

**Planning Committee 7 January 2020  
Report of the Planning Manager**

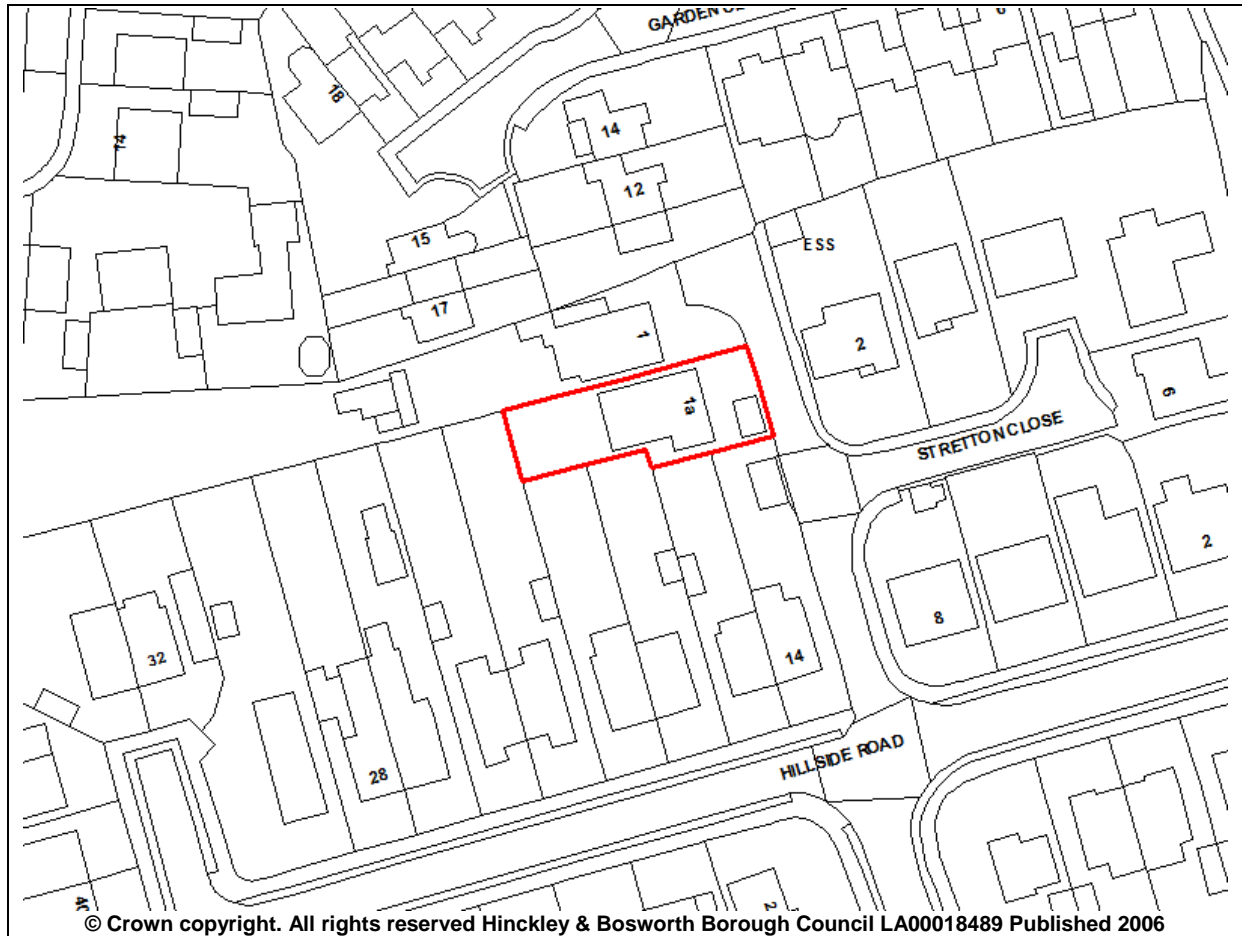
**Planning Ref:** 19/01190/HOU  
**Applicant:** Mrs Janet Aldred  
**Ward:** Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

