

**Planning Committee 19 October 2021  
Report of the Planning Manager**

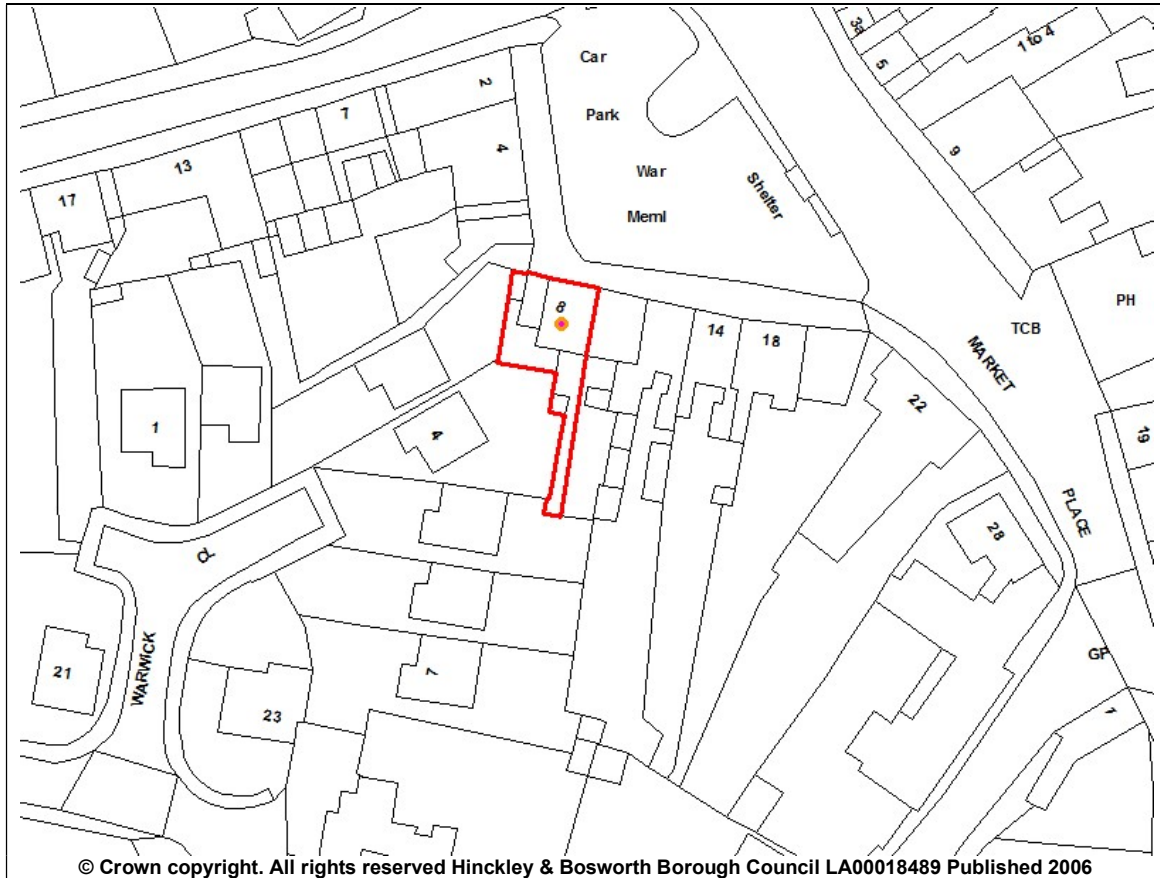
**Planning Ref: 20/01357/FUL  
Applicant: Mr Simon Lambeth  
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth  
Borough Council**

**Site: Thistle Cottage 8 Market Place Market Bosworth**

**Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window (retrospective)**



1. This application was taken to the previous Planning Committee on 21<sup>st</sup> September 2021. The previous reports and accompanying late items are attached to this report as Appendices A and B.
2. At the committee meeting on 21<sup>st</sup> September 2021, the item was deferred to allow time for a discussion with the applicant and relevant ward councillor.
3. A meeting between Councillor Cook, Mr Simon Lambeth (Applicant), Ms Louise Forman (Applicant's Partner), Paul Grundy (Conservation Officer), and Harry White (Planning Officer) was undertaken on Thursday 7<sup>th</sup> October 2021 at 10:30.
4. The topic of making amendments to the built scheme was discussed. This included adding a shallow pitch tiled roof, lowering the parapet height, and amending the chimney design.

