

Planning Committee 15 August 2017
Report of the Head of Planning and Development

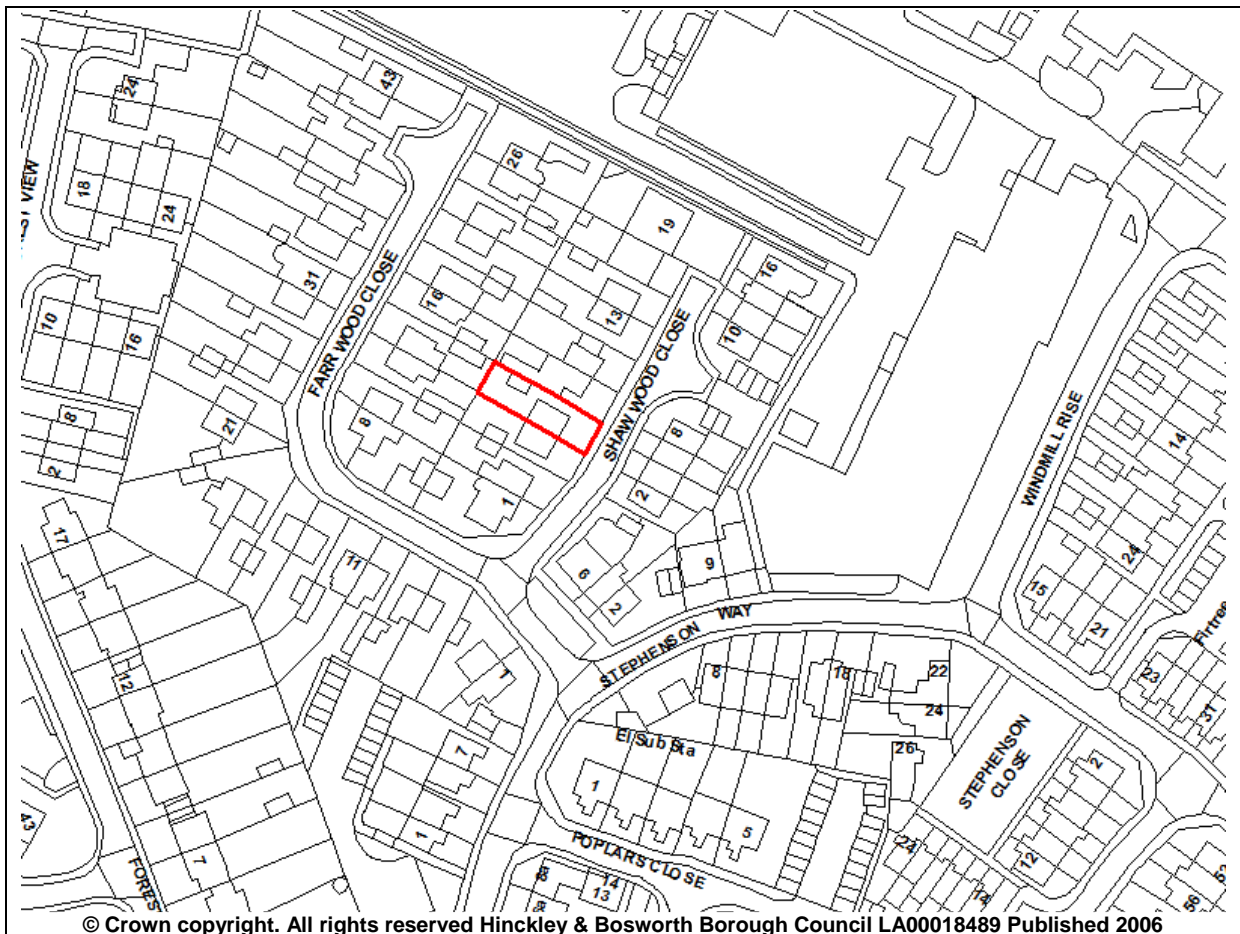


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00521/HOU
Applicant: Mr Edward Hollick
Ward: Groby

Site: 7 Shaw Wood Close Groby

Proposal: Two storey rear extension and conservatory



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 and Development be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of a two storey rear extension and a conservatory extending beyond the two storey extension.

