

**Planning Committee 2 March 2021
Report of the Planning Manager**

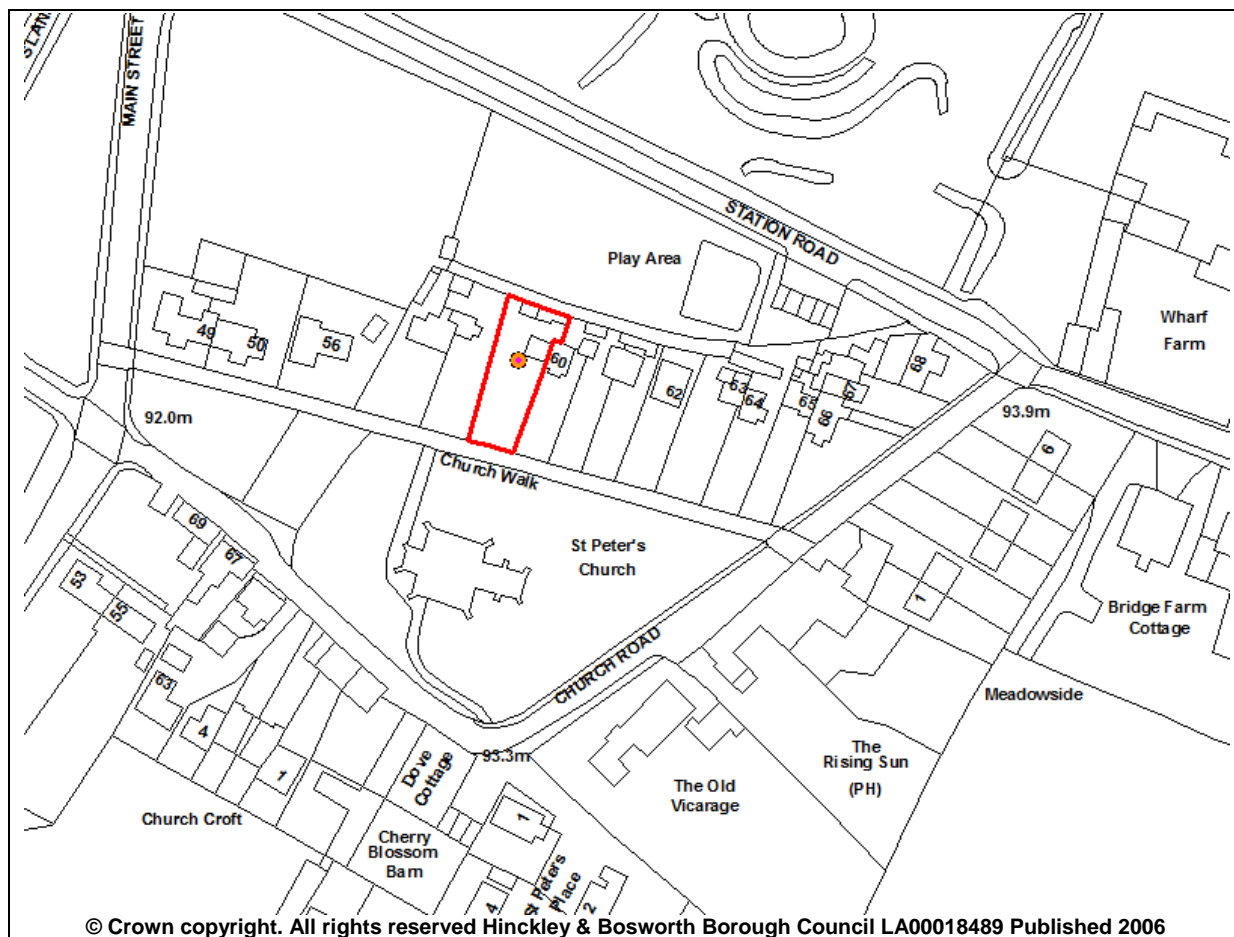
**Planning Ref: 20/01191/HOU
Applicant: Mr & Mrs B & S Wilcox
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth
Borough Council**

Site: 59 Church Walk Shackerstone

Proposal: Two storey side & rear extension, with front porch



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 rear extension, the extensions include a front porch and bay window.
- 2.2.** The side extension would have a width of roughly 4.1m, and a maximum depth of roughly 9.2m. The rear extension would have a maximum depth of 4.7m from the original rear elevation, and a maximum width of roughly 10.7m.