5. However, no feasible alternatives to the existing roof arrangement of the single storey rear extension could be found due to technical reasons.
6. In addition, it was discussed that the chimney design could be amended by adding a small number of additional brick courses to the top, a projecting brick detail, and a taller clay chimney pot. If such details are received this will be presented to members by way of late material.
7. The recommendation remains unchanged from that which is set out within the report dated 13<sup>th</sup> September 2021.

## APPENDIX A

Planning Committee 21 September 2021  
Report of the Planning Manager

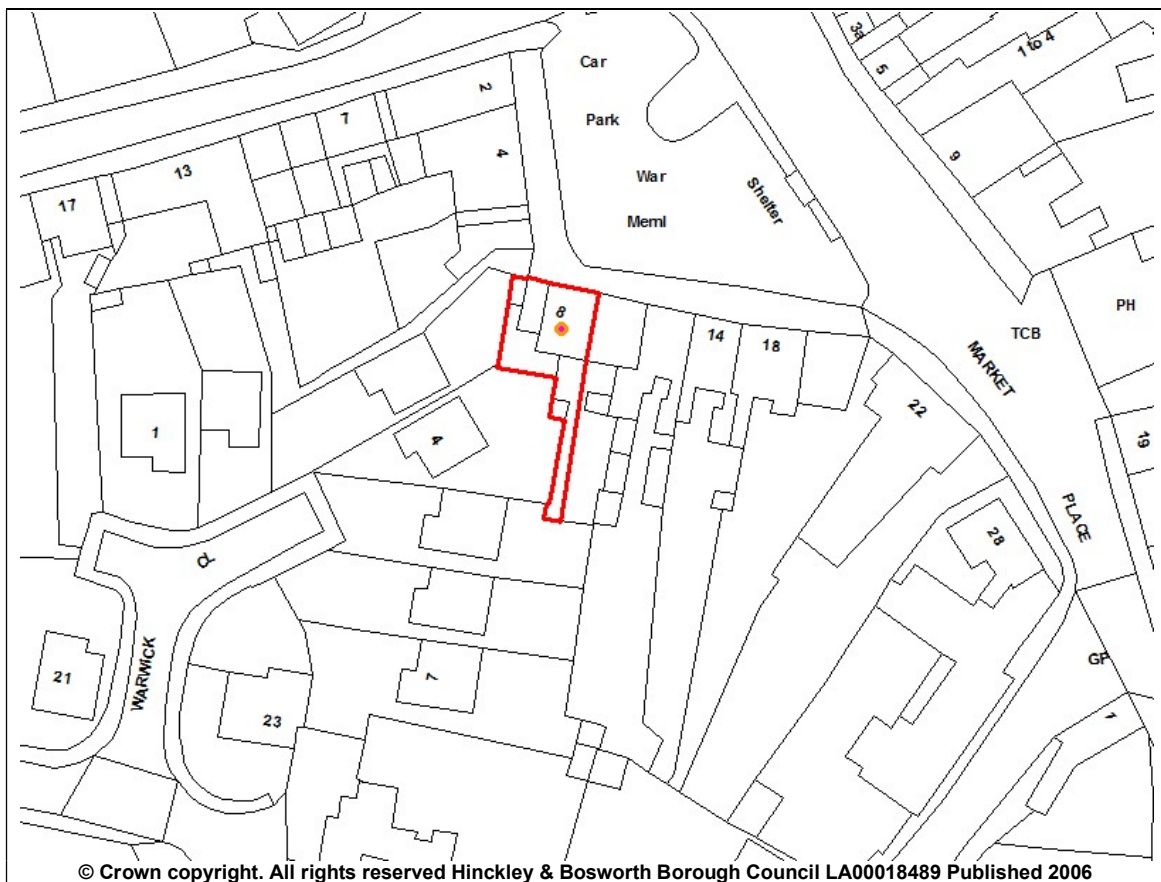
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Site: Thistle Cottage 8 Market Place Market Bosworth

Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window (retrospective)



### 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. Retrospective planning permission is sought for various minor developments at no. 8 Market Place, also known as Thistle Cottage, in Market Bosworth.