**Site:** 1A Stretton Close Burbage

**Proposal:** Extensions and alterations to dwelling comprising single-storey side extension, front porch and replacement detached garage



**1. Recommendations**

**1.1. Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

**2. Planning Application Description**

- 2.1. The application seeks permission for extensions and alterations to an existing bungalow. These include a front porch and a single-storey side extension. The existing garage is to be demolished and re-positioned within the front driveway. To do this, a piece of land in the ownership of no 14 Hillside is to be purchased. The correct Certificates have been signed and Notices served.
- 2.2. The original proposal also included two side dormers. These have been removed from the proposal after concerns were raised by the Local Planning Authority. However, the fall back position is that should the dormers be reduced in size, they

could be built under Schedule 2, Part 1, Class B of The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2015, which allows for roof additions and alterations to existing dwelling houses as long as the proposal meets the specified listed criteria. The property has not had its permitted development rights removed and therefore as long as the construction of the dormers meet the requirements of the above legislation and are carried out as a separate building operation and not in conjunction with any development that planning permission is granted for, the dormers could be built without the need for any further consents from the LPA.

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

- 3.1. The site relates to a bungalow with rooms in the roof located on the west side of Stretton Close, within the settlement boundary of Burbage. The bungalow was constructed in 2003 partially within the rear gardens of 14-20 Hillside. There are covenants on the land restricting the height of the property and the insertion of additional windows but no planning conditions were imposed that removed any Permitted Development Rights to allow additional windows.
- 3.2. Properties within the area comprise mainly detached bungalows built in the mid 20<sup>th</sup> century. Some have small dormers but the majority appear 'as built'. This property was constructed within the rear sections of 14-20 Hillside and subsequently has reduced their rear gardens.

### **4. Relevant Planning History**

07/01096/FUL	Erection of detached garage	Permitted	30.10.2007
03/01212/FUL	Erection of a new bungalow	Permitted	25.03.2004

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. There have been five letters of objections from four different addresses. The objections are mainly related to the covenants on the land (which restrict both the height of the property and the insertion of additional windows) and the loss of privacy/loss of light from the dormer windows.
- 5.3. A separate objection also relates to the loss of light to solar panels on the neighbours roof. However, this is not a planning concern and this objection is not considered in any detail within this report.

### **6. Consultation**

- 6.1. LCC Highways comment that the dimensions of the proposed garage and its proposed position do not meet the guidance within current Design guidelines. The agent has altered the plans so that the 'garage' is annotated as an outbuilding and has verbally stated that this would be used for storage rather than for the parking of a vehicle. Sufficient parking spaces on the driveway are shown on the revised drawing.
- 6.2. Burbage Parish Council object to the scheme on design grounds in particular reference to the dormers.

### **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 DM18: Vehicle Parking Standards
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
- Emerging Burbage Neighbourhood Plan

## **8. Appraisal**

### **8.1. Key Issues**

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

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

- 8.2. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan (BNP) is still in development. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development.
- 8.5. The single-storey side extension is modest in size (approximately 8square metres) with a flat roof (height approximately 2.7m). Internally it would provide a storage area/cloakroom with a single obscurely glazed window. The extension would not be seen from any public view point, due to the siting of the proposed extension, to the rear. Although the proposed side extension would extend beyond the existing south east facing elevation, views would be obscured due to the positioning of the proposed garage, to the front, and the generally 'L' shaped site area. Given the limited height and footprint of the proposed extension, it is considered proportionate to the existing dwelling.
- 8.6. The front porch would measure approximately 3.8 square metres with a tiled ridge roof with an overall height of 3.82 metres. It is considered that the design would add character to the currently plain frontage without detracting from the character of the area.
- 8.7. The garage is to be demolished and relocated within the front driveway allowing for additional off-street parking within the front driveway of the property, the orientation of the proposed garage, would be amended in that the garage would face generally east, rather than north. The proposed garage would be set further back from the highway, reducing its overall impact upon the area. The proposed garage would be situated adjacent to an existing brick outbuilding which serves No.14 Hillside Road, and in close proximity to the highway edge. As such given the positioning of the existing garage which would be replaced and the wider street scene it is not considered that the proposed garage would have a detrimental impact upon the street scene. The garage would not be sufficient in terms of its footprint, to be

considered as a parking space in accordance with the Leicestershire County Councils 6C's Design Guidance and as such, the applicant during the course of the application has revised the plans to identify that the building to be used for storage purposes.

