

**Planning Committee 25 May 2021
Report of the Planning Manager**

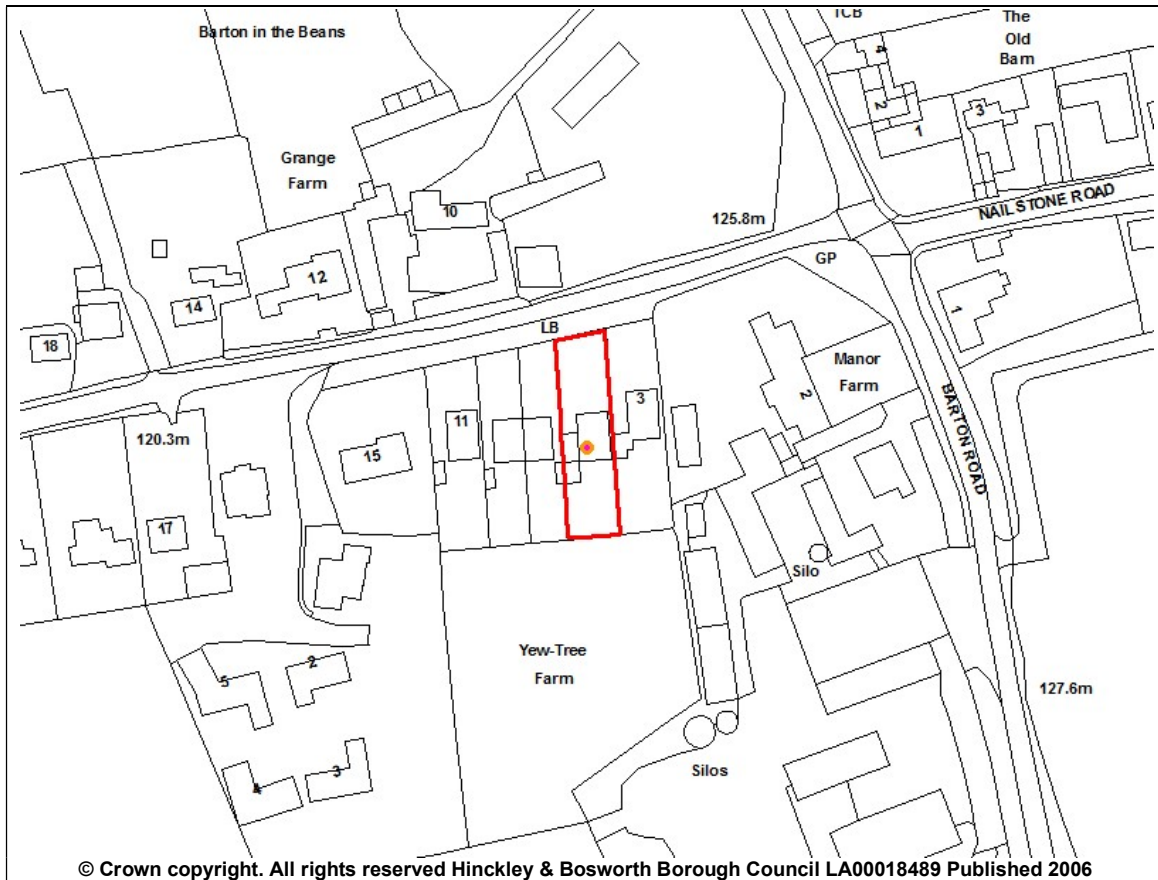
**Planning Ref: 21/00062/HOU
Applicant: Mr D Faver
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth
Borough Council**

Site: 5 Main Street Barton in the Beans Nuneaton

Proposal: Two storey side and rear extensions, including front and rear dormer windows



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 side and rear extensions as well as front and rear dormer windows to no.5 Main Street in Barton in the Beans.

2.2. The proposed development has been amended following neighbour and officer concerns for the character of the area.

- 2.3. The proposed two storey side and rear extension would have a total depth of roughly 19.0m, and a maximum height of roughly 6.5m. This would extend from the side of the original dwellinghouse by roughly 2.8.
- 2.4. The two dormers in the front roof slope would have a width of roughly 2.2m and a height of roughly 1.6m, they would extend a maximum of 2.2m from the roof slope.
- 2.5. The proposed development would see the roof refitted with slate effect tiles, and its height raised by roughly 0.3m. The extensions would be constructed with matching brickwork, with small elements of render.

