

**Planning Committee 18 August 2020
Report of the Planning Manager**

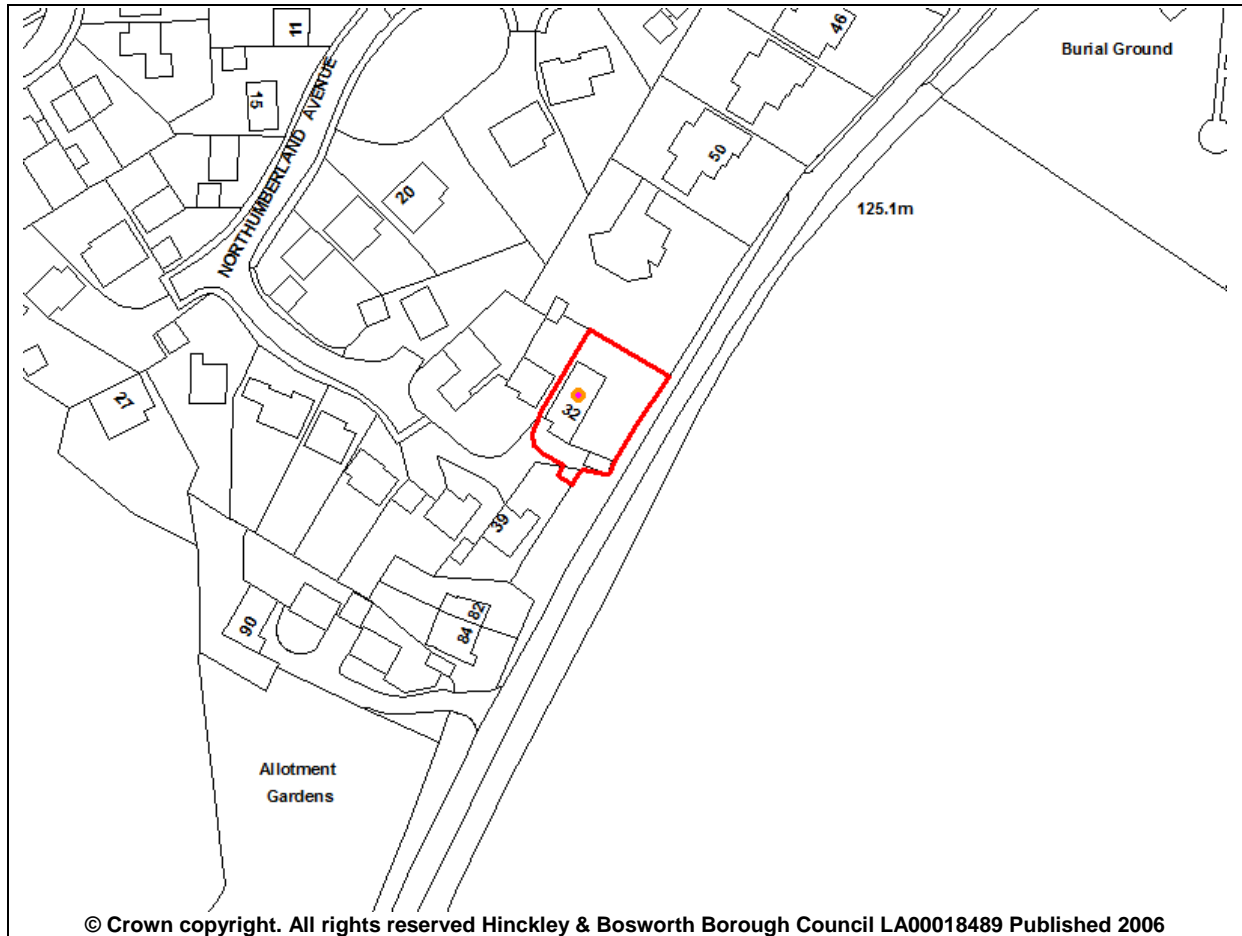
**Planning Ref: 20/00141/HOU
Applicant: Mr & Mrs Chenery
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth
Borough Council**

Site: 32 Northumberland Avenue Market Bosworth

Proposal: Single storey rear extension and front canopy extension



This application was taken to the previous Planning Committee on 7 January 2020. The previous report is attached to this report as Appendix A.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1.** This application seeks planning permission for a single storey rear extension and a front canopy extension at no.32 Northumberland Avenue in Market Bosworth.
- 2.2.** This is an amended scheme to a previous application with reference number 19/01103/HOU which was refused at committee on the 7 January 2020 for the following two reasons:-

