

**Planning Committee 29 September 2020
Report of the Planning Manager**

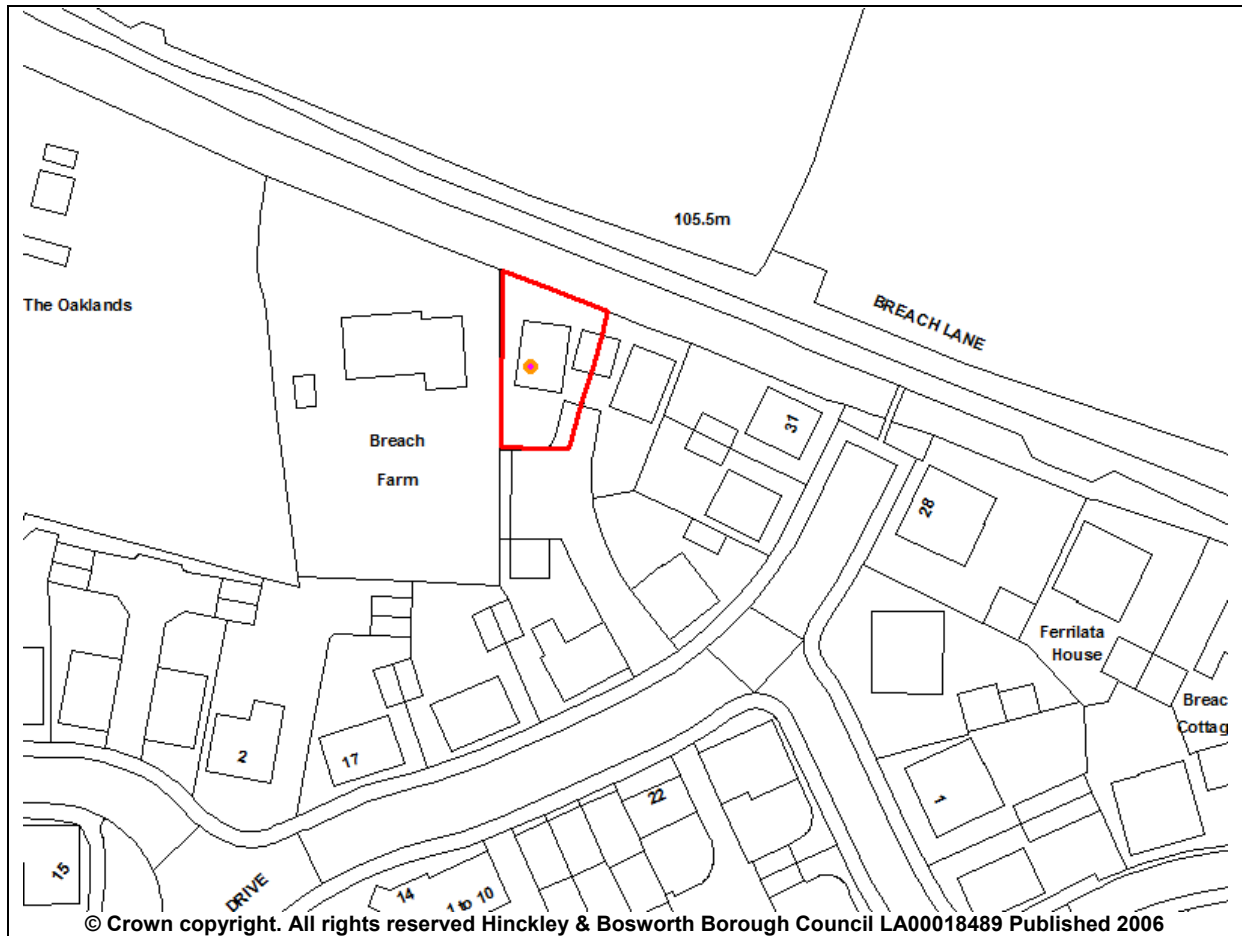
**Planning Ref: 20/00411/FUL
Applicant: Mr J Dhami
Ward: Earl Shilton**



**Hinckley & Bosworth
Borough Council**

Site: 23 Masefield Drive Earl Shilton

Proposal: Two storey side and single storey rear extension and creation of new vehicular access to front



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 a two storey side and single storey rear extension and creation of new vehicular access onto Breach Lane to access the front of the property.

