension will create an enlarged kitchen/diner space (including inter-connection to the existing rear extension with demolition of its lower side (north) wall) to serve the proposed conversion of the existing two flats into a single dwellinghouse.
- 2.6. This application also proposes the omission of the previously approved two storey side extension. Furthermore the approved mono-pitch canopy to be erected above the existing lower front window and entrance porch has been omitted from this amended proposal.

3. Description of the site and surrounding area

- 3.1. 77 Edward Street is a two storey semi-detached property (brick built and partially rendered) under a tiled duo pitch roof. The property is currently converted into two residential flats (subdivided over two floors). The property sits upon a linear avenue in a mainly residential area and is surrounded by dwellings similar age and style of buildings (early to mid 20C). There is an existing vehicular access and off street parking for one car.

4. Relevant planning history

21/00939/FUL

- Demolition of existing two storey flat roofed rear extension and erection of a two storey side and single storey rear extension to facilitate the conversion of two flats into a single family dwellinghouse
- Approved
- 16.11.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No responses received.

6. Consultation

- 6.1. None
- 6.2. No third party responses received

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (Dec 2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide (2022)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area

- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The site is within Hinckley in a residential area. The proposal is for the extension of an existing residential property which appears to have originally been built as a single dwelling in the early 20th century but has been subdivided into two residential flats. The proposal includes its reversion to a single family dwelling. There are therefore no objections in principle to the proposal as it represents sustainable development, subject to consideration of the detailed impacts below.

Design and Impact upon the character of the area

- 8.5 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.6 The Good Design Guide SPD outlines that extensions should be subordinate to the main dwelling and be an appropriate height, width, depth and complement the detailing and materials of the existing building. It also provides guidance on the assessment of residential amenity.
- 8.7 The proposed single storey rear extension is subservient to the scale of the host property and is of a design that is sympathetic to the host dwelling. Furthermore, by virtue of its siting at the rear of the property, the proposal cannot be viewed from the surrounding streetscene and will not introduce an incongruous feature that will harm its character.
- 8.8 Overall, the proposed additions and alterations enhance the appearance of the building and the character of the area and therefore accord with Policy DM10 of the SADMP and advice within the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers

of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.10 The proposed single storey rear extension's flank wall (north) will be sited 0.3 metres from the common boundary shared with the adjoining neighbour (No.79), however, its depth will not intersect a 45 degree splayline drawn from the centre of the adjoining neighbour's closest ground floor window that serves a habitable room. Furthermore, given its siting, height and scale the proposal will not introduce and overbearing feature upon the neighbouring property's area of rear amenity space most enjoyed by its occupants.
- 8.11 The proposed rear extension will otherwise not introduce any window openings that will overlook neighbouring dwellings living space windows or directly overlook rear amenity space most enjoyed by its occupants.
- 8.12 Therefore, the proposed development accords with Policy DM10 of the SADMP as it safeguards residential amenity and the recommendations of the Good Design Guide.

Impact upon highway safety

- 8.13 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 115 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.14 At present there is a dropped kerb and double gates sited at the front of the property, although the width of the area to the side of the building is restricted so that a modern car may be difficult to park there. Furthermore, in comparison to the previous approval, The LHDG recommends 2 off-street parking spaces are provided for a three bedroomed dwelling as opposed to three for a four bedroom dwelling.
- 8.15 In consideration this application proposes an amended design, whereby the previously approved two storey side extension has been omitted from this proposal, the proposal site would be able to accommodate at least two vehicles at the side of the property (upon the existing hardstanding area). Furthermore, the removal of the front wall and gates would make access with a vehicle to the frontage of the property easier and more likely. Moreover, a single family dwelling is not likely to generate significantly more traffic than two flats, (together with its location close to the town centre). Therefore, it is considered that the proposed development would not have a severe impact on the adjoining highway and its safety of its users.
- 8.16 As imposed upon the previous approval, notwithstanding a condition proposed restricting the erection of gates at the access, for the above considerations, this amended proposal is acceptable in terms of highway safety and off street parking and complies with Policies DM17 and DM18 of the SADMP and advice in the NPPF.

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 proposed development is acceptable in principle as a continued residential use and is acceptable in design terms as it would complement and enhance the character of the area. It would not have an adverse impact on neighbouring residential amenity or highway safety. The proposal therefore complies with Policies DM10, DM17 and DM18 of the SADMP, advice within the NPPF and the Good Design Guide.

11. Recommendation

11.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

- 11.1 Planning permission 21/00939/FUL was subject to 4 conditions. Notwithstanding changes to proposed design amendments to the details previously approved under condition 2, the same conditions apply and are relevant to this application. No further conditions are considered to be necessary.

1. The development hereby permitted shall be begun before 16 November 2024.

Reason: To comply with the timescale of the original permission 21/00939/FUL and 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:

Drg No's (All received by the local planning authority May 17th 2024):

2024/05/103, page 10: Site Location Plan,
2024/05/103, page 9: Proposed Block Plan,
2024/05/103, page 3: Ground Floor Plan (Proposed),
2024/05/103, page 4: First Floor Plan (Proposed),
2024/05/103, page 5: Roof Plan (Proposed),
2024/05/103, Page 6: Side Elevation- North (Proposed),
2024/05/103, page 7: Side Elevation- South (Proposed),

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 match the corresponding materials of the existing dwelling.

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).

4. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2023).

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.