- “1. By virtue of its mass, scale and depth, together with the orientation of the host dwelling, it is considered that the proposed development would have a significantly adverse impact by way of overshadowing, loss of light and overbearing impact to No.30 Northumberland Avenue, Market Bosworth. The proposed extensions would further breach the 45 degree rule between the application site and the neighbouring dwelling on Northumberland Avenue, detrimentally exacerbating an existing relationship. The proposed extension is therefore contrary to Policy DM10 (criterion a) of the Site Allocations and Development Management Policies DPD.
 2. By virtue of the constraints of the application site and having regard to the proposed footprint and height of the proposed extension, it is considered that such a development would result in an over development of the site, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.”
- 2.3. This proposed single storey side extension would have a width of approximately 5.5m, and an overall depth of approximately 9.7m. The proposed extension would extend from the south-eastern elevation by roughly 5.3m. This would have a maximum height to the top of the hipped roof of approximately 4.8m. The eaves height would be roughly 2.3m above ground level.
 - 2.4. The previously refused scheme measured approximately 2.5m to the eaves on the northern side, and the ridge height approximately 6.0m above ground level. The single storey extension had a depth of approximately 11.0m, and a width of approximately 5.8m. This refused scheme also included an extension to the roof of the existing dwellinghouse.
 - 2.5. The proposed materials would include the use of render, grey roof tiles, and aluminium windows and doors.
- 3. Description of the site and surrounding area**
- 3.1. The application site is a detached dormer bungalow within the settlement boundary of Market Bosworth.
 - 3.2. The existing property, no.32 Northumberland Avenue, is situated on a shared driveway at the end of Northumberland Avenue. The dwelling on the application site is finished in a dark brick, brown concrete tiles, and uPVC windows and doors.
 - 3.3. The application site was built after and under separate planning permissions to the rest of the properties on Northumberland Avenue. As a result of its later construction, the application site is not so much read in the street scene with the properties along Northumberland Avenue, but more so with properties along Shenton Lane by virtue of its design and orientation.
 - 3.4. The majority of properties along Northumberland Avenue are two storey semi-detached dwellings, with one bungalow. The dwellings along Northumberland Avenue are of all of brick construction, with sporadic uses of render and mock Tudor effects. The application of render can be found at neighbouring 64 Shenton Lane, as well as the new build properties at nos. 50, 48 and 46 on Shenton Lane.
 - 3.5. There are three large protected trees affecting the setting of the application site, T1 Oak, T2 Beech, and T3 Lime. These trees are protected by the Tree Preservation Orders 86/00003/TPORD, and 84/00002/TPORD.

4. Relevant Planning History

18/00016/FTTREE

- T1 Oak - Fell and replace
- T2 Beech - Remove 2 damaged lower limbs
- T3 Lime - Prune encroaching canopy back by 3-4m
- Appeal dismissed
- 12.04.2019

01/00815/TPO

- Works to one oak tree
- Permit Tree Preservation Order Works
- 11.09.2001

04/01196/TPO

- Works to tree
- Permit Tree Preservation Order Works
- 10.11.2004

09/00549/TPO

- Works to oak tree (T4 on TPO)
- Permit Tree Preservation Order Works
- 07.10.2009

15/00923/TPO

- Works to oak tree
- Permit Tree Preservation Order Works
- 13.10.2015

18/00211/TPO

- T1 Oak - Fell and replace
- T2 Beech - Remove 2 damaged lower limbs
- T3 Lime - Prune encroaching canopy back by 3-4m
- Not determined
- 24.05.2018

19/01103/HOU

- Single storey side extension, and extension above garage
- Refused
- 10.01.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. Four representations from members of the public were made objecting to this planning application, the issues raised are as follows:
 - Overbearing
 - Loss of light
 - Overdevelopment
 - Impact on trees
 - Drainage

- Design

6. Consultation

- 6.1. Market Bosworth Parish Council was consulted and objects to this planning application.
- 6.2. HBBC Arboricultural Officer, no objections and a scheduled arboricultural supervision programme by the project arboriculturalist would be required and conditioned in the standard form.
- 6.3. Market Bosworth Neighbourhood Forum was consulted and did not provide comment.
- 6.4. HBBC Drainage was consulted and has no objections.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
 - Policy CE1: Character and Environment
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon trees
 - Other matters

