

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

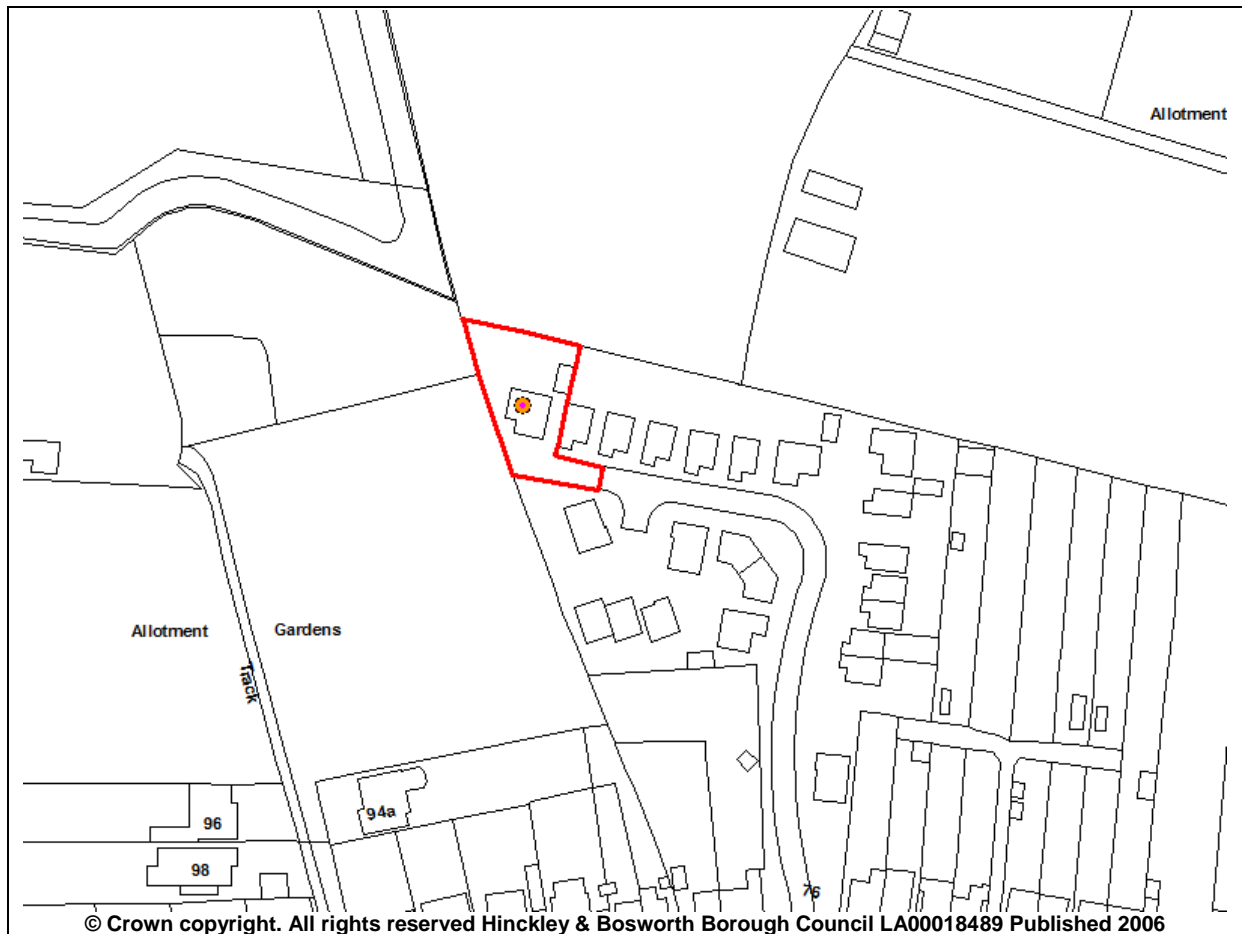
**Planning Ref: 20/01230/HOU
Applicant: Mr James Griffin
Ward: Earl Shilton**



