

**Planning Committee 15 October 2019  
Report of the Planning Manager**

**Planning Ref:** 19/00887/HOU  
**Applicant:** Mr & Mrs John & Lisa Mallon  
**Ward:** Groby



Hinckley & Bosworth  
Borough Council

**Site:** 22 Flaxfield Close Groby

**Proposal:** Single storey front, side and rear extension, including new fence and gates



**1. Recommendations**

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

- Planning conditions outlined at the end of this report.

- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

## **2. Planning Application Description**

- 2.1. This application seeks planning permission for various single storey extensions to 22 Flaxfield Close, Groby.
- 2.2. The extensions comprise of a single storey extension to the east facing elevation of the existing dwelling this would project from the east facing elevation by approximately 3 metres, and would have a width of 8.7 metres, finished with a pitched roof with an overall height of 4.1 metres. The proposed rear extension would extend from the west facing elevation, by approximately 3 metres and would span the width of the rear elevation, and extend beyond south, side, facing elevation by approximately 3 metres creating an 'L' shaped extension along the rear and side facing elevations to the existing dwelling. This would result in the demolition of an existing conservatory situated on the south elevation.
- 2.3. The scheme also includes new boundary fencing to the site's southern boundary, a set of large gates and hardstanding to the front of the property.
- 2.4. According to Class F, Part 1, and Class A, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposed gates and hardstanding are considered permitted development. As such, these aspects of the development are not subject to assessment in this application.
- 2.5. Amendments were received during the course of the application, reducing the depth of the proposed rear extension and connecting it with the originally proposed side extension. In doing so, the proposed extension would wrap around the rear (west facing elevation) and side (south facing elevation) of the host dwelling. As a result of these changes, an additional bedroom at the property was removed from the scheme. The scheme as amended would not increase the number of bedrooms at the property.

## **3. Background**

- 3.1. This application follows a string of previous applications with the intention of expanding the existing property. Application ref. 18/0013/HOU proposed to raise the existing roof over the host dwelling to provide a two storey property. It did not propose to increase the host dwelling's existing footprint in any way. The development was refused on the grounds that it resulted in an uncharacteristic design, contrary to the existing and defined built form along the row of houses that the host dwelling forms part of.
- 3.2. A subsequent application ref. 18/00429/HOU proposed single storey front, rear and side extensions, including a replacement garage. The application was refused on the grounds that the proposed side and rear extension, including the internal garage proposed, would be a prominent and overbearing addition into the existing host dwelling and street scene. It would result in an overdeveloped plot and a significant impact upon the defined character of the surrounding area.
- 3.3. Although providing a revised scheme, the changes in 18/01014/HOU were not felt to overcome previous reasons for refusal in 18/00429/HOU. The proposed mass, scale and siting of the proposed side extension in the scheme was a cause for officer concern and thus the application was withdrawn.
- 3.4. The current application still includes front, rear and side extensions. However, significant alterations to the scheme's layout are proposed.

#### **4. Description of the Site and Surrounding Area**

- 4.1. The application site comprises a single storey detached bungalow in the settlement boundary of Groby. The property occupies a corner plot along Flaxfield Close, located at the end of a row of detached single storey bungalows of similar design and finish. Two storey detached properties of alternative design and finish are located south east of the application site.
- 4.2. The host dwelling is finished in pale brick, brown roof tiles and white UPVC windows and doors. The property features a pitched roof design, alike properties within the surrounding area. Along its south side is an existing small conservatory to be removed as a result of the proposed development. In the south west corner of the site is an existing single storey detached garage, which would not be affected by the proposed development. To the rear, land levels gently slope up towards the south east corner of the application site. The property is sufficiently set back from the road, along both its eastern and southern boundaries. Timber boundary fencing and a high hedgerow lines the southern boundary of the site. Off-street parking is currently provided by the detached garage and its associated parking area to front, along with parking in front of the host dwelling's east facing principal elevation, reached using the existing access onto the site. A public footpath leading to Flaxfield Close Amenity Green Space runs adjacent to the northern boundary of the application site. The host dwelling currently accommodates for three bedrooms; the proposed scheme would not increase this number.