- 2.2. During the course of the application the applicant amended the roof height over the proposed two storey side extension in an effort to help this aspect of the proposed development better assimilate with the simple plan form of the host dwelling.

3. Description of the site and surrounding area

- 3.1. The application site comprises a detached two storey dwelling in the settlement boundary of Earl Shilton. It is located within a post-2000s housing development permitted under 07/00673/REM. The host dwelling is situated along the northern boundary of the development, fronting on to Breach Lane.
- 3.2. The host dwelling is finished in red bricks, grey roof tiles and white UPVC windows and doors. A detached garage is also included in the dwelling's residential curtilage, on its east side. The host dwelling is set back from the vehicular track along Breach Lane by virtue of a grass verge. Off-street parking/vehicular access is currently reached from the rear of the dwelling, via a shared drive off Masefield Drive. The entrance into the garage on site faces Masefield Drive and further external parking is located to the rear. Pedestrian access into the front of the property can be reached from Breach Lane.
- 3.3. The host dwelling appears uniform with the rest of the dwellings forming part of the post-2000 development. When viewed from Breach Lane, the host dwelling forms part of a varied residential street scene of the Earl Shilton and Barwell southern settlement boundary. Breach Lane is characterised by vehicular accesses into residential plots. This can be seen in particular at residential property which neighbours the host dwelling to the west, Breach Farm.

4. Relevant planning history

01/00621/OUT

- Residential development new access road replacement allotments resiting of agricultural building open space
- Refused
- 10.10.2001

03/00295/OUT

- Residential and ancillary development including part of the Earl Shilton bypass with interim access arrangements and associated works relocation of existing agricultural buildings and private access arrangements
- Outline Planning Permission
- 26.01.2007

07/00673/REM

- Residential development of 150 dwellings with associated infrastructure and landscaping
- Reserved Matters Approved
- 24.10.2007

08/00252/FUL

- Substitution of 18no. House types and amendments to layout
- Planning Permission
- 04.06.2008

09/00528/REM

- Substitution of house types to plots 76-80, 87 and 93-107
- Reserved Matters Approved
- 28.10.2009

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. No responses have been received.

6. Consultation

- 6.1. LCC Highways have raised no objections to the proposal subject to conditions.
- 6.2. Earl Shilton Town Council have objected to the proposed development expressing a concern that the proposed vehicular access would have a detrimental impact upon the character of Breach Lane.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (AAP) (2014)
- Policy 22: Development and Design
- 7.2. 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
- 7.3. 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