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 CE1 of the Market Bosworth Neighbourhood Plan requires development to be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Policy CE1b requires that development within Character Area D should pay particular regard to existing rooflines.
- 8.4. The application site lies in Character Area D as allocated in the Market Bosworth Neighbourhood Plan (2016). In this character area, there are considered to be consistent characteristics as set out in Section 4.3j of the Market Bosworth Neighbourhood Plan, some of which but not all apply to the application site due to its lack of association with the other properties within Northumberland Avenue.

- 8.5 By virtue of the subservient massing of the ridge and eaves height of the proposed single storey rear extension, it is considered that the proposed design is in accordance with Policy CE1b of the Market Bosworth Neighbourhood Plan.
- 8.6 The proposed extension of the front canopy is considered to be a harmonious addition by continuing the existing features on the south-west elevation. This is considered to enhance the appearance of no.32 Northumberland Avenue by bringing about a more symmetrical entrance to the property. As stated previously, the application site is already somewhat disconnected from the remainder of the properties on Northumberland Avenue. As such this addition, although uncharacteristic of Northumberland Avenue as a whole, is considered to be wholly complementary to the application site.
- 8.7 The proposed single storey rear extension would not be seen from the street scene of Northumberland Avenue, as such would have no impact on the settled street scene observed here. This part of the proposed extensions would however be seen from Shenton Lane, on the south-east facing elevation of the property albeit behind a large hedgerow. This extension would reflect the proportions found on the existing dormer windows on the original building, so is considered to complement the original dwelling as set out in the 2020 Good Design Guide SPD. Furthermore, the contemporary look including the floor to ceiling windows, oversail roof, and aluminium and glass balcony are features which can be observed and are featured within Shenton Lane to which this addition would be contained within.
- 8.8 Overdevelopment was raised as a concern on the application site. By virtue of the large plot size the proposed extensions would cover approximately 15% of the current garden area. This would still result in the application site retaining a relatively large garden which is considered to be in proportion with the proposed layout of the dwellinghouse. It should be noted that the garden at the application site would remain significantly larger than the gardens at the majority of other properties along Northumberland Avenue. As such, it is considered that ample private amenity space of approximately 250m² would be retained a minimum of 80m² would be required. Therefore the proposal is not considered to result in overdevelopment of the site. The Good Design Guide (2020) requires minimum garden length of 7m; here the garden is 10m in depth.
- 8.9 It is considered that the proposed extensions and alterations are considered to be a complementary addition to Character Area D of Market Bosworth. The modern materials that would be used are considered to be sympathetic to the character of the street scene from which they would primarily be viewed. This would result in the retention of the local distinctiveness of Shenton Lane, where varied unique and contemporary properties can be found. As a result the proposal is considered to be in compliance with Policy DM10 of the SADMP, as well as Policy CE1 of the Market Bosworth Neighbourhood Plan, therefore is recommended for approval subject to conditions
- Impact upon neighbouring residential amenity
- 8.10 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings
- 8.11 It is considered that there would be no significant impact on the residential amenity of the neighbouring 64 Shenton Lane as a result of the proposed extension, which would be approximately 1.0m from the boundary with this property. At present a large detached garage is situated along the boundary between the application site and no.64 Shenton Lane, with an eaves height of approximately 2.4m, and a ridge height of approximately 4.7m. Furthermore, taking the slight level change into

account between the application site and neighbouring site at no.64 Shenton Lane, this further lessens the visual prominence when viewed from the north to little higher than the neighbouring garage. The proposed dimensions of the proposed extension are approximately 2.2m to eaves, 4.8m ridge height. The proposed extension would be set away from the boundary by over 6.0m, along with the hipped roof shape of the proposed scheme with the roof sloping away from the boundary to a low eaves height of 2.2m. As a result, it is considered that the proposed extension would not form a significant visual intrusion in terms of appearing overbearing nor significantly reduce light to this neighbouring dwelling.