**Hinckley & Bosworth
Borough Council**

Site: 9 Tommy Brown Close Earl Shilton

Proposal: Single storey extension at front, side and rear of house, alterations



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.** The application seeks full planning permission for a single storey extension at the front, side and the rear of the house to provide a garage, utility room, enlarged kitchen/dining room and office. The extension has a mono pitch roof and measures 3.9 metres in height to the ridge and 2.7 metres in height to the eaves. The extension projects 2.5 metres in depth from the rear of the existing house to connect to the existing garage at the rear.

- 2.2. The proposal has been amended by increasing the length of the extension at the side by 1.1 metres so it now projects in front of the house by 0.5 metres. The width has also increased by 0.3 metres. The increased size is to enable the garage to meet parking standards for a vehicle to park inside of it.
- 2.3. Materials proposed comprise brick and slate effect concrete tiles to match the existing house. The proposal would involve the removal of the carport and gate at the side of the house.
- 2.4. The proposal also involves converting the existing garage at the rear into a home office with the garage door removed, connecting to the rest of the extension and bi-fold doors added to the side elevation.

3. Description of the site and surrounding area

- 3.1. The site relates to a detached, modern, part brick and part rendered house with detached garage at the rear. It is located at the end of a row of residential properties along a cul de sac. The property is located outside of the settlement boundary for Earl Shilton therefore forming part of the countryside. Tommy Brown Close is an unadopted road located off Heath Lane.
- 3.2. To the rear (north) of the site is the Westfield Farm development with permission for up to 350 residential dwellings, with which construction work has begun. To the west of the site is a field within the open countryside.

4. Relevant planning history

15/00684/OUT

- Demolition of dwelling and erection of 26 No. dwellings (Outline - access only)
Outline Permission
14.06.2017

17/01185/REM

- Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 15/00684/OUT for residential development of 23 dwellings
Approve Reserved Matters
19.01.2018

20/00982/CLP

- Certificate of lawful proposed development for a single storey side extension and alterations to include existing garage as residential accommodation
Withdrawn
20.11.2020

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. There have been 11 letters of objection received as a result of the publicity making the following points:
- 1) Not enough parking for the size of the development causing parking problems in the area
 - 2) Not enough turning space within the site
 - 3) Will result in an increase in traffic
 - 4) There is not a 1 metre gap between the proposed development and the neighbour at number 10 which is in breach of The Good Design Guide, Supplementary Planning Document
 - 5) Loss of light and overbearing

- 6) Will breach the 45 degree rule for new extensions
- 7) This will cause more unsightly mess or damage to neighbouring properties
- 8) Will make the properties look like semidetached/link detached houses
- 9) The lack of a gap between properties would create a transfer of noise from the proposed garage/storeroom door through to the living space next door.
- 10) Damage to the road from heavy goods vehicles

6. Consultation

- 6.1. No objection has been received from LCC Highways.
- 6.2. Earl Shilton Town Council requested that the contents of an objection letter are noted when assessing the application. Members of the Town Council recorded no comments.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) 2014
 - Policy 22: Development and Design
- 7.2. Core Strategy (2009)
 - Policy 2: Development in Earl Shilton
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.5. 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 highway safety and parking

Design and impact upon the character of the area
- 8.2. The site is outside the defined settlement boundary of Earl Shilton and therefore Policy DM4 of the adopted SADMP applies to this site. Policy DM4 supports the extensions to existing buildings in the countryside in principle and requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.3. Policy DM10 of the SADMP and policy 22 of the ESBAAP 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 and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.