3. Description of the site and surrounding area

- 3.1. The application site relates to the former Barton in the Beans post office building, which is modest single storey detached dwellinghouse constructed in the mid-20th century. The property is located to the south of Main Street adjacent to properties of a similar architectural style and age. The dwellinghouse lies over 15m back from the street, and is set at a higher ground level to the street, separated by a landscaped garden and low brick wall.
- 3.2. There is a highly varied appearance to the street scene of Main Street, which comprises a mix of modern dwellings and historic farm buildings. Many properties in the village, including the application site, are significantly set back from the highway and behind brick walls. A post-box is located within the public highway to the front of the application site.

4. Relevant planning history

76/00781/4

- Retention of use of hall of bungalow as a post office
Permission
27.07.1976

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. Objections have been received from six addresses raising concern for the following:
 - Loss of amenity
 - Impact on character
 - Overdevelopment
 - Housing mix
 - Access and construction management

6. Consultation

- 6.1. Shackerstone Parish Council was consulted and object to the proposed development.
- 6.2. LCC Highways was consulted and have referred to standing advice.
- 6.3. LCC Ecology was consulted and requested a bat survey, of which no evidence was found.
- 6.4. The Leicestershire Badger Group was consulted, no response was received.

7. Policy

- 7.1. Core Strategy (2009)
 - 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 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

Assessment against strategic planning policies

- 8.2 The application site is located within the settlement boundary of Barton in the Beans where there is a presumption in favour of sustainable development as set out in Policy 1 of the SADMP and Paragraph 11 of the NPPF. This states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016)

- 8.3 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.4 This application is for extensions to an existing dwellinghouse within a settlement boundary, which in itself is considered as a sustainable development. The change from a two bedroom property to a four bedroom property is considered to be a form of sustainable development by efficiently providing for the identified need. Although there would be the loss of a two bedroom property in the village, there would be no overall loss in housing within the village. Domestic extensions and alterations cannot be controlled to strictly enforce certain house types are protected, as government allows through deemed planning permission the extension of dwellings.

Design and impact upon the character of the area

- 8.5 Policy DM10 of the adopted Site Allocations & Development Management Policies requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect neighbouring buildings and the local area generally.

- 8.6 The proposed development includes the provision of dormers to the principal elevation. Dormer windows can be found at the neighbouring nos.9 and 11 Main Street and can be considered to be a character feature of the immediate setting of the application site. Therefore this feature of the proposed extensions can be considered to be entirely appropriate within the context of the surrounding area.
- 8.7 The proposed extensions would see the roof ridge height raised from 5.9m to 6.5m. This change is considered to be imperceptible from the street scene, as the site is set back by over 18m from the public highway. The neighbouring no.3 Main Street is positioned further forward of the dwelling at the application site, so appears more prominent within the street scene giving the illusion of a varied roof height. The highest point of the proposed development would be no higher than the highest point of no.3 Main Street. Consequently in regard to roof heights and massing, it can be considered that the proposed scheme would appear in keeping with the surrounding properties.
- 8.8 The alterations to the principal elevation are considered to result in a balanced appearance that would reflect the architectural style and existing symmetrical proportions of no.5 Main Street. Therefore can be considered to be in line with the HBBC Good Design Guide (2020).
- 8.9 Although the proposed rear extension would follow the ridge line of the original property, a subservient appearance is achieved through the reduced massing at first floor level. The ridge would be set in by roughly 3.3m from the side elevation, as such would not appear prominent within the street scene.
- 8.10 The proposed materials to be used are considered to appear complementary to the surrounding brickwork buildings which are found throughout Barton in the Beans.
- 8.11 Overall the scale, form, design, detailing and construction materials of the proposed extensions are considered to enhance the appearance of the site, and complement the character of the surrounding area. The proposal therefore is considered to comply with Policy DM10 the SADMP.
- Impact upon neighbouring residential amenity
- 8.12 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.
- 8.13 The application site borders two residential premises, no.3 to the east, and no.7 to the west. The application site borders open countryside to the south, an historic farm building and working farmyard is located directly across the highway from the application site to the north.
- 8.14 The neighbouring occupants of the property to the west of the application site at no.7 Main Street would be the closest to the proposed development. This neighbouring property has seen significant extensions to the rear in the form of single storey extensions, the attic space has also been converted. These two properties share the same access from Main Street, the access is over 5m in width, and provides sufficient off street parking for both sites. A carport and garages separate the two properties as well as a 1.8m high close boarded timber fence. The garage at no.7 Main Street has been extended, and extends into the plot as much as the proposed rear extensions to no.5.
- 8.15 There are three windows on the side elevation of no.7, which face the side of the application site, two at ground floor level, and one at first floor level. These ground floor windows are somewhat overshadowed by the existing carport. At first floor level, there is a secondary window that would see some reduction in light brought about from the proposed development. However, this is not considered to bring

