

**Planning Committee 13<sup>th</sup> February 2024  
Report of the Head of Planning**

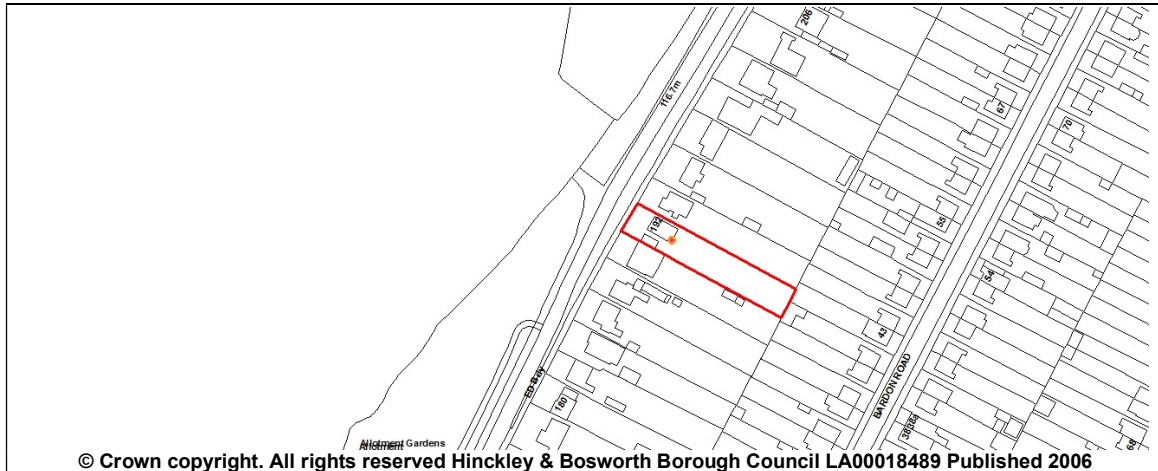
**Planning Ref: 23/01131/HOU  
Applicant: Ms Samea Khatun  
Ward: Barwell**



**Hinckley & Bosworth  
Borough Council**

**Site: 192 Kirkby Road Barwell Leicestershire**

**Proposal: Erection of two storey side and rear extension and single storey rear extension**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.

**1.2. That the Head of Planning be given powers to determine the final detail of planning conditions.**

**2. Planning application description**

**2.1.** This householder application seeks planning permission for a two storey side and rear extension and single storey rear extension to a dwelling, 192 Kirkby Road, Barwell.

**2.2.** Amended plans have been received to seek to address issues of scale, mass, overlooking and parking raised during the course of the application. The amended scheme proposes a two storey side and rear extension that would extend for 3.8 metres in width from the main side elevation flush with the main front elevation and for 3 metres in depth from the main two storey rear elevation, resulting in a total two storey depth of 11.15 metres. It would have a hipped roof form with the same 5.2 metres eaves height as the main roof and a subordinate ridge height of 7.5 to the existing 8 metres high roof ridge. The design would include windows of the same proportions and style and header detailing as the existing windows.

**2.3.** The amended proposed single storey rear extension would extend across the full 10 metres width of the resulting dwelling and to an additional depth of 5 metres from the proposed two storey rear extension. It would have a flat roof to a height of 3.32 metres and a centrally located raised hipped glazed roof lantern. In addition to a

window of similar proportion style and header treatment as the existing windows, a wider opening with full height bi-fold doors is proposed in the rear elevation.

- 2.4. A dual pitched open canopy porch roof with support brackets is also proposed which would extend 1 metre forward of the front elevation for a width of 2.5 metres and with an eaves height of 2.3 metres and a ridge height of 3.3 metres. The proposed extensions and alterations are to be constructed with matching corresponding external materials. The existing architectural detailing to the front porch and the feature brick chimney stacks to the northeast side elevation would be retained. 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 urban settlement boundary of Barwell in a residential area. It is a two storey detached house with hipped roof form and two brick chimney stacks to its northeast side elevation. It has a traditional design with a ground floor bay with a flat roof and brick detailing around its front porch. A later addition is a garage with a mono-pitched roof link-attached to the southwest side elevation of the dwelling by a parapet wall with security gate. The application dwelling is constructed with dark red multi facing bricks, small red plain clay roof tiles and dark brown timber windows. In addition to the garage there are up to two off-street car parking spaces available on the block paved 6 metres deep and double width driveway within the site frontage. The rear garden provides in excess of 550 square metres of private amenity space and is enclosed by 1.8 metres high solid timber panel fencing and similar height hedgerow.
- 3.2. The application dwelling occupies a substantial plot and is set well back from the highway behind a wide grassed highway verge. It lies within a row of traditionally styled two storey detached dwellings of varying design and appearance but all with hipped main roof form. They also occupy similarly sized, substantial plots and many have already been extended to the side and/or rear.