- 2.3. The eaves would be set at approximately 2.2m above ground level, with the ridge height to match existing at 7.2m.
- 2.4. The proposed brickwork and tiles are to match existing, with the proposed windows and doors of a traditional timber finish.

3. Description of the site and surrounding area

- 3.1. The semi-detached property is located within the cluster of former Gopsall Estate Cottages along Church Walk which were constructed in the 19th century in the Arts and Crafts style. The Shackerstone Conservation Area Appraisal (SCAA) (2009) identifies that these are very fine buildings of a quality design which is highly unusual for estate workers cottages. They were originally six pairs of single storey properties of a simple rectangular plan form and with bedrooms in the roof, though the majority have now seen significant alterations.
- 3.2. The cottages retain many original characteristics and features including steeply pitched roofs with clay tile roof covering, ridge top chimneys, projecting gables, and bay windows. No.59 demonstrates most of these features although it is slightly simpler in appearance with no projecting gables or bay windows.
- 3.3. The building is considered to be of historic and architectural interest and consequently it contributes positively to the character and appearance and thus significance of the Shackerstone conservation area.
- 3.4. No.59 is identified as an important historic building within the SCAA. Due to its historic and aesthetic value, the integrity of the original construction and its value as part of the group of estate workers cottages the building is of local significance and is considered to be a local heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework).

4. Relevant planning history

90/00052/4

- Extension to dwelling
Permission
12.03.1990

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. A notice was displayed in the local press.
- 5.4. Representations were received from nine addresses raising the following concerns:
- 1) Character
 - 2) Impact on neighbours
 - 3) Sets a precedent
 - 4) Impact upon view of Saint Peter's Church
 - 5) Affecting a right of way

6. Consultation

- 6.1. Shackerstone Parish Council was consulted and object to the development.
- 6.2. HBBC Conservation Officer was consulted and supports the proposed works.

7. Policy

7.1. Core Strategy

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- 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

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 13 of the Core Strategy states that the council will require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

8.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.5 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly

non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.6 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.7 The SCAA recognises that the spaces in between and around the estate workers cottages are key in allowing for an appreciation of their dispersed nature and overall character, and the space between no's 58 and 59 Church Walk allows for an incidental glimpse of the tower of the Church of St Peter, this being a grade II* listed building.
- 8.8 The extensions will reduce the space around the cottage but there remains separation from no.58 of roughly 2.6m, and the extent of the space to the front of the cottage remains unaffected so the dispersed nature of the cottages is considered to remain discernible, and not considered to result in overdevelopment of the site.
- 8.9 Due to the siting of the side extension there will be a minor reduction in the extent of the incidental view of the tower of the grade II* listed Church of St Peter from the park to the rear of the application site, however due to the orientation of the side extension and the associated steep angle of the pitched roof a view will remain and the significance of the church can continue to be appreciated. The proposal is located within the wider setting of the church but it is not considered to have any material adverse impact upon its significance.
- 8.10 The SCAA identifies factors that have a negative influence on the character of the conservation area and acknowledges that recent development includes a varied range of extensions, some of which are quite unsympathetic when added to modest cottages to meet the spatial demands of their owner-occupiers. Such modern extensions, which have in some cases considerably increased the size of the original cottage, can detract from their prevailing scale, form and design and reduce the space and views in between them.
- 8.11 The SCAA does acknowledge that although most of the Church Walk cottages have had large extensions they still retain many original characteristics and features.
- 8.12 The upper floors and roof scape of the rear elevations of the estate workers cottages are all visible from the recreational ground within the village, this also being a key space within the conservation area.
- 8.13 There is a staggered effect to the proposed rear elevation with the side extension projecting furthest followed by a smaller projection for the rear extension beyond the gabled rear wall of the adjoining property at no.60. The varied extent of these projections does add some variation to the design of the rear elevation with the proposed roof scape being evident from the recreation ground to the rear.
- 8.14 No.59 is one of the few cottages along Church Walk that has not seen the addition of a large extension, with the integrity of the original construction remaining clearly discernible. However, there is a small garden room located to the rear of the building, and given this in addition to the presence of many other large extensions upon the original cottages along Church Walk, it could be determined that a precedent has already been set for allowing extensions to the cottages.
- 8.15 The form of the proposed extensions is of a steep dual pitched roof with projecting gables to the rear. The gable facing the front elevation sits level with the existing