about a significant adverse impact to the occupant's amenity due to the non-primary function of this window. The proposed extension would be roughly 0.9m from the boundary for the full depth of the proposed dwellinghouse, this would increase the space between the two buildings by removing the existing garage. Notwithstanding the proposed side gable, which would be significantly larger than the existing car port, it can be considered that it's proposed massing and form would not have significant adverse impacts to the amenity of the adjacent occupiers. This is due to the linear layout of the properties and the lack of overshadowing or overbearing impacts to principle windows of habitable rooms. The steep pitch of the roof slope from the eaves at 3.0m above ground level are not considered to result in significant overshadowing to the rear of no.7 Main Street. The maximum height of the proposed rear extension would be reached over 4.0m from the boundary with no.7 Main Street. No side facing windows are proposed within the western elevation at first floor level in order to preserve the privacy of the neighbouring occupants. Furthermore, there would be no conflict with the 45 degree rule as set out in the HBBC Good Design Guide SPD.

- 8.16 The properties in this area along the south side of Main Street benefit from good sized gardens and an elevated open aspect to open countryside beyond. The proposed siting of the side and rear extensions to the east of no.7 Main Street are not considered to significantly overshadow or appear overbearing to these neighbouring occupants.
- 8.17 To the east of the application site is no.3 Main Street, a single storey detached dwellinghouse. There would be no conflict with the 45 degree rule as a result of the proposed extensions due to a garage at this neighbouring property. The proposed extension would be sited over 5.0m from the boundary to this adjacent site to the east. The proposed Velux type windows within the first floor side extension are not considered to provide any significant overlooking impacts due to their elevated position, that can be secured via condition to be over 1.7m above the finished floor levels.
- 8.18 Overall, it is considered that the proposal would not have any significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking, or overbearing nature, in accordance with Policy DM10 of the SADMP.
- Impact upon highway safety
- 8.19 Policy DM17 seeks to ensure that development would not have a significant detrimental impact on the existing road network.
- 8.20 Policy DM18 of the SADMP states that proposals should ensure that there is an adequate provision of parking for residents.
- 8.21 The proposed development would see the provision of bedrooms increase from two to four. Consequently car parking for three cars is required in accordance with the LHDG. The application site benefits from a driveway of roughly 18m in length, this can accommodate three vehicles in tandem. The adjacent no.7 has gravelled a portion of the front garden to provide parking space for two vehicles, the same could be achieved at the application site. By virtue of the substantial driveway and generous space at the front of the plot, it is considered that three parking spaces can comfortably be achieved within the bounds of the application site.
- 8.22 Therefore the proposed extension is considered to be in accordance with Policy DM18 of the SADMP in regard to parking provision, and Policy DM17 as there is not considered to be any resultant significant impacts upon the existing highway network.

Other matters

- 8.23 A badger sett is nearby, however no comments have been received from the Leicestershire Badger Group. No concerns for bats, birds or badgers have been raised by LCC Ecology. A bat survey has been provided and no bats or evidence of bats was found, and the building was recorded as having negligible potential for roosting bats. No further survey work is required, and no ecology mitigation as planning condition is needed.
- 8.24 The proposed development has raised concerns from residents in regard to the construction and access to the site. The site is accessed from an unclassified road maintained and adopted by Leicestershire County Council. The application is for householder extensions and alterations. There are no protected trees, heritage assets or wildlife on site. In these circumstances a construction management plan is not deemed reasonable or necessary for the proposed works.
- 8.25 The post box lies outside the application site area, and would remain accessible throughout the construction process. Any obstruction to the public highway would be prohibited and enforced by Leicestershire County Council.
- 8.26 This application is for domestic alterations to an existing dwellinghouse, as such the increase in the number of bedrooms and the loss of a two bedroom 'starter home', and the change in the housing mix of the area would not be a material planning consideration in these circumstances.

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 lies within the settlement boundary of Barton in the Beans 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.

- 10.2. The proposed alterations and extensions to no.5 Main Street can be considered to comply with Policy DM10, Policy DM17 and DM18 of the SADMP in regard to impact upon the character of the area and impact upon the amenity of neighbouring residents. Therefore the recommendation is to approve.

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:

- a) Site Location Plan - Drg. No. 05 - received on 18.01.2021
- b) Block Plan & Street Scene - Drg. No. 06B - received on 25.03.2021
- c) Proposed Elevations and Floorplans - Drg. No. 04F - received 25.03.2021

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 extensions and alterations 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).

4. All roof lights shall either have a sill height of a minimum of 1.7 metres above first floor level or shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the roof lights shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking 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.