#### **5. Relevant Planning History**

18/00013/HOU	Raising of roof to provide two storey dwelling	Refused	15.03.2018
18/00429/HOU	Single storey front, side and rear extension	Refused	09.07.2018
18/01014/HOU	Single storey front, side and rear extension (resubmission of 18/00429/HOU)	Withdrawn	27.11.2018

#### **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. Six letters of objection were received from six separate addresses, raising the following concerns:-
- 1) Uncharacteristic render finish;
  - 2) Under provision of off-street parking;
  - 3) Overdevelopment of site;
  - 4) Unclear residential use for the development;
  - 5) Loss of sunlight to neighbouring properties;
  - 6) Impacts upon visibility and thus highways safety;
  - 7) Uncharacteristic and overbearing design;

#### **6. Consultation**

- 6.1. LCC Public Rights of Way: No comments were received.

- 6.2. Groby Parish Council: Objects to the proposal believing the scheme to result in an overdeveloped plot.

## **7. Policy**

### **7.1. Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### **7.2. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

## **8. Appraisal**

### **8.1. Key Issues**

- 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. The proposal is located within the settlement boundary of Groby and therefore there is presumption in favour of sustainable development in accordance with Policy DM1 of the SADMP and the wider policies of the NPPF. Development proposals that accord with the Development Plan should be approved unless other material planning considerations indicate otherwise.

#### Design and impact upon the character of the area

- 8.3. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4. The existing property is a single storey bungalow located on the corner of Flaxfield Close and adjacent to similar single storey properties. Two storey properties are located on the other side of the road and only bungalows are located on the same side of the road as the application site.
- 8.5. The proposed front extension would project beyond the principal elevation of the host dwelling by approximately 3 metres. It would span the majority of the host dwelling's width. It would not project past the front elevation of the adjacent property to the north (no.23), and would be set down approximately 0.5 metres from the host dwelling's existing ridge. It would be set back from the highway by a minimum of 5.5 metres (approx.). Given the minor depth, siting and height of this extension, it is considered that this aspect of the proposed scheme would be subservient to the existing property and not be adversely detrimental upon the visual amenity of the host dwelling's existing principal elevation within the street scene.
- 8.6. A separate side and rear extension was originally proposed in this application. Due to officer concerns for the overbearing impact and disproportionate massing of proposed rear extension, amendments were received reducing this extension's depth by 2.2 metres (approx.) and connecting it to the side extension proposed. In doing so, a wrap around extension would be created. The amended scheme is assessed in this application.

- 8.7. The rear extension would project a maximum of 3.2 metres (approx.) from the rear elevation of the existing property. The side extension would project beyond the south elevation of the host dwelling by approximately 3 metres. The east elevation of the side extension would be set back from the principal elevation of the host dwelling by approximately 4.1 metres. The roof over the wrap around extension would be pitched, matching the eaves height of the host dwelling. The roof slope to the rear of the existing dwelling would be extended over the proposed rear extension, and the ridge of the proposed side extension would be set down from the ridge over the main dwelling by approximately 0.6 metres. In this regard, the roof layout proposed in the scheme would be acceptable. The existing separation distance from the northern boundary of the application site would be maintained as a result of the proposal. The southern elevation of the wrap around extension would be set approximately 4.3 metres away from the southern boundary of the site, this distance increasing further west along this boundary.
- 8.8. By virtue its appropriate size, scale, massing and design, the proposed wrap around extension would be subordinate and discernible against the existing host dwelling, reflecting its existing design.
- 8.9. The amended scheme also proposes the removal of the hedgerow along the southern boundary of the site, and replacement with new timber boundary fencing. This fencing would not extend any further than the existing fencing to be replaced; it would be aligned with front elevation of the proposed wrap around extension, and end at the edge of the existing off-street parking space in the south-west corner of the site. The fencing would be 1.8 metres in height, similar to the existing fencing to be replaced. Due to replacing the existing fencing with virtually a like-for-like replacement, this aspect of the development is not considered unacceptable, and would not be uncharacteristic or dominant within the street scene.
- 8.10. Despite the removal of the existing hedgerow, the proposed wrap around extension would not appear prominent on the corner of Flaxfield Close, by virtue of its siting.
- 8.11. The proposed extensions would be proportionate to the scale and mass of the existing dwelling, and would be appropriately balanced to the front and rear. It is therefore not considered that the proposed scheme would overdevelop the existing plot and its layout is considered acceptable.
- 8.12. A render finish is proposed for the scheme. Despite not being in-keeping with the uniform brick finish of properties in the surrounding area, the applicant intends to render their entire property. Under the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) planning permission is not required to change the external appearance of a dwelling. Therefore, although uncharacteristic of the surrounding area, this fall back position limits the grounds upon which the authority could refuse the application in this respect.
- 8.13. Overall, the proposed scheme complies with Policy DM10 of the SADMP, by virtue of the appropriate siting, scale, mass and design of the proposed development.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.15. The rear elevation of the wrap around extension would face the side elevation of no.21. There is one window located on the side elevation of this neighbouring property, but this is obscurely glazed and serves a non-habitable room. The southern elevation of the extension would not extend beyond the front elevation of no.21. This neighbouring site would also appear to be set slightly above the application site.