- 8.12 To the west of the application site is No.30 Northumberland Avenue, which is a detached dwelling which is an immediate neighbour to the site. It should be noted that the application site as originally built does infringe upon the 45 degree rule, which tries to ensure good access to light to neighbouring occupants. The proposed extension would not further contravene this rule, as it would be sited behind the existing dwellinghouse where it would not be seen from the nearest principal window to a habitable room. Therefore retaining the current aspect to the rear of no.30. Furthermore the hipped roofed design limits any adverse impact, as the maximum ridge height would be reached approximately 8.9m into the site away from the boundary with no.30. As well as the considerable set back of approximately 6.1m to the boundary with no.30 where the eaves of the main part of the extension would be found.
- 8.13 The proposed single storey extension has been significantly reduced in terms of mass, scale and depth from the proportions on the previously refused scheme. The width has been reduced by roughly 0.3m, and the depth reduced by 1.3m, and height reduced by roughly 0.3m in order to overcome the significant overbearing impact on the previous application to the occupants of no.30 Northumberland Drive. The proposed extension would be to the north east of this neighbouring dwellinghouse, from which only a short period of early morning sun would be able to permeate into the dwellinghouse. By virtue of the considerable set back from the boundary and roof form, there is not considered to be any impact on the levels of light entering no.30 Northumberland Avenue over and above the existing relationship.
- 8.14 Accordingly the proposed scheme would not result in a significant further adverse impact upon the amenity of existing occupants and is therefore considered to accord with Policy DM10 of the SADMP in regard to impact upon neighbouring residential amenity, and the concerns of overshadowing, loss of light and overbearing impact to No.30 Northumberland Avenue. In spite of the breach of the 45 degree rule of the main dwellinghouse, the proposed extension would not further exacerbate this relationship due to its form and siting and is considered to overcome the previous reason for refusal.

Impact upon trees

- 8.15 Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.16 Concerns have been raised regarding the potential impact upon the trees protected by preservation orders that were feared to potentially arise as a result of the proposed development. The site is affected by three trees protected by TPO, including one large Oak tree in the centre of the site, for which the root protection area covers a large area of the site. As well as two trees at 64 Shenton Lane, a Lime tree and a Beech tree which are protected by TPO.
- 8.17 An Arboricultural Impact Assessment (AIA) has been submitted with this application which specifies details to ensure the protected trees would not be damaged as a

result of the proposed works, or the construction process. During the construction process it is proposed that the mortar mixing area, storage area, and site facilities would be outside the root protection area. Contractor access would be around the rear of the property along the existing hard surfaced access route, which would not cross the root protection area.

- 8.18 The amended massing and layout of the proposed extensions have been reduced in height and with the proposed roof layout, there would be no impact on the canopy, with the underside of the canopy at approximately 8.0m above ground level and the proposed extension approximately 4.8m in height when measured from ground level.
- 8.19 Consequently, the proposed extensions are considered to be compatible with the setting, and the trees can be ensured of protection through an Arboricultural Supervision Programme, and the works would be carried out in complete compliance with the AIA and Tree Protection Plan. Therefore, subject to the imposition of conditions to ensure the compliance with the Tree protection plan and construction methods, the proposed development would accord with Policy DM6 of the SADMP.

Other Issues

- 8.20 Drainage was raised as an issue that could arise from the proposed development. The application has been sent for consultation with the HBBC Drainage consultant who has raised no concerns or objections with the proposed scheme

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 application site is located within the settlement boundary of Market Bosworth, where the presumption in favour of sustainable development applies. This is set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

- 10.2. By virtue of the complementary and contemporary appearance of the proposed single storey rear extension, as well as its sympathetic design to overcome any potential adverse impact upon neighbouring occupants. The proposed single storey rear extension and front canopy extension are considered to be in accordance with Policy DM10 of the SADMP, and the 2020 Good Design Guide SPD in regard to design and neighbouring impact. The proposed scheme is considered to retain the local distinctiveness of Character Area D, most pertinently the properties along Shenton Lane, in accordance with Policy CE1 of the Market Bosworth Neighbourhood Plan. As such this application is recommended for approval subject to the following 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:

Site Location Plan - Drg No. 4609-PL01 - received on 7 February 2020

Block Plan - Drg No. 4609-PL01 - received on 25 March 2020

Proposed NE & SE Elevations Rev. K - Drg No. 4609-PL07 - received on 5 March 2020

Proposed NW & SW Elevations Rev.G - Drg No. 4609 - PL08 - received on 07 February 2020