- 2.2. The works include replacing windows in the roof, as well as roof alterations to the 1970s extension at the rear of the property, which sees the original mono pitch roof replaced by a flat roof, with an eaves height of 2.8m, an increase of 0.7m from the eaves of the original roof.
- 2.3. The materials used include matching heritage style brickwork, matching windows, and fibre glass for the roof.

### **3. Description of the site and surrounding area**

- 3.1. This proposal is located at 8 Market Place, Market Bosworth. It is a grade II listed building sited within a cluster of other historic properties within the core of the village which is also designated as a Conservation Area. It is one of a pair of cottages, being attached to no.10 Market Place, and is currently in use as a licensed café. The listed building entry identifies the building as "Pair of cottages. C19 Cottage Orné style. Brick with plain tiled roof. Two storeyed, symmetrically arranged, each house comprising a single gable with doorway to left and casement window with heavy latticed panes and drop ended hoodmoulds beyond on each floor. Additional bay to right with wide garage doors to ground floor and a gabled dormer above. Overhanging eaves with ornate barge boards carved into painted roses trefoils etc. Gable end stacks."
- 3.2. Despite the dating provided in the listed building entry the pair of buildings have remnants of an earlier, likely 16<sup>th</sup> to 17<sup>th</sup> century core, with some internal timber members of a Cruck frame construction still present. The building was essentially 're-fronted' and the roof raised in the 19<sup>th</sup> century which provides the main range of the original building with its current appearance. Further development and alterations have also taken place during and since this period. In the 19<sup>th</sup> century a single storey mono-pitched roof extension was constructed off the rear of the original main building.
- 3.3. By the early-20<sup>th</sup> century the original main building had been extended to the side with a two storey projection in the same Cottage Orné style with matching materials and a dormer window to the front elevation. This extension continues along the same building line with the main range and has a perpendicular two storey wing extending to the rear. The rear projection is a red brick and clay tile roof construction with a chimney stack present likely dating from this period of construction.
- 3.4. During the 1970s a very shallow mono-pitched roof extension for a kitchen was added to the 19<sup>th</sup> century rear extension, this extends slightly beyond the shared rear boundary wall between no.8 and no.10 Market Place. This is predominantly a red brick and clay tile roof construction with a section of render to the rear elevation and a section of small parapet wall above. At some point during the latter half of the 20<sup>th</sup> century a roof light and small flat roof dormer window have been added to the rear elevation. To the front elevation the deep timber café window was then added during the latter half of the 20<sup>th</sup> century but it reflects the overall architectural style of the building.
- 3.5. During the early 2000s a further two storey extension of red brick and clay tile was constructed off the two storey extension to provide an internal staircase.
- 3.6. Market Place consists of numerous phases of construction with remaining fabric and features resulting from the 16-17<sup>th</sup> century through to early 20<sup>th</sup> century phases contributing positively (to varying degrees) to the special historic and architectural interest and thus significance of the listed building. Some of the more recent additions and alterations to the building, including the 1970s rear kitchen extension and the Velux and dormer windows to the rear elevation are considered to be of no special historic or architectural interest.

- 3.7. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) recognises that 8 & 10 Market Place are important properties which add considerable character to the Market Place. Due to the special historic and architectural interest of the building, as identified above, it makes a positive contribution to the character and appearance and thus significance of the Market Bosworth Conservation Area.

**4. Relevant planning history**

**01/01151/LBC**

- Extension and alteration to premises  
Listed Building Consent  
04.01.2002

**01/01160/FUL**

- Extension and alteration to premises  
Permission  
07.01.2002

**02/00442/COU**

- Change of use of part of shop to eating area  
Permission  
17.06.2002

**98/00681/LBC**

- Alterations and extension to provide ground floor shop and first floor flat  
Listed Building Consent  
11.11.1998

**98/00682/COU**

- Alterations and extension to provide ground floor shop and first floor flat  
Permission  
11.11.1998

**99/00008/ADV**

- Erection of illuminated fascia sign and projecting sign  
Advertisement Consent  
31.03.1999

**99/00013/LBC**

- Erection of illuminated fascia sign and projecting sign  
Listed Building Consent  
31.03.1999