2.2. Following concerns raised by the case officer amended plans were submitted reducing the depth of the proposed two storey extension.

3. Description of the Site and Surrounding Area

3.1. The application site is located within the settlement boundary of Groby. The immediate area is characterised by residential development with commercial development further to the north and east. The residential development consists of primarily two storey semi-detached and terraced houses. The semi-detached dwellings were originally of a uniform design with detached garages set to the side and rear of the dwellings and a driveway to the side of the properties. Several of the surrounding properties have single storey extensions and two dwellings have had two storey extensions. The topography of the area slopes significantly from the northwest down to the south east.

3.2. The application site comprises a semi-detached house with a detached garage to the side and rear of the property. There is a driveway providing car parking along the side of the property and additional hard landscaping, used for car parking, on the frontage. The dwelling has a garden to the rear where the land slopes significantly up to the dwelling to the rear. The boundary treatments adjoining neighbouring properties comprise close boarded fencing. There is a large cypress tree at the rear of the garden.

4. Relevant Planning History

None relevant

5. Publicity

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

5.2. One letter of objection has been received, the comments are summarised below:

- 1) Overshadowing and loss of light
- 2) Overbearing mass of brick wall
- 3) Loss of amenity to neighbours
- 4) Out of keeping with the design of the house
- 5) Over development of the plot
- 6) Could set a precedent for development of other houses in the area

5.3. Following the submission of amended plans a re-consultation was undertaken and the above concerns were re-iterated in further representations.

6. Consultation

6.1. None received

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. Site Allocations and Development Management Policies 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) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon residential amenity
- Car parking provision
- Other matters

Design and impact upon the character of the area

- 8.2. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. The area is characterised by primarily semi-detached and terraced style dwellings of an original uniform design. Several of the dwellings in the area have had single storey extensions and there are two examples of two storey side extensions in the area. Several of the dwellings have demolished the original detached garages. The original uniform character of the dwellings has been complemented by extensions providing some variance in the design.
- 8.4. This application seeks planning permission for the erection of a two storey rear extension and conservatory. The proposed two storey extension would project 2.5m beyond the existing rear elevation and would have a hipped roof with an eaves height to match the existing dwelling and roof ridge lower than the main dwelling. The proposed extension would be subservient to the main dwelling and due to the siting to the rear, and separation distance between the dwellings, would be largely screened from view from public vantage points. Due to existing extensions to dwellings in the surrounding area, the proposed extension would complement the variance in design of the original dwellings. It is considered that a two storey rear extension would not have an adverse impact on the visual appearance and character of the area. A conservatory is proposed to project to the rear, beyond the two storey extension. Conservatories are a common feature and characteristic of properties in the surrounding area.
- 8.5. The proposed development is likely to result in the loss of the existing cypress tree at the bottom of the garden due to the excavation works required to facilitate the ground levels required for the extensions. Cypress trees are not a native species and the existing tree is therefore of little amenity value. The loss of the cypress tree would not adversely impact on the character of the area.
- 8.6. It is considered that the proposed development would complement the existing character and appearance of the surrounding built form and would be in accordance with Policy DM10 of the SADMP.
- 8.7. Impact upon residential amenity
- 8.8. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. The application site adjoins nos. 5 & 9 Shaw Wood Close and no. 14 Farr Wood Close.
- 8.9. No. 5 Shaw Wood Close adjoins the application site to the south west. No. 5 has bi fold doors adjacent to the common boundary serving a dining room and a window above at first floor level serving a bedroom. Initially the development proposed a 4m two storey extension which would have had a significantly adverse overbearing impact on the windows serving habitable rooms and the private rear amenity space. Following concerns raised by the case officer the internal layout of the extension and existing first floor was revised to allow the extension to be reduced in depth to 2.5m. It is good practice to use a 45 degree line drawn from the central point of a