- 8.4 The Good Design Guide SPD outlines that extensions should be subordinate to the main dwelling and be an appropriate height, width, depth, and complement the detailing and materials of the existing building.
- 8.5 The proposed single storey extension is small scale with the mono pitched roof design and materials in keeping with the existing house with the extension being an improvement visually on the existing carport. Whilst the extension now projects forward of the existing house this is only by 0.5 metres and not in front of the neighbouring property. The overall size and scale of the proposal would not over dominate the existing house.
- 8.6 Some of the objection letters received state that extensions should leave a 1 metre gap to the side boundary and that this is set out in the Good Design Guide SPD. Whilst the proposal would be close to the side boundary the Good Design Guide outlines that where single storey development is planned the extension may extend to the boundary of the property but in the spirit of good neighbourliness and adequate distance of 1 metre should be encouraged. It is therefore not a requirement to keep a 1 metre distance from all neighbours and in many cases single storey side extensions can be carried out as permitted development even if they are less than 1 metre to a neighbour's boundary.
- 8.7 The extension would be well screened from the wider open countryside to the side and rear by the existing property and by boundary trees along the western elevation and would clearly form part of the existing residential development.
- 8.8 Overall the proposal would not have a significant visual impact on the existing house, the street scene and the wider open countryside in compliance with policies DM4 and DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.9 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.10 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.11 The proposed extension would be located close to the neighbouring property at number 10 Tommy Brown Close. This neighbour has a principal rear window set in from the boundary by approximately 1 metre. The 45 degree line taken from the centre point of this neighbour's rear window is intersected by the existing garage. The proposal would extend to the rear by 2.5 metres, infilling the gap to the front of the garage. Whilst this would result in a large part of the common boundary being built development there is already built development along this boundary through the garage and carport. The proposal has been designed so it is at its lowest point closest to the boundary with the neighbour only measuring 2.7 metres. Currently there is a 2 metre high timber fence in this gap between the side of the house and the garage therefore the extension will only project 0.7 metres above this fence for a length of 2.5 metres. The proposed side extension would run along the blank side elevation to this neighbour. Whilst the proposal now projects forward of the existing house close to this neighbour it is only by 0.5 metres and the principal front windows to this neighbour are set away from the boundary. The proposal is located away from other neighbouring residential properties.

- 8.12 There would be no loss of private, rear garden space as a result of the development with the property retaining in excess of 100sq metres of amenity space which is acceptable.
- 8.13 Overall the proposal would not have a significant impact on residential amenity in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.
- Impact upon highway safety and parking
- 8.14 Policy DM17 of the adopted SADMP supports development that seeks to ensure convenient and safe access and that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.15 Paragraph 109 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.16 Many of the objection letters received raise concerns over parking. The proposal has been amended to increase the size of the proposed garage so that it now measures 6mx3m internally, which is the minimum size required for a car to fit inside. This now increases the parking provision to the property. In addition to the garage space now provided the parking plan shows three parking spaces to the front of the property. It is therefore considered that four spaces is suitable provision for the four bedroom property. The conversion of the garage into an office is for the occupiers only, not a separate business, so it is not expected that additional visitors will arrive at the property as a result of the proposal. The Local Highway Authority have been consulted on the application and they raise no objection to the proposal and refer to their standing advice.
- 8.17 Overall it is considered the proposal would not have a significant impact on parking or highway safety. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted 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. Although the proposal is located outside the defined settlement boundary for Earl Shilton, it is an established residential property on a road with other residential properties. Policy DM4 of the adopted SADMP supports extensions to existing buildings in the countryside in principle. There is therefore a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.2. The proposal would not have a significant impact on residential amenity. The proposal would not have a significant impact on the character and appearance of the existing house or the wider street scene. The proposal would not have a significant impact upon parking standards or highway safety. The proposal would therefore be in accordance with policies DM4, DM10, DM17 and DM18 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

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:
Amended plans and elevations and site location plan ref no 299/02 Rev D received 5th February 2021
Amended block plan 299/03 Rev B received 5th February 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. The materials to be used on the external elevations of the proposed extension and alteration 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 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.