building line. The angle of roof pitch is slightly lower than the existing gables on the adjoining property (no.60) but they are steep and generally reflect the form of the roofs on the surrounding estate workers cottages. The steep angles also reduce the mass and density of the proposed extensions.

- 8.16 The gables are orientated at 90 degrees to the existing cottage, which would result in the extended cottage having a layout and form that largely reflects the arrangement of the paired cottages within Church Walk.
- 8.17 The existing tall chimney stack to the rear elevation which extends above the ridge line is to be retained as part of the proposal, as are the two larger windows and the door opening to the front elevation.
- 8.18 The door opening is proposed to be infilled with glazing and a new front door under a canopied porch set to the side of the proposed side extension is proposed. New window and door openings reflect the proportions and detailing of the existing and adjoining cottages and include hood mouldings, segmental brick arches and projecting cills. The style of the proposed windows and doors reflect the existing property and consist of a simple domestic casement window.
- 8.19 Bi-fold doors are proposed to the small rear projection and will be visible from the garden only. Two Velux roof lights are proposed to the side elevation, which due to their positioning in line with the windows below, orientation of this elevation not facing directly on to the street scene or recreation ground, and them being fitted flush to the plane of the roof ensures their visual impact will be very limited. Brick verge detailing, exposed rafter feet and black rainwater goods to match the existing are proposed for the roof.
- 8.20 Facing red brickwork, natural clay roof and ridge tiles, painted timber windows and doors are proposed for the construction materials for the extensions. These would match the existing materials on the cottage and are traditional materials that compliment those utilised in the local area. However due to the sensitive nature of the application site within a conservation area, a condition to provide material samples is considered necessary to ensure total coherence with the appearance of the surrounding area.
- 8.21 The proposal is not considered to reduce the appreciation of the significance of the nearby grade II* listed Church of St Peter to a level that would be considered adverse, it is therefore considered to be compatible with the significance of the building and would not be a harmful addition to its wider setting.
- 8.22 Although the extent of the proposed extensions compared to the size of the original cottage is considerable, due to the carefully considered layout, the resultant density form and mass of the extensions are considered to be wholly cohesive with the original dwellinghouse. The proposed extensions closely reflect the original characteristics the characterful features found throughout the former estate workers cottages of Church Walk.
- 8.23 It is considered that the proposal will have a negligible, not adverse, impact upon the character and appearance of the Shackerstone Conservation Area and its significance will be preserved. The proposed extensions are considered to respect the character and appearance of the area through the incorporation of the locally distinctive features of the conservation area into the development.
- 8.24 Overall the architectural features proposed are considered to reflect those of no.59 and they respect the character of the wider area. Therefore it is considered that the proposal complies with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.25 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.
- 8.26 The adjoining property, no.60, is situated to the east of the application site. This property has substantial extensions of its own, which follow the same design style of the conservation area with steeply pitched gables albeit using contemporary brickwork laid in stretcher course. This neighbouring property extends deeper into the plot than the existing dwelling at the application site.
- 8.27 The proposed extensions would extend beyond the rear elevation of this adjoining property by roughly 0.6m at its closest point. The extension would be set back by 0.3m from the boundary line to this neighbouring property allowing room for drainage and maintenance, without affecting the freehold of the adjacent property through any oversailing. At its greatest depth, the proposed extension would project roughly 1.3m beyond the rear elevation of the adjoining property. This depth is achieved at a distance over 5.0m from the boundary line. The rear elevation would be set back by roughly 2.5m from the large two storey rear extension at the adjacent no.58 Church Walk, resulting in a staggered and gently curved line of built form along the rear of these properties. It is therefore considered that the extension would not result in any further significant overshadowing to the amenity of the occupants of no.60 Church Walk.
- 8.28 There would be no conflict with the 45 degree rule as a result of the proposed development in relation to no.60 Church Walk. The properties along Church Walk benefit from a rear courtyard area and south facing front gardens laid to lawn which benefit from good levels of sunlight.
- 8.29 The adjacent property, no.58 Church Walk, is a heavily extended semi-detached cottage with a two storey rear extension spanning nearly the full depth of the rear courtyard space. There are three windows on the side of this neighbouring property. With the upstairs window obscurely glazed, acting as a secondary window to the south facing window on the front of the property. The windows on the ground floor serve the entrance hall.
- 8.30 Current boundary treatment between the two properties consists of a mixture of traditional brick wall, with trellis up to a height of roughly 1.5m. The proposed extension would be sited roughly 1.5m away from this boundary, and by virtue of the steeply pitched roof angle there is not considered to be any significant overshadowing to the adjacent property. The separation between the buildings would be approximately 2.6m, which is in excess of the desired 2.0m as set out in the HBBC Good Design Guide SPD (2020).
- 8.31 The proposed roof lights would be high level, and direct overlooking is limited due to the form of no.58 which has no clear glazed windows serving habitable rooms along this elevation, the private amenity space in the courtyard is hidden from view by the existing large two storey extension. Therefore it is considered that there would be no significant adverse impacts to the residential amenity of the occupants of this adjacent dwelling.
- 8.32 On the basis of the above assessment, the proposed development is considered to be in accordance with Policy DM10 of the SADMP in regard to impact on neighbouring residential amenity.