**06/00893/FUL**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling  
Permission  
01.11.2006

**06/01002/LBC**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling  
Listed Building Consent  
01.11.2006

**08/00271/ADV**

- Erection of signage  
Advertisement Consent  
02.05.2008

**08/00272/LBC**

- Erection of signage
- Listed Building Consent
- 02.05.2008

**11/00402/COU**

- Retrospective change of use from a1(delicatessen) to a3 (cafe) including outbuilding
- Permission
- 29.06.2011

**11/00565/FUL**

- Erection of timber shed
- Permission
- 14.09.2011

**11/00579/LBC**

- Erection of timber shed  
Listed Building Consent  
14.09.2011

**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. One letter in support of the application was received.
- 5.5. Objections have been received from three separate addresses raising the following concerns:
  - 1) Overbearing
  - 2) Structural damage
  - 3) Loss of historic fabric
  - 4) Affects a party wall
  - 5) Fire hazard
  - 6) Larger than expected
  - 7) Overlooking
  - 8) Odour
  - 9) Unnecessary replacement chimney

**6. Consultation**

- 6.1. No comments received from the following consultees:
  - The Society for the Protection of Ancient Buildings
  - The Victorian Society
  - Leicestershire Archaeology
  - Historic Buildings Panel

6.2. No objections were received from the following consultees

- HBBC Conservation Officer
- Historic England

6.3. Objections have been received from the following consultees:

Market Bosworth Parish Council have raised concerns over the following:

- 1) Retrospective application
- 2) Loss of historic fabric and the chimney stack
- 3) Cracks in the party wall at no.10 Market Place
- 4) Blocking light
- 5) Flat roof is out of keeping
- 6) Increased fire risk to no.10

The Market Bosworth Society have raised concerns for the following:

- 1) Poor quality and inadequate submission, more detail of dimensions and loadings is expected to be in accordance with the NPPF
- 2) Plans should be drawn by a listed building specialist
- 3) No record of previous work
- 4) Effect on neighbouring property not documented
- 5) Loss of historic fabric
- 6) Loss of light to neighbouring property
- 7) Full inspection required in accordance with the Party Wall Act
- 8) Noise and odour pollution from the kitchen

## **7. Policy**

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment

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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Market Bosworth Conservation Area Appraisal (2014)

## **8. Appraisal**

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Design and impact upon the character of the area

8.2. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.3 Section 16 of the National Planning Policy Framework (NPPF) 2021 provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-203 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.
- 8.4 Policy DM10 of the adopted Site Allocations & Development Management Policies (SADMP) 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.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6 Policy CE1 of the Market Bosworth Neighbourhood Plan requires new developments in Market Bosworth 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. The application site is located within Character Area E of Market Bosworth, which has the focus of the Conservation Area.
- 8.7 A Design, Access and Heritage statement with has been submitted as part of the proposal which adequately describes the significance of the listed building, provides a commentary and justification for the works and a photographic record of the works undertaken. The level of detail within this statement is considered sufficient and proportionate and therefore the requirements of paragraph 194 of the NPPF and the relevant sections of DM11 of the SADMP have been met.
- 8.8 The proposal seeks retrospective consent for replacement Velux and dormer windows on the main roof, and roof alterations to the rear extension including the addition of a Velux window.
- 8.9 The dormer window to the rear is a poor construction from the 1970s. It has been rebuilt to similar proportions, in its same position and flat roof form and in between retained historic timbers. It has leaded cheeks and roof and a hardwood framed casement window. The Velux window on the rear elevation has been replaced with a leaded heritage style model fitted with less projection from the roof plane and in the same position with defective timber members surrounding it being replaced.
- 8.10 Although a clay tile roof is a traditional material for the area and in keeping with the materials used for the roof on the remainder of the building its use was not suitable for the shallow roof pitch and without adequate drainage had allowed water ingress. This had adversely affected the roof timbers of the modern extension and some of the largely 19<sup>th</sup> century rafter feet which extended over the 19<sup>th</sup> century rear extension, and from which the rafters of the 1970s roof structure of the extension were tied into. A new shallow pitch fibreglass roof has been installed over the extent of the 19<sup>th</sup> century and 1970s extensions. This work has meant the removal of the bottom section of the historic rafter feet along this section of the rear elevation to