### **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. The re-consultation period on the amended plans received expires on 8 February 2024. Any further responses received will be reported as a late item to this agenda. At the time of writing this report objections have been received from three separate addresses raising the following issues and concerns:
- Out of proportion to most, if not all of the properties in the road
  - Overbearing impacts and loss of light
  - Loss of privacy from overlooking to gardens as a result of the proposed loft conversion
  - Loss of privacy from direct overlooking from proposed first floor side elevation windows
  - Lack of off-street parking to serve a six plus bedroomed house
  - Boundary issues in respect of security and pedestrian safety
  - Potential for future use as an HMO or Airbnb due to the extensive scale and internal layout proposed.

The application has been called in for a Committee decision by Cllr R Allen due to concerns regarding scale and massing.

## **6. Consultation**

6.1. At the time of publishing this report, no response had 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 and alterations 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
- Other issues

### 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.'*

*'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. Where there are no public views into a site, a fully integrated two storey extension may be acceptable.'* 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 The amended proposed two storey side extension would extend for an appropriate width of 3.8 metres from the main side elevation and retain an appropriate gap of 0.9 metres to the side boundary. The amended proposed adjoining two storey rear extension would extend across the full 10 metres width of the resulting dwelling and for a relatively modest depth of 3 metres. The two storey side extension would be constructed flush with the main front elevation, however, notwithstanding this, by virtue of the amended hipped roof design which would have the same 5.2 metres eaves height and matching pitch as the main roof but appropriate subordinate ridge heights of 7.5 metres to the existing main 8 metres high ridge, overall, the proposal would nevertheless appear as a clearly subordinate addition to the existing dwelling. The design includes windows of similar proportions and style and soldier brick header detailing as the existing windows and provides balance to the front elevation. The amended design together with the proposed use of matching corresponding external materials in the construction would ensure a satisfactory and unified overall appearance. By virtue of the separation distances between them, amended subordinate hipped roof form and the varying external appearance of the neighbouring dwellings, no potential terracing effect would be created and therefore the dwellings would retain their detached character and that of the varied wider street scene.
- 8.4 The proposed single storey rear extension would extend across the full 10 metres width of the resulting dwelling and to an additional depth of 5 metres from the proposed two storey rear extension. It would have a contemporary flat roof design to a height of 3.32 metres and a centrally located raised hipped glazed roof lantern. In addition to a window of similar proportion style and header treatment as the existing windows, a wider opening with full height bi-fold doors is proposed in the rear elevation to reflect the more contemporary design and style. Notwithstanding its contemporary flat roof design, by virtue of its single storey scale the proposal would be clearly subordinate to the existing dwelling and by virtue of its siting entirely to the rear it would not have any visual prominence within any street scene or have any significant adverse visual impacts on the surrounding area. It is therefore considered that the proposed rear extension would have an appropriate height, width, depth and design in this case.
- 8.5 An objection has been received on the grounds that the resulting dwelling would be out of proportion to most, if not all of the properties in the road. Whilst it is acknowledged that the proposals would result in a substantial increase to the floor space of the dwelling, it occupies an extensive plot and could comfortably accommodate the amended proposed extensions whilst retaining over 540 square metres of private amenity space at the rear and three off-street parking spaces at the front to serve the resulting four bedroomed dwelling. Neighbouring dwellings within close proximity to both the northeast and southwest of the site have been subject to substantial extensions to the side and/or rear and the resulting hipped roof dwelling would appear similar in terms of its scale, mass and design and therefore it is considered that it would not be uncharacteristic or out of proportion to other dwellings within the wider street scene.