- 8.8. To ensure that the proposed extension and garage would have an unified appearance all of the extensions are to be built using matching materials. Overall, the revised scheme is acceptable under Policy DM10 of the SADMP.

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 and amenity of nearby residents.
- 8.10. To the north is No.1 Stretton Close, and to the south the rear gardens of No.14 and 16 of Hillside back onto the application site. The rear extension is single storey and finished with a flat roof. The rear gardens of No.14 and 16 of Hillside are modest and bound by approximately 1.8 metre close boarded fencing. Therefore having regard to the relationship the proposed extension would not result in any overbearing impact to these dwellings.
- 8.11. The proposed garage would be relocated and positioned along the rear boundary of No.14. The garage would be finished with a pitched roof which would have an approximate eaves height of 2.3 metres and a ridge height of 3.7 metres. The proposed garage would pitch away from No.14 and would be similar scale of an existing garage which serves No.14. The rear garden of No.14 is approximately 18 metres in depth, therefore having regard to this, and the relationship of the neighbouring garage it is not considered that the proposed garage would result in any harm in terms of overbearing impact to this dwelling.
- 8.12. The revised scheme is modest and benefits the applicant without causing harm to the residential amenities of neighbouring occupiers.
- 8.13. Objections during the course of the application, relate to the insertion of dormer windows, however the application has been revised removing the dormers from the scheme alleviating the concerns raised by neighbours
- 8.14. The proposed scheme would not result in any adverse impact upon the amenity of existing occupants and is therefore considered to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM18 of the SADMP seeks an appropriate level of parking provision within sites to serve the development.
- 8.16. The revised scheme does not propose any increase in the number of bedrooms, and therefore a requirement of additional parking is not required to the provided within the site.
- 8.17. As previously mentioned the internal dimensions of the proposed garage would not be in accordance with current Leicestershire County Councils 6Cs Design Guidelines, and can therefore not be counted towards off street parking provision. However, with the relocation of this building this allows 3 parking spaces along the front of the plot thus providing sufficient on-site parking for the size of the dwelling.
- 8.18. In this regard the proposal accords with Policy DM18 of the SADMP.

### Other Matters

- 8.19. As aforementioned and brought to the attention of the LPA, there are restrictive covenants on the land associated with the property. These are not planning considerations and the original planning permission for the bungalow did not include such restrictive conditions. Therefore the issues raised in relation to the covenants are not a planning consideration and are a private matter which, should the applicant be in breach of the covenants, be pursued privately.
- 8.20. The dormers have been removed from the scheme. However, Schedule 2, Part 1, Class B of The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2015, allows for the enlargement of a dwelling house consisting of an addition or alteration to the roof which complies with a range of criteria. Should the dormers be reduced in size they could be built out under this legislation without the need for planning permission.

## **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. 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. By virtue of the siting, subordinate scale, design and the proposed external materials, the proposal would complement the character of the surrounding area and would not result in any significant adverse impacts on the private amenity of the occupiers of any neighbouring properties. Off-street parking provision is appropriate for the proposed development. The proposal would be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and is 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. **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:

Block/Site Plan received 18th October 2019

Proposed Floor Plans, sheet number 3

Proposed Elevations, sheet number 4, both received 18 November 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 extensions and outbuilding 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 Site Allocations and Development Management Policies Development Plan Document (2016).

### 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 [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. The outbuilding to the front of the property does not meet the guidelines within the latest Leicestershire Design Guidance for garages and should be used for storage purposes only and not for the parking of vehicles.