allow for a new structural timber stud wall to support the new roof. It has however allowed for a panel of historic wattle and daub revealed through the works to be retained behind a ventilated void in the structure. To provide the required ventilation, fall and upstand for drainage for the new roof a parapet wall has been installed around the perimeter of the extension (its rear and side party wall); this has been constructed of brick to match the existing wall and has led to a minor increase in its height compared to the original eaves levels. A Velux window has been installed into the roof structure to provide light into the kitchen. An extraction flue for a new gas boiler in the kitchen is to emerge from the rendered panel on the rear elevation. The rear kitchen window to the 1970s extension is rotten and of no interest; it is to be replaced with a hardwood framed window to the same proportions and appropriate style.

- 8.11 The chimney stack between the two storey rear extensions has been taken down and rebuilt during the course of works to better tie it into the adjoining structures. It remains in the same position and has been rebuilt with some of the same bricks but to slightly reduced proportions, projecting less from the elevations and with the height of the stack being reduced. A terracotta chimney pot has been reinstated on top of the stack.
- 8.12 Upon the original main building the repairs and works undertaken to the roof structure, roof covering, ground floor windows to the front and side elevations, and the first floor dormer window on the front elevation have been sensitively and sympathetically completed and are appropriately detailed as to maintain the historic and architectural interest of the affected features. Consequently, it is not considered that these works have made any significant material affect upon the external appearance of the building.
- 8.13 The Velux and dormer window to the rear elevation are of no special interest but have been replaced appropriately in terms of their form, scale and construction materials. This has ensured they have a satisfactory appearance which complements the renovations to the surrounding roof structure, and in the case of the Velux window results in a very minor enhancement to the appearance of the building by reducing its projection from the roof plane.
- 8.14 Consequently, the impact upon historic fabric and the significance of the listed building resulting from altering the roof to the rear extension is considered to be negligible.
- 8.15 The traditional blue clay tile covering for the rear extension had failed due to it being unsuitable for the shallow roof so the replacement fibreglass covering is an appropriate practical replacement for the roof pitch and provides the rear extension with a satisfactory form. The remainder of the works to alter the roof to the extension affect the elements of the structure dating from the 1970s so have no impact upon the special interest of the listed building.
- 8.16 The addition of a Velux window, boiler flue and replacement window to the rear extension has had no impact upon the special interest of the listed building. The parapet wall around and above the new roof structure to the rear extension reflects the appearance of the wall below and the minor increase in scale of the extension resulting from the works is not considered to have led to an adverse impact upon the character of the area. The visual impact upon the character of the area from the addition of a Velux window within the roof and the rebuilding of the rear chimney stack is considered to be negligible and not adverse.
- 8.17 Visibility of the works from the wider area is limited due to the siting of the rear extension and the works are not visible from the Market Place where the significance of 8 Market Place and the Conservation Area can be most greatly

appreciated. The works are considered to be in accordance with Policy CE1 of the Market Bosworth Neighbourhood Plan

- 8.18 For the above reasons it is considered that the proposal is compatible with the significance of the grade II listed building known as 8 and 10 Market Place and it preserves the significance of the Market Bosworth Conservation Area. Therefore the proposal complies with Policies DM10, DM11, and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Impact upon neighbouring residential amenity
- 8.19 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.
- 8.20 In this case where the development is minor in scale, no significant adverse impact to the residential amenity of the neighbouring occupants has occurred. The eaves height of the rear extension has increased from 2.2m above ground level to roughly 2.8m. An extension with flat roof with a height and depth of up to 3.0m can normally be built without planning permission on any other residential dwelling, as set out in Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The existing extension has a depth of roughly 1.6m, which remains unchanged and has been considered to be acceptable in terms its impact upon residential amenity since its construction over 50 years ago. This follows into the lack of a breach of the 45 degree rule, which is used as a tool to ensure a good outlook and levels of light to habitable rooms. There has been no increase in the depth or overall footprint of the rear extension, as such there is not considered to be any significant adverse to the level of amenity in regard to impact on light and sense of overbearing. The nearest neighbouring window serves the kitchen of no.10 Market Place, and good levels of light from the property's south facing aspect are retained.
- 8.21 The replacement windows, and additional roof light within the rear extension, are not considered to provide any additional overlooking impact to the neighbouring occupants to the rear at nos. 3 to 5 Warwick Close. This is due to the replacement windows being roughly the same size and in the same position as the windows which are to be replaced. The additional roof light within the rear extension has a cill height of over 1.8m above floor level, and due to its siting within the roof cannot be looked out of directly towards the neighbouring properties.
- 8.22 Concern has been raised for the impact on amenity in regard to odour and noise, primarily due to the additional roof light on the new flat roof extension, which would naturally cause more air and noise to escape from the kitchen area. It is not considered that this would be to a significant degree, and there is no objection from HBBC Environmental Services (Pollution). As the site has been used as a café for the past ten years, and this use would remain, there cannot be considered to be any significant increase in odour or noise from this lawful use. Should it be deemed necessary, a suitably worded condition can be applied to the decision in order to ensure that this window would be non-opening in order to contain any noise and odours.
- 8.23 Overall, it is considered that the proposal would not have a 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.