Proposed Ground Floor Plan - Drg No. 4609 - PL05 - received on 25 March 2020

Tree and Root Protection Plan - Drg No. 4609 - PL12 - received on 20 March 2020

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 extension and alteration shall accord with the approved Proposed NE & SE Elevations Rev. K - Drg No. 4609-PL07 - received on 05 March 2020, and Proposed NW & SW Elevations Rev.G - Drg No. 4609 - PL08 - received on 7 February 2020.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with

British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

5. No works or development shall take place within the site until a site specific no-dig access drive construction method statement has been submitted to and approved in writing by the local planning authority that demonstrates that no-dig surfacing and construction is fit for purpose. The development shall then be implemented in accordance with the approved scheme.

Reason: To ensure that works within a root protection area are carried out in accordance with BS5837:2010 S.7.4.

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 or call 01455 238141.

APPENDIX A

Planning Committee 7 January 2020
Report of the Planning Manager

Planning Ref: 19/01103/HOU
Applicant: Mr & Mrs Chenery
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 32 Northumberland Avenue Market Bosworth

Proposal: Single storey side extension, and front porch extension



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 permission for multiple alterations and additions to 32 Northumberland Avenue, Market Bosworth.

- 2.2. The proposed extensions include a single storey side extension, and a porch extension. This would also involve roof alterations from hip to half hip, and the addition of a chimney stack.
- 2.3. Amendments were sought on the original two storey extension to decrease the potential impacts in regard to light for neighbouring occupants. As a result, the proposed rear extension would be approximately 2.5m to the eaves on the northern side, and 3.4m on the southern side, and the ridge height would be approximately 6.0m above ground level. The single storey side extension has a depth of approximately 11.0m, and a depth of approximately 5.8m. The porch extension is approximately 2.4m in width and 1.3m in depth, which would match the existing eaves height and ridge height of the monopitch roof. A day consultation has been carried out following the submission of amended plans.
- 2.4. The scheme has also removed the proposed alterations to the existing garage, following officer recommendations.

3. Description of the Site and Surrounding Area

- 3.1. The application site is a detached dormer bungalow dwelling within the settlement boundary of Market Bosworth.
- 3.2. The existing property, no.32 Northumberland Avenue, is situated on a shared driveway at the head of Northumberland Avenue. The application site was built later and under separate planning permissions to the other dwellings along Northumberland Avenue. The dwelling on the application site is finished in a dark brick, brown concrete tiles, and uPVC windows and doors. As a result of the later construction, the application site does not relate well with the properties along Northumberland Avenue, but more so with properties along Shenton Lane by virtue of its design and orientation.
- 3.3. The majority of properties along Northumberland Avenue are two storey semi-detached dwellings, with one bungalow. The dwellings along Northumberland Avenue are of varying finishes of brick construction. Render can be found at neighbouring 64 Shenton Lane, as well as new build properties further along Shenton Lane.
- 3.4. There are three large protected trees affecting the setting of the application site, T1 Oak, T2 Beech, and T3 Lime. These trees are protected by the Tree Preservation Orders 86/00003/TPORD, and 84/00002/TPORD.

4. Relevant Planning History

01/00815/TPO	Works to one oak tree	Permit Tree Preservation Order Works	11.09.2001
04/01196/TPO	Works to tree	Permit Tree Preservation Order Works	10.11.2004
09/00549/TPO	Works to Oak tree (T4 on TPO)	Permit Tree Preservation Order Works	07.10.2009
15/00923/TPO	Works to Oak Tree	Permit Tree Preservation Order Works	13.10.2015

18/00211/TPO	T1 Oak - Fell and replace	Not Determined	24.05.2018
	T2 Beech - Remove 2 damaged lower limbs	Appeal Dismissed	12.04.2019
	T3 Lime - Prune encroaching canopy back by 3-4m		

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. Seven letters of objection have been received from six separate addresses, raising the following concerns:-
 - 1) Loss of privacy
 - 2) Overbearing impact
 - 3) Overshadowing impact / Loss of light
 - 4) Impact on character
 - 5) Impact on protected trees
 - 6) Overdevelopment
 - 7) Access

