

Delegated Report

Planning Ref: 24/01000/HOU
Applicant: Ryan Coventry
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 6 St Marys Gardens Barwell Leicestershire

Proposal: Erection of raised decking to rear garden, storage unit and associated works (retrospective)

1. Recommendations

- 1.1. **Refuse retrospective planning permission** for the reasons at the end of this report

2. Planning application description

- 2.1. This householder application seeks retrospective planning permission for the erection of a raised timber decking area on timber stilts, timber storage/garden room and associated works to the rear garden of a dwelling, 6 St Marys Gardens, Barwell. The raised decking is used for outdoor seating and barbeque area and the garden room/store as a gym and ancillary storage.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located outside of the settlement boundary of Barwell but within a small infill residential cul-de-sac on the edge of the settlement. It is a two storey detached house with rectangular footprint and gable sided roof form. It occupies a higher ground level than the fields within the countryside to the south. There are similar dwellings on a similar ground level either side to the west and east. The row of four dwellings on the southern edge of the cul-de-sac were constructed with split level but shallow rear gardens enclosed by perimeter timber fencing and with steeply sloping land of limited practical use outside of that fencing extending down to the adjacent field.
- 3.2. Additional stepped timber decking areas have been constructed on terraced levels within the rear garden extending out from the patio beyond the originally erected fencing and extending down the steeply sloping land. These include various platforms and are enclosed by timber fencing/balustrade. They are supported by a number of timber stilts of up to 1.8 metres in height at the rear boundary, reducing in height up the slope towards the dwelling. A timber garden room/store with three glazed bi-fold doors, a footprint of approximately 3 metres by approximately 2.5 metres and a low profile monopitch roof of approximately 2.4 metres in height has been erected on the lowest terrace adjacent to the rear boundary of the applicant's land ownership. It extends to a height of approximately 4.2 metres above the ground level of the adjacent field.

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 to the application have been received as a result of public consultation.

6. Consultation

- 6.1. No response to the application has been received from Barwell Parish Council.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAA) 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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Extensions and alterations to existing domestic properties 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 and appearance of the area and adjacent countryside
- Impact upon neighbouring residential amenity

Design and impact upon the character and appearance of the area and adjacent countryside

- 8.2 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Development within the countryside will be considered sustainable where, (amongst other forms of development), the proposal involves the extension of existing buildings which lead to the enhancement of the immediate setting and where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 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 and 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 various forms of house extensions.

- 8.4 Section 12 of the National Planning Policy Framework (2024) in paragraph 131 states that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 135 seeks to ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and are sympathetic to local character including surrounding built environment and landscape setting. Paragraph 139 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 any local design guidance and supplementary planning documents such as design guides.'*
- 8.5 The application dwelling occupies a significantly higher ground level than the fields within the countryside to the south. There are similar dwellings on a similar ground level either side to the west and east. The development is highly visible from public rights of way within the countryside to the south of the site and from Ivens Close to the southwest. The original fencing that enclosed only the useable parts of the rear gardens provided a uniform feature. Whilst still within the applicant's garden, the raised timber decking, store/garden room and associated structure now extends significantly further in depth than that fencing and that of the neighbouring dwellings either side. By virtue of this additional projection together with its elevated height above the existing prevailing ground levels and supporting timber stilts the construction results in a highly visually prominent structure within the public realm that fails to sympathetically assimilate into the surrounding countryside and landscape setting and results in a significant adverse visual intrusion upon the rural character and open appearance of the adjoining countryside.
- 8.6 By virtue of the siting, scale, relative height, design and appearance it is considered that the raised decking, storage/garden room and associated works result in an uncharacteristic and incongruous form of development that fails to respect, complement or enhance the rural appearance and open character of the adjoining countryside and landscape setting. The development is therefore considered to be contrary to Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching design principles contained within section 12 of the National Planning Policy Framework (2024).

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.
- 8.8 By virtue of the relative levels of the raised decking, store/garden room and associated structures compared to the neighbouring gardens either side together with existing garden boundary screen fencing either side, it is considered that the additional structures do not result in any significant adverse overbearing or overshadowing impacts upon the residential amenity of the neighbouring occupiers or result in any significant loss of privacy from direct overlooking. The proposals are therefore considered to have no significant conflict with Policy DM10 of the adopted SADMP in this particular respect.

Biodiversity

- 8.9 The proposal would be exempt from the biodiversity gain condition by virtue of being a householder application development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

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 relates to extension and alterations to an existing dwelling within a residential garden on the edge of the settlement boundary of Barwell where there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF (2024).

10.2. By virtue of the relative levels of the raised decking, store/garden room and associated structures compared to the neighbouring gardens either side together with existing garden boundary screen fencing either side, it is considered that the additional structures do not result in any significant adverse overbearing or overshadowing impacts upon the residential amenity of the neighbouring occupiers or result in any significant loss of privacy from direct overlooking.

10.3. However, by virtue of the siting, scale, relative height, design and appearance it is considered that the raised decking, storage/garden room and associated works result in a visually prominent uncharacteristic and incongruous form of development within the public realm that fails to respect, complement or enhance the rural appearance and open character of the adjoining countryside and landscape setting.

10.4. The development is therefore considered to be contrary to Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching design principles contained within section 12 of the National Planning Policy Framework (2024) and is therefore recommended for refusal for these reasons.

11. Recommendation

11.1 **Refuse retrospective planning permission** for the reasons at the end of this report.

11.2 Reasons

1. By virtue of the siting, scale, relative height, design and appearance it is considered that the raised decking, storage/garden room and associated works result in a visually prominent, uncharacteristic and incongruous form of development within the public realm that fails to respect, complement or enhance the rural appearance and open character of the adjoining countryside and landscape setting. The development is therefore contrary to Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching design principles contained within Section 12 of the National Planning Policy Framework (2024).

11.3 Notes to applicant

1. This application has been assessed and determined with reference to the submitted Householder Planning Application Form, Location Plan reference Land Reg 001, Block Plan reference Land Reg 002, Rear Garden Plan, Side Section and 3D schematic drawing reference 003 received by the local planning authority on 1 November 2024 and 7 November 2024 and following a site visit on 26 November 2024.