- 8.16. The proposed front extension would not project past the front elevation of no. 23 and would run alongside its side elevation. No. 23 has two obscurely glazed windows along this elevation.
- 8.17. Bearing these points in mind, along with the single storey nature of the proposed extensions, the separation distances between the application site and nos.21 and 23, and the existing high boundary fencing on site, the proposed scheme would not have any adverse overbearing, overlooking, or loss of light impacts upon these two neighbouring properties.
- 8.18. Although the proposal would considerably increase the size of the existing host dwelling, it is considered that there would still be sufficient amenity space to serve present and future occupiers of the dwelling.
- 8.19. It is therefore considered that the proposal would not result in any significant adverse impacts upon residential amenity in accordance with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.20. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to individual development.
- 8.21. The proposed scheme would not increase the number of bedrooms at the host dwelling. LCC Highways Design Guidance requires a three-bedroomed property to provide a minimum of two off-street parking spaces. Despite the proposed front extension decreasing the size of the off-street parking area to the front of the application site, sufficient space still remains on site to accommodate for more than two off-street parking spaces.
- 8.22. The proposed development would therefore comply with Policy DM18 of the SADMP.

#### Other matters

- 8.23. It has been speculated in comments received that the proposed scheme is to facilitate a non-residential use on site. The proposed scheme is being assessed for householder planning permission and therefore any permission granted will only be for residential use. Speculation of a future use is not a material planning consideration in the assessment of development proposals. Should there be a breach of planning control in future this will be investigated and any appropriate action taken.
- 8.24. Concerns have also been raised for the potential visibility impacts caused by on-street parking on a corner. As addressed in paragraph 8.19., the site provides a sufficient level of off-street parking and does not propose any increase to the number of bedrooms on site. It is therefore not considered that the scheme would have any highways safety impacts.

### **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 proposal is located within the settlement boundary for Groby and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

10.2. It is considered that the siting, design, scale, mass and layout of the proposed scheme would complement and respect the host dwelling and surrounding area. It would not result in any adverse residential amenity or off-street parking provision impacts. The development is therefore in accordance with Policies DM1, DM10 and DM18 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 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:

Existing and Proposed Elevations, Floor Plans, Roof Plan and Sections Drg No: 19-330-PL-01 Rev: C (1:20/1:50/1:100 scale)

Proposed Block Plan Drg No: 19-330-BP Rev: B (1:100 scale)

Proposed Block Plan Drg No: 19-330-BP-500 (1:500 scale)

All received by the Local Planning Authority on 25 September 2019

Site Location Plan Drg No: 19-330-OS (1:1250 scale) received by the Local Planning Authority on 6 August 2019

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the 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 accord with the approved Existing and Proposed Elevations, Floor Plans, Roof Plan and Sections Drg No: 19-330-PL-01 Rev: C received by the Local Planning Authority on 25 September 2019.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (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 [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Any hardstanding laid within the curtilage of the dwellinghouse should be made of porous materials or provision should be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.