habitable room window to determine whether an extension may have an overbearing impact. The applicant has drawn a 45 degree line which is not interrupted by the proposed two storey extension and therefore it is indicated that the extension is unlikely to have an overbearing impact. Due to the limited depth of the extension and 1m inset from the boundary, it is considered that the proposed extension would not have an overbearing impact on the rear windows serving habitable rooms or the private amenity space. Due to the orientation of the dwelling with the proposed extension to the north, it is considered there would not be an overshadowing or loss of light impact on no. 5. Although the conservatory would project further into the rear garden, the gardens of the two dwellings slope up to the rear with the boundary fencing being 2m high above the ground level. Earth would be excavated and the proposed conservatory would be built into the slope and therefore would be largely screened from view by the existing boundary treatments which rise in height with the sloping ground level. A retaining wall would be required due to the excavation works but this would be dealt with through building regulations. Whilst it is evident from the plans that the ground levels of the proposed extension would match the existing, the surrounding ground levels are not confirmed. It is considered reasonable and necessary to secure the existing and proposed ground and floor levels through the imposition of a planning condition.

- 8.10. No. 9 Shaw Wood Close is located adjacent to the application site to the north east. The properties are separated by the two driveways serving the dwellings. Having regard to the scale of the proposed two storey extension and the separation distance provided by the driveways, it is considered that the proposed extension would not have an adverse overbearing impact on the rear facing windows or private rear amenity space of the dwelling. Due to the orientation of the properties, the proposed two storey extension would result in some overshadowing and loss of light of the area immediately to the rear of the adjacent dwelling in the late afternoon/early evening. However, the amount of the overshadowing and loss of light would not be to an extent that would have a significant adverse impact of the amenity of the neighbouring occupiers.
- 8.11. The proposed extensions would project towards no. 14 Farr Wood Close. The first floor rear facing windows would be located 22.5m from the main rear elevation of no. 14 to the rear. Generally, separation distances of 23m between intervisible windows of dwellings are sought. In this instance, the separation distance would measure 22.5m. However, due to the difference in floor levels between the two properties, the windows are not directly intervisible and therefore it is considered that the proposed extension would not lead to a loss of privacy that would have a significant adverse impact on the occupiers of no. 14 nor the occupiers of no. 7. The first floor windows would be 10m from the rear boundary of the application site. It is considered that the increased proximity of the first floor window to the boundary would not have an overlooking impact on the private rear amenity space of no. 14 due to the existing level of overlooking from surrounding properties.
- 8.12. No. 7 is currently served by approximately 80 sq m of private rear amenity space. Although the proposed extension would be constructed on the rear amenity space it is proposed to demolish the existing garage to facilitate the excavation work and provide additional amenity space to compensate for the loss. The occupiers of the dwelling would be served by approximately 72.5 sq m of amenity space following the development which is considered sufficient for a two bedroom dwelling.
- 8.13. It is considered that the proposed development would not have a significant adverse impact on neighbouring amenity and would retain sufficient amenity space for the occupiers of the dwelling on the application site. The proposed development is considered to be in accordance with Policy DM10 of the SADMP.

Car parking provision

- 8.14. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.15. The proposed development would increase the floorspace of the dwelling but the number of bedrooms would remain as existing. Although the existing garage is to be demolished, sufficient car parking on the driveway and on the frontage would be retained to serve the occupiers of the dwelling.
- 8.16. The proposed development would be in accordance with Policy DM18 of the SADMP.

Other matters

- 8.17. Concern has been raised that the proposed two storey rear extension would set a precedent for allowing two storey extensions on properties in the surrounding area. Although acceptable in this instance which has been determined based on the context of the site, differing sites will be subject to individual circumstances and site contexts. Each application is determined on its individual merits and therefore approval of this application would not set a precedent.

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.

10. Conclusion

- 10.1. By virtue of the layout, scale, design of the proposed extensions, topography of the area and existing boundary treatments, it is considered that the development would complement the existing character and appearance of the area and would not give rise to harmful impacts to the amenity of the occupiers of neighbouring properties. The development would retain sufficient car parking provision and private amenity space to serve the occupiers. The development is in accordance with Policies DM1 and DM10 of the SADMP.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
 - Planning conditions outlined at the end of this report.
- 11.2. That the Head of Planning and Development 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

- 3934/3 - Proposed Plans and Elevations (received on 19 June 2017)

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

3. The materials to be used on the exterior of the proposed extensions shall match the corresponding materials of the existing dwelling

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. No development shall commence until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure there are no adverse impacts on neighbouring amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.4. **Notes to Applicant**

1. The approved development requires Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.