- Assessment against strategic planning policies
- 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 Earl Shilton 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 regards to scale, layout, density, mass, design, materials and architectural features.
- 8.4. Policy 22 of the Earl Shilton and Barwell AAP requires new development to have no detrimental impact upon the character and appearance of the host dwelling or surrounding area.
- 8.5. The Good Design Guide sets out design principles for householder extensions. It states that two storey side extensions should be subordinate to the main dwelling and set down from the existing ridge and set back from the front elevation. It also states that rear extensions should be designed to be clearly subordinate to the main dwelling.
- 8.6. This application proposes a two storey side extension along the west elevation of the host dwelling. An existing single storey timber lean to storage building on the west elevation of the host dwelling would be removed as a result of this aspect of the proposed development. The width of the extension would be staggered; when viewing from its front elevation it would measure approximately 2.7 metres, and when viewing from the rear elevation it would measure approximately 2.1 metres. The width of the proposed extension would be stepped in at approximately 4.2 metres back from its front elevation. The roof over the two storey extension would be pitched, with a west facing gable end. Its eaves would match existing and the ridge set down considerably from the host dwelling. The roof over the extension's narrower element would be hipped, as per the amendments received, would be set down only slightly further from the ridge of the host dwelling. It is considered that the roof arrangement proposed would sufficiently maintain the simple roof design of the host dwelling and those surrounding within the wider post 2000s development when viewed from public vantage points. The front elevation of the proposed two storey extension would be set back from the principal elevation of the host dwelling by approximately 0.2 metres, remaining discernible. Materials used would match existing.
- 8.7. The proposed single storey rear extension would extend off the back of the proposed two storey extension and existing rear elevation of the host dwelling. The roof over this element would be flat. According to its footprint, this aspect of the proposed development would be minor in scale and massing. By virtue of existing high boundary fencing around the rear residential amenity space of the host dwelling, a view of this aspect of the development would be limited within the Masfield Drive street scene. Materials proposed would be acceptable. It is considered that this aspect of the development would not significantly detract from the character of the existing host dwelling or surrounding area.
- 8.8. The application also includes a vehicular access into the site from Breach Lane. Breach Lane has a more rural character than the surrounding residential roads. There are a number of access points onto Breach Lane, including one to the neighbouring property to the west. The application dwelling fronts onto Breach Lane and has pedestrian access. Due to the existing access points serving properties along Breach Lane and the existing property frontage the creation of a vehicular access onto Breach Lane would not cause adverse harm upon the character of Breach Lane.
- 8.9. The proposed development therefore satisfies Policy 22 of the Earl Shilton and Barwell AAP and Policy DM10 of the SADMP and the principles of the good design guide.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11. The proposed access would not cause any significant neighbouring residential amenity impacts, according to the domestic nature and quantum of this aspect of the proposed development.
- 8.12. According to the single storey scale and footprint of the proposed rear extension, along with existing high boundary fencing and separation distances, this aspect of the proposed development would not adversely harm the residential amenities of Breach Farm (west) or no.25 Masefield Drive (east).
- 8.13. Albeit reducing the separation distance between the host dwelling and Breach Farm, the proposed two storey side extension would not have an adverse overlooking, overshadowing or overbearing impacts upon this western neighbour by virtue of its scale, footprint and design.
- 8.14. The proposed development would therefore satisfy Policy DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.15. Policy DM17 and Policy DM18 of the SADMP seeks to ensure that proposals would not cause any significant adverse impact upon highways safety and that parking provision is appropriate to each individual development.
- 8.16. The current application proposes to create a vehicular access off Breach Lane which would serve the residential host dwelling. Rather than to the rear, this access would provide vehicular access and parking facilities to the front of the host dwelling. The proposed two storey side extension would increase the number of bedrooms on site from three to four, therefore necessitating a minimum of three off-street car parking spaces to be provided on site according to LCC Highways design guidance. No alterations are proposed to the existing access off Masefield Drive which currently serves the host dwelling. Breach Lane is a no through road and terminates at a turning head approximately 150 metres to the west of where the proposed access would be. It is single track for approximately 200 metres to the east of where the proposed access would be, widening where dwellings are situated on both sides of the road.
- 8.17. The existing garage on site would prevent access directly onto Breach Lane from Masefield Drive. LCC Highways therefore does not consider that the proposed access would have a severe detrimental impact upon highways safety. Although not demonstrated (and therefore necessary to secure by condition), the proposed access would achieve sufficient visibility splays east and south along Breach Lane. Combined with the access and parking arrangements maintained to the rear of the host dwelling, adequate off-street parking provision to accommodate the increase from three to four bedrooms could be provided on site.
- 8.18. The proposed development would therefore satisfy Policy DM17 and DM18 of the SADMP.

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 Earl Shilton 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, layout and character of the proposed scheme would respect the host dwelling and surrounding area. It would not result in any adverse neighbouring residential amenity or highways safety impacts. The development is therefore in accordance with Policies DM1, DM10, DM17 and DM18 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP and the principles of the Good Design Guide.

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:

Proposed Elevations Drg No: ESMD23/05 Rev: A (1:50 scale)

Proposed Floor Plans Drg No: ESMD23/04 Rev: A (1:50 scale)

Proposed Block Plan Drg No: ESMD23/06 Rev: A (1:100 scale)

All received by the Local Planning Authority on 12 June 2020.

Site Location Plan Drg No: ESMD23/01 (1:1250 scale) received by the Local Planning Authority on 27 April 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 details provided in the submitted application form, received by the Local Planning Authority on 27 April 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. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Block Plan Drg No: ESMD23/06 Rev: A received by the Local Planning Authority on 12 June 2020 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. No part of the development hereby permitted shall be occupied until such time as the parking and turning facilities shown on Proposed Block Plan Drg No: ESMD23/06 Rev: A received by the Local Planning Authority on 12 June 2020 have been implemented in full. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in

accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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.
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.