6. Consultation

- 6.1. Market Bosworth Parish Council: Upon re-consultation supports the objections and concerns raised by neighbours.
- 6.2. HBBC Arboricultural Officer: Concerns have been overcome through amendments to the Arboricultural Implications Assessment, and a scheduled arboricultural supervision programme by the project arboriculturalist would be required and conditioned in the standard form.
- 6.3. Market Bosworth Neighbourhood Forum: No comments received.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
- 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 trees

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. By virtue of the existing design of no.32 Northumberland Avenue, the elevation with the front door is to the side of the property along Northumberland Avenue, with the main architectural features facing towards Shenton Lane.
- 8.4. The proposed porch extension would be a continuation of the existing design, forming a full width Dutch gable roof design to the elevation facing the private driveway off Northumberland Avenue. This is considered to be a more cohesive design with the original side elevation of no.32 Northumberland Avenue. There is a range of roof types within the vicinity of the application site, including hipped, half-hipped, and pitched.
- 8.5. The proposed single storey side extension would not be immediately seen from the street scene of Northumberland Avenue. However, this would be a somewhat prominent addition to the property when viewed from along Shenton Lane, as this would step forward of the original dwelling by a maximum of approximately 6.2m, bringing the development to approximately 4.5m from the site boundary with Shenton Lane.
- 8.6. Although the proposed alterations are not necessarily akin to the properties along Northumberland Avenue, the proposed extensions and alterations are considered to complement the original dwelling. The application site does not relate well to the properties along Northumberland Avenue at present, due to its original design and siting. The application site is more discernible in its wider context when read from Shenton Lane as the property is readily seen and read in the context of Shenton Lane rather than from Northumberland Avenue. It is considered that the proposed extensions and alterations would complement the existing dwelling, in addition would not look out of character to the varied design and materials of properties along this southern gateway to Market Bosworth, most notably including nos. 46, 48 & 50 Shenton Lane.
- 8.7. It is considered that the proposed extensions and alterations are considered to be a complementary addition to the area. The modern materials that would be used are considered to sympathetic to the character of the surrounding area. As a result the proposal is considered to be in compliance with Policy DM10 of the SADMP, therefore is recommended for approval subject to conditions.

Impact upon neighbouring residential amenity

- 8.8. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.9. As a result of the public consultation, objections have been received on the grounds of loss of light due to the design and scale of the proposed development for neighbouring nos.30 & 28 Northumberland Avenue. During the course of the application, amendments have been received which have reduced any overbearing impact upon neighbours to what is considered not significant, when taking into account the relationship of the application dwelling to neighbouring properties and consideration of technical guidance. The rear of the proposed side extension would be hipped, sloping away from no.30 Northumberland Avenue, which would facilitate the small amount of light that currently enters the amenity space of this neighbouring dwelling from the north-east direction.

- 8.10. There would be a negligible impact on the residential amenity of the neighbouring 64 Shenton Lane as a result of the proposed extension, which would be approximately 1.0m from the boundary with this property. At present a large detached garage is situated along the boundary between the application site and no.64 Shenton Lane, with an eaves height of approximately 2.4m, and a ridge height of approximately 4.7m. Furthermore, taking the slight level change into account between the application site and neighbour at no.64 Shenton Lane, this further lessens the visual prominence when viewed from the north to little higher than the neighbouring garage. The proposed dimensions of the proposed extension are approximately 2.5m to eaves, 5.0m ridge height when viewed from the north. As a result, it is considered that the proposed extension would not form a significant visual intrusion in terms of appearing overbearing nor significantly reduce light to this neighbouring dwelling.
- 8.11. It should be noted that the application site as originally built does infringe upon the 45 degree rule, which tries to allow good access to light. Given that a hip-to gable extension, which would be Permitted Development at the application site, which is considered to have a worse effect upon neighbouring amenity than the proposed half-hip and extensions. The proposed extensions are considered to not significantly exacerbate the moderate level of light entering the north-facing rear elevation of neighbouring no.30 Northumberland Avenue.
- 8.12. There are no proposed rear facing windows on the extensions which would overlook neighbouring no.32 Northumberland Avenue. The proposed full height window sited on the corridor section leading to the main section of the proposed extension would look northwards towards the garage and boundary fence with no.64 Shenton Lane.
- 8.13. Accordingly 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 trees