Impact upon highway safety

- 8.33 Policy DM17 of the SADMP seeks to ensure that development has no significant adverse impacts on highway safety. Policy DM18 of the SADMP seeks to ensure that an appropriate level of parking is provided.
- 8.34 The proposed development would see the addition of two bedrooms at the application site resulting in a three bedroom dwelling. Consequently two parking spaces would be required, the site benefits from a parking area adjacent to Church Walk and a long front garden, part of which has been previously used as a driveway. This is considered to be a more than adequate provision for the proposed development of the site.
- 8.35 Consequently the proposed development is considered to be in accordance with Policies DM17 and DM18 of the SADMP

Other matters

- 8.36 Concern was voiced by neighbours in regard to the right of way running along the rear of the properties along Church Walk. Each property along the walk has substantial boundary treatments, brick walls at 1.5m in height in the majority of cases with a small gate. The gate ensures the right of way at the rear of the application site would be retained as part of the proposals. The proposed extensions have a lesser depth to many found in the area. The right of way would be unaffected by the proposed development which leaves a minimum distance of roughly 3.5m to the northern boundary of the site.
- 8.37 Concern was raised in regard to the relocation of the oil tank that provides heating for the application site. At present, the oil tank is located in the north western corner of the site. By virtue of the ample courtyard size and distances to the site boundaries, the oil tank must, and has space to remain behind the principal elevation as set out in the GPDO 2015 (as amended).
- 8.38 Traffic and environmental disruption from the construction phase of development has been raised as an issue. Several properties have been extended in the past and there is direct access to the site from the public highway. A construction management plan is not considered reasonable or necessary for these householder extensions.

Equality implications

- 8.39 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.
- 8.40 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.
- 8.41 There are no known equality implications arising directly from this development.

- 8.42 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).

9. Conclusion

- 9.1 The application site is located within the settlement boundary of Shackerstone where there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and Paragraph 11 of the NPPF.
- 9.2 The proposed development is considered to fully appreciate and complement the character of the surrounding conservation area. As a result of the appropriate scale, siting, and design of the extensions, the development is not considered to result in any significant adverse impacts to the residential amenity of any neighbouring occupants. Therefore the application is considered to be in accordance with Policy DM10 of the SADMP and Policy 13 of the Core Strategy.
- 9.3 Ample parking would be provided at the application site, in accordance with Policies DM17 and DM18 of the SADMP. In regard to heritage impact, the proposed extensions comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.4 Consequently the recommendation is to approve with conditions set out below.

10. 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:
Site Plan & Location Plan - Drg. No. 01A - received 27 January 2021
Proposed Elevations and Floor Plans - Drg. No. 01A - received 27 January 2021.
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. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited

with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted 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 or call 01455 238141.