- 8.6 Notwithstanding the objections raised, by virtue of their siting, amended scale, amended hipped roof design and the proposed use of matching corresponding external materials and architectural detailing in their construction to ensure a satisfactory and unified appearance, it is considered that the resulting dwelling would be compatible with the size of the plot and that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and neighbouring development and would have no significant adverse visual impacts on the varied wider street scene. The proposals are therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the 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 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.'*

- 8.8 An objection to the proposals has been received on the grounds that they would result in overbearing impacts and loss of light.

- 8.9 The neighbouring dwelling to the northeast (No. 194) is a detached two storey house constructed on a similar front and rear building line as the application dwelling. Both have been extended to the rear with single storey flat roof extensions to a similar depth. The nearest side elevation of No. 194 is set in from the near side boundary of the site by approximately 2 metres and appears to have a garage or store at ground floor nearest to the boundary with an obscurely glazed near side elevation window and a side entrance door to the dwelling and a toilet further to the rear. The proposed two storey rear extension would extend only 3 metres from the main rear elevation of the application dwelling to a similar depth as the neighbouring single storey rear extension of No. 194 and at a separation distance between them to its blank side elevation of approximately 5 metres. Therefore, the proposal would not extend beyond the ground floor rear elevation windows of No. 194 and the nearest first floor rear elevation window is set in from the boundary by approximately 6 metres, is obscurely glazed and appears to serve a bathroom. The amended proposed hipped roof would also slope away from the boundary and reduce the mass of the proposal and therefore further reduce any potential overbearing or overshadowing impacts in relation to No. 194. The proposed single storey rear extension would project for an additional depth to the rear of 5 metres, however, this would only be at single storey height with a flat roof design to a height of 3.32 metres and set in 1 metre from the near side boundary. Therefore, notwithstanding the objection received, it is considered that the proposal would not result in any significant or unacceptable overbearing or overshadowing impacts or loss of light to the neighbouring dwelling No. 194.

- 8.10 The neighbouring dwelling to the southwest (No. 190) is a detached two storey house constructed on a similar front and rear building line as the application dwelling. Both have been extended to the rear with single storey flat roof extensions to a similar depth. It has a side door and a small first floor window but no principal

habitable room windows in its near side elevation facing the site. The proposed two storey side/rear extension would extend up to 0.9 metres of the side boundary with No. 190 and adjacent to its side elevation which is also set in from the side boundary by a similar distance. The proposed two storey extension would not extend to any significant degree beyond the single storey lean-to roof extension attached to the rear elevation of No. 190 and therefore would have no adverse overbearing or overshadowing impacts on its ground floor rear elevation windows. It would extend approximately 3.5 metres beyond the main first floor rear elevation of No. 190 but at a separation distance of approximately 3.5 metres to the centre-point of the nearest first floor rear elevation bedroom window. Therefore, it would not extend beyond a 45 degree line drawn from it or result in any significant adverse impacts on its outlook or light. The proposed single storey rear extension would project for an additional depth to the rear of 5 metres beyond the ground floor of No. 190, however, this would only be at single storey height with a flat roof design to a height of 3.32 metres and it would be set in 1 metre from the near side boundary. It would be substantially screened from No. 190 by the existing 1.8 - 2 metres high solid timber panel fencing along the boundary. Therefore, it is considered that the proposal would not result in any significant or unacceptable overbearing or overshadowing impacts or loss of light to the neighbouring dwelling No. 190.