- 8.14. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.15. Concerns have been raised regarding the potential impact upon the trees protected by preservation orders that were feared could arise as a result of the proposed development. The site is affected by three trees protected by TPO, including one large Oak tree in the centre of the site, for which the root protection area covers a large area of the site. As well as two trees at 64 Shenton Lane, a Lime tree and a Beech tree which are protected by TPO.
- 8.16. An Arboricultural Impact Assessment (AIA) has been submitted with this application which specifies details to ensure the protected trees would not be damaged as a result of the proposed works, or the construction process. During the construction process it is proposed that the mortar mixing area, storage area, and site facilities would be outside the root protection area. Contractor access would be around the rear of the property along the existing access route, which would not cross the root protection area.
- 8.17. The amended massing and layout of the proposed extensions have been reduced in height and with the proposed roof layout, there would be no impact on the canopy, with the underside of the canopy at approximately 7.0m above ground level and the proposed extension approximately 5.0m in height when measured from the same ground level.

- 8.18. Consequently, the proposed extensions are considered to be compatible with the setting, and the trees can be ensured of protection through an Arboricultural Supervision Programme, and the works would be carried out in complete compliance with the AIA and Tree Protection Plan. Therefore subject to the imposition of conditions to ensure the compliance with the Tree protection plan and construction methods the proposed development would accord with Policy DM6 of the SADMP.

Other Issues

- 8.19. Access for construction traffic was raised as a concern by one neighbour given the only access to the application site for vehicles being from a narrow driveway. This driveway would be the main access route for construction work to the proposed extensions. This is in order to minimise any affect to the root protection areas of the three preserved trees which can be found under the application site.
- 8.20. The integrity of the construction has been raised as a concern due to the proposed no-dig construction methods that would be used. A no-dig method would be employed to minimise any affects to the roots of the surrounding preserved trees, in line with the Arboricultural Impact Assessment. Building standards would be to the standards of HBBC Building Control.
- 8.21. Overdevelopment was raised as a concern on the site. By virtue of the large plot size the proposed extensions would cover approximately 15% of the current garden area. This would still result in the application site retaining a relatively large garden which is considered to be in proportion with the proposed layout of the dwellinghouse and outbuilding.

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 application site is located within the settlement boundary of Market Bosworth, where the presumption in favour of sustainable development applies. This is set out in Policy DM1 of the SADMP and the wider policies of the NPPF.
- 10.2. It is considered that following significant amendments the siting, design, scale, mass, and layout of the proposed scheme would be a complementary addition to the original dwelling and the surrounding area. It would not result in a significant adverse impact on the residential amenity of neighbouring occupants, or have a detrimental impact on the protected trees on and adjacent to the application site. The development is therefore in accordance with Policies DM1, DM6, and DM10 of the Site Allocations and Development Management Policies DPD (2016).

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:

Householder Application Form Received by the LPA 30 September 2019

Tree and Root Protection Plan Drawing No: 4609-PL12 Rev:B (1:100 scale)

Arboricultural Impact Assessment (Revision 1)

Received by the LPA on 20 November 2019

Block Plan Drawing No: 4609-PL11 Rev:B (1:500)

Site Location Plan Drawing No: 4609-PL05 Rev:J (1:1250 scale)

Proposed Ground Floor Plan Drawing No: 4609-PL05 Rev:J (1:100 scale)

Proposed First Floor Plan Drawing No: 4609-PL06 Rev:D (1:100 scale)

Proposed NE & SE Elevations Drawing No: 4609-PL08 Rev D (1:100 scale)

Proposed NW & SW Elevations Drawing No: 4609-PL08 Rev.F (1:100 scale)

Proposed Section 01 and Ground Beam Detail (1:50 scale) Drawing No: 4609-PL14 Rev:A

Received by the LPA on 27 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 extension and alteration shall accord with the approved Householder Application Form Proposed received by the LPA 30 September 2019, Proposed NE & SE Elevations Drawing No: 4609-PL08 Rev D (1:100 scale), Proposed NW & SW Elevations Drawing No: 4609-PL08 Rev.F (1:100 scale) received by the LPA on 27 November 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).

4. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

5. No works or development shall take place within the site until a site specific no-dig access drive construction method statement has been submitted to and approved in writing by the local planning authority that demonstrates that no-dig surfacing and construction is fit for purpose. The development shall then be implemented in accordance with the approved scheme.

Reason: To ensure that works within a root protection area are carried out in accordance with BS5837:2010 S.7.4.

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 or call 01455 238141.