#### Other matters

- 8.24 Concern has been raised for cracks appearing within the party wall, a HBBC Building Control Surveyor has been advising the applicant regarding their compliance with the relevant regulations. It is alleged that cracks have appeared within the plaster in the first floor as the works have progressed. The cracks appear cosmetic in nature and both the council's Building Control officer and Conservation Officer have informed the occupant of no.10 Market Place that any concerns are to be resolved via the Party Wall Act and/or building insurance company.
- 8.25 Concern has been raised over the fire safety of the extension. The local planning authority cannot insist that the fire break be installed in the roof void as fire safety is not a planning matter. The development has allowed the enhancement of fire safety measures, and includes fire resistant rockwool material, which is then sealed with intumescent fire rated mastic. The required fire barrier is to be installed by the 2<sup>nd</sup> October as agreed with the Watch Manager (Fire Protection Inspecting Officer) of the Leicestershire Fire and Rescue Service.
- 8.26 Concerns were raised by the Market Bosworth Society in regard to the record of previous works. All previous works are accounted for in the application history.
- 8.27 The Market Bosworth Society raised concerns that the effect on the neighbouring property has not been documented. The submitted documents are considered to be adequate to determine the planning application in accordance with the NPPF.
- 8.28 Concern has been raised in regard to the part wall act. This Act is a non-planning piece of legislation, as such the planning application cannot condition that non-planning matters are carried out.

#### **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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 development is within the settlement boundary of Market Bosworth and is considered to benefit from the presumption in favour of sustainable development as set out in Policy DM1 of the SADMP, and Paragraph 11 of the NPPF.
- 10.2. On the basis of the above assessment, it is considered that the proposed works are compatible with the significance of the grade II listed building and would preserve the significance of the Market Bosworth Conservation Area. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.3. By virtue of the proposed scale, siting, and materials used, it is considered that the proposed alterations are in accordance with Policy DM10 of the SADMP. As such, the recommendation is to approve with the following conditions.

## **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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Application Form – received 13/01/2021

Heritage Statement – received 23/12/2020

Site Location Plan – received 23/12/2020

Proposed Rear Elevation – Drg. No. 05a - received 23/12/2020

Proposed Roof Plan - Drg No. 04a - received 23/12/2020

Proposed Western Elevation Drg No. 03a - received 23/12/2020

Proposed Eastern Elevation, Drg No. 05a - received 23/12/2020

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 & DM12 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

## **APPENDIX B**

**ITEM 07**

**20/01357/FUL**

**Mr Simon Lambeth**

**Site:- Thistle Cottage, 8 Market Place, Market Bosworth**

**Proposal:- Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window (retrospective)**

**Consultations:-**

Three additional comments have been received in support of this application setting out the following:

- 1) The renovations at Thistle Cottage seem to admirably maintain the building's unique character
- 2) The works respect the historic nature and appearance of the Listed Building and the Market Bosworth Conservation Area
- 3) The works ensure the good condition of the building for the future
- 4) The repairs necessary to avoid permanent damage to the fabric of the building
- 5) The works that have been undertaken are to a high standard and in keeping with the Listed Building and the Market Bosworth Conservation Area and will help to ensure that the building is preserved for future generations

**Appraisal:-**

The merits of the scheme have been appraised in the delegated report. The works are considered to be compatible with the significance of the listed building.

**Recommendation:-**

The recommendation remains unchanged.