- 8.11 Objections to the proposals have been received on the grounds that they would result in loss of privacy from direct overlooking to neighbouring patio and gardens from the proposed new first floor side elevation windows and from the rear windows within the originally proposed loft conversion.
- 8.12 The amended plans submitted detail that the proposed new first floor side elevation secondary windows would be obscurely glazed and non-openable below a height of 1.7 metres above the floor level of the bedrooms that they serve in order to mitigate any potential loss of privacy to both neighbouring occupiers from direct overlooking. This can be secured and retained through an appropriately worded condition should the application be approved. Other new side elevation windows proposed are at ground floor level. The proposed utility room window would be close to the side boundary and would have the potential to look directly across the rear elevation/patio area of No. 194 and therefore a condition has been included to require the erection of an appropriate boundary fence along the depth of the single storey extension to protect the neighbours' privacy. The originally proposed loft conversion has now been removed from the scheme.
- 8.13 A boundary issue has also been raised in respect of safety and security of the side boundary as a result of the proposed demolition of the existing garage, the side elevation of which currently forms part of the boundary. The demolition of the garage would not require planning permission and could be carried out at any time. The consultation response received suggests that the applicant is not responsible for the boundary in this case. This issue is considered to be a civil matter between the respective landowners.
- 8.14 Notwithstanding the objections received, by virtue of the relative siting, amended scale, amended design, separation distances and subject to the proposed use of obscure and fixed glazing where necessary and erection of appropriate fencing which can be secured by conditions, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. The proposals would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 Objections to the original proposals were received on the grounds of a lack of off-street parking provision within the site to serve a six plus bedroomed house.
- 8.17 The amended plans submitted propose a four bedroomed house for which the local highway authority design guide would normally require the provision of three off-street parking spaces to serve a dwelling of this size.
- 8.18 Notwithstanding the proposed loss of the existing garage and the proposed addition of a fourth bedroom, the site frontage is of sufficient depth of over 6 metres and width of approximately 12 metres within which it would be possible to comfortably provide the required three parking spaces on extended hard standing. The spaces and their permeable hard surfacing could be secured and retained through the imposition of an appropriately worded condition. This would be characteristic of the existing similar frontage parking serving a number of neighbouring dwellings in the vicinity of the site. Subject to the condition, the site would provide and retain adequate off-street parking provision to serve the 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 proposals are therefore considered to be in accordance with Policy DM18 of the adopted SADMP and the local highway authority design guide.

#### Other issues

- 8.19 A boundary issue has been raised in respect of potential obstruction to visibility and pedestrian safety should new boundary fencing of an inappropriate height be erected. No such fencing is included within the application.
- 8.20 An objection has been received on the grounds that by virtue of the scale of the extensions and alterations originally proposed together with the internal layout, that the dwelling would have the potential for future use as an HMO or Airbnb property. The application is for householder development for extensions and alterations to a domestic dwelling. Any future alternative use of the site would be a matter for separate future consideration.

### **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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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 relate to extensions and alterations to an existing dwelling located within the urban 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 objections received, by virtue of their siting, amended scale, amended hipped roof design and the proposed use of matching corresponding external materials and architectural detailing in their construction to ensure a satisfactory and unified appearance, it is considered that the resulting dwelling would be compatible with the size of the plot and that the proposed extensions and alterations would respect and complement the scale, character and appearance of the existing dwelling and neighbouring development and would have no significant adverse visual impacts on the varied wider street scene. Notwithstanding the objections received, by virtue of the relative siting, amended scale, amended design, separation distances and subject to the proposed use of obscure and fixed glazing and appropriate fencing where necessary, it is considered that the proposals would not result in any significant or unacceptable adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties. Adequate off-street parking for at least three vehicles could be provided and retained along with more than adequate private amenity space of approximately 540 square metres to serve the resulting four bedroomed dwelling. The proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and are 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** That the Planning Manager be given powers to determine the final detail of planning conditions.

### **11.3 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. AMA 783-001 Rev A and Proposed Roof Plan Drawing No. AMA 783-006 Rev A received by the local planning authority on 18 January 2024, Proposed Floor Plans Drawing No. AMA 783-003 Rev C received by the local planning authority on 19 January



2024 and Proposed Elevations Drawing No. AMA 783-005 Rev D 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 extensions and alterations hereby permitted 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. The first floor windows to be inserted in the northeast and southwest side elevations (facing Nos. 194 Kirkby Road and 190 Kirkby Road respectively) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres above the finished floor level of the rooms that they serve. Once so provided the windows shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The extensions hereby permitted shall not be occupied until such time as a minimum of three off-street car parking spaces have been provided and hard surfaced in permeable materials within the site frontage. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies DPD (2016).

6. The proposed utility room hereby permitted shall not be brought into use until such time as a solid close boarded timber boundary fence of a minimum height of 1.8 metres and a maximum height of 2.0 metres has been erected along the northeast side boundary extending for the full depth of the single storey rear extension hereby permitted. Once so provided the boundary fence shall be permanently maintained as such at all times thereafter.

**Reason:** To protect the amenities and privacy of the occupiers of the adjacent property in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

#### 11.4 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.

