

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

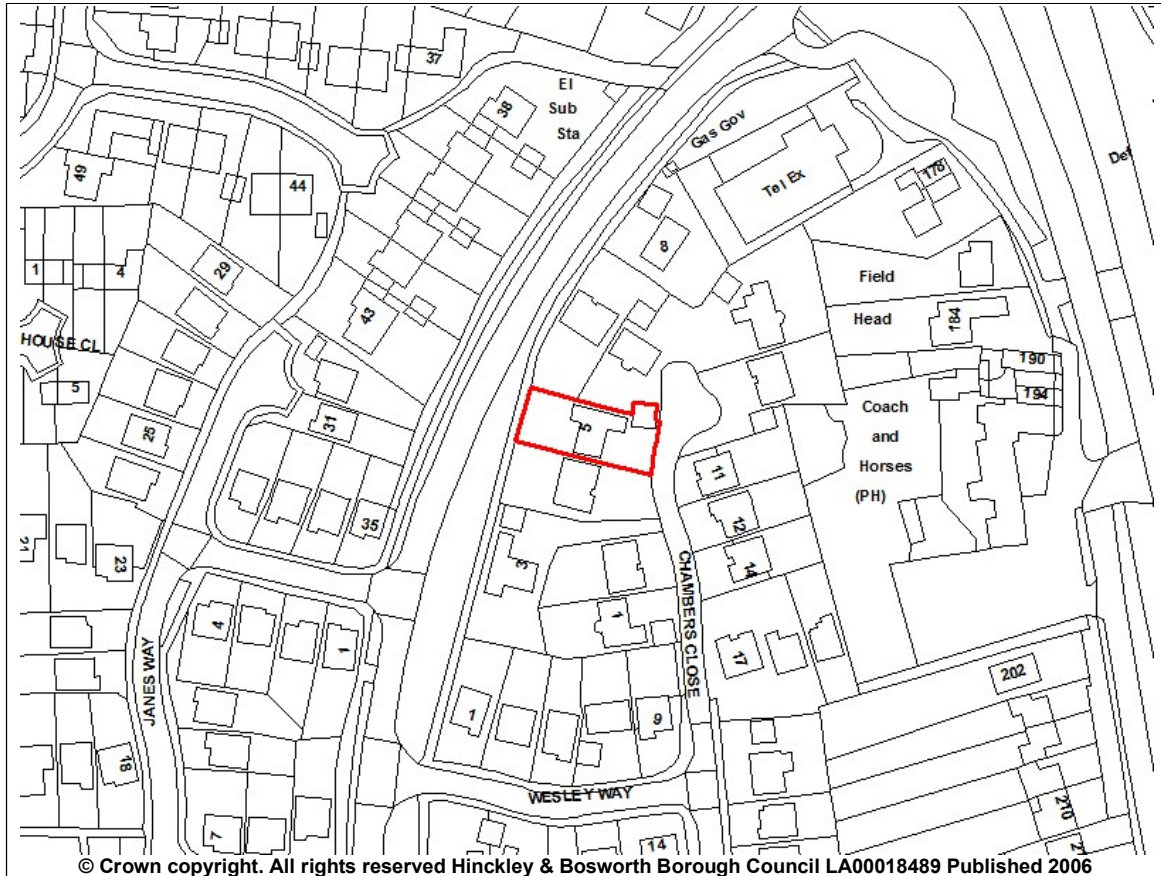
**Planning Ref: 21/00765/HOU
Applicant: Mr Tony Cook
Ward: Markfield Stanton & Fieldhead**



**Hinckley & Bosworth
Borough Council**

Site: 5 Chambers Close Markfield

Proposal: Two storey front extension



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 front extension to no.5 Chambers Close in Markfield.

2.2. The proposed extension would have a maximum depth of 3.6m from the original principal elevation, yet would extend no further than the furthest part of the original dwellinghouse. This would have a maximum width of roughly 7.2m.

- 2.3. The proposed development would be finished in matching brickwork.
- 2.4. A boundary wall, gates, and an extension to the garage were originally proposed. However, following officer and neighbour concerns, these have been removed from this application.
- 2.5. It should be acknowledged that a previous planning permission for the site (99/00929/FUL) granted permission for a similar two storey front extension. This permission was implemented, albeit not in full. Consequently there is an established fall-back position to implement the earlier planning permission which included a front extension of the same depth.

3. Description of the site and surrounding area

- 3.1. The application site relates to a large two storey detached dwellinghouse within a traditional David Wilson homes development of similar properties dating from the 1990s. As a result, there is a good level of coherence to the properties within the cul-de-sac, with the majority of sites being in their original form.

4. Relevant planning history

02/00583/FUL

- ERECTION OF SUMMER HOUSE
Permission
21.06.2002

99/00294/FUL

- EXTENSION TO DWELLING
Permission
14.05.1999

99/00929/FUL

- ALTERATIONS AND EXTENSIONS TO DWELLING
Permission
30.11.1999

08/01165/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
Permission
26.01.2009

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Representations have been received from six addresses raising concerns for the following:
- 1) Continuous building work
 - 2) Overdevelopment of the site
 - 3) Privacy and overlooking
 - 4) Inaccurate submission details
 - 5) Overbearing and overshadowing
 - 6) Out of keeping with the character of the area
 - 7) Breach of the original planning for the homes on this estate
 - 8) Parking
 - 9) Against the original design concept
 - 10) Use of garage
 - 11) Decrease in garden size

6. Consultation

- 6.1. Markfield Parish Council was consulted and raise no objections.
- 6.2. LCC Highways have referred to standing advice.

7. Policy

- 7.1. Markfield Neighbourhood Plan 2020-2039
 - Policy M10: 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) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. 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

Design and impact upon the character of the area
- 8.2. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. Policy M10 of the Markfield Neighbourhood Plan requires development to be sympathetic to local character and history, unless the development is of exceptional quality or innovative design.
- 8.4. The proposed front extension would extend upon an existing gable end to the front of the property and would include decorative brickwork, similar to that which is found upon the gable end of no. 9 Chambers Close. The original character of the twin gables would be retained, and an original architectural feature of the cul-de-sac would be carried across onto the proposed design.
- 8.5. The proposed brickwork would be to match that of the existing property, which would also match the appearance of the brickwork of nos.10 & 14 Chambers Close. The proposed tiles would match that of the existing property, and the immediately adjacent nos.4 & 6 Chambers Close. The existing render finish is not a feature of any other property within the cul-de-sac. Consequently, the proposed materials to be used are considered to be an entirely harmonious addition to the application site and wider area.
- 8.6. The proposed enclosed balcony area, which forms part of the two storey front extension, is not an original feature of the dwellings within the area. However, due to the enclosed nature of this new feature, this would not appear prominent or

incongruous. The balcony would have a depth of roughly 0.8m, and would be set back from the principal elevation by roughly 0.8m. The pitched roof above the front entrance would cover the lower portion of the balcony, which would result in this appearing similar in appearance to that of a standard window in keeping with the character of the area.

- 8.7 The proposed balcony and front extension would also increase the natural surveillance of the street, by retaining an active frontage. This passive surveillance would discourage any wrong-doing by the ability of people to see out of the proposed windows to ensure security.
- 8.8 As a result of the above assessment, the proposed development is considered to enhance the appearance of the application site and would retain the character of the cul-de-sac. Therefore can be considered to be in accordance with Policy M10 of the MPNP, and Policy DM10 of the SADMP in regard to design.

Impact upon neighbouring residential amenity

- 8.9 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.
- 8.10 The Hinckley and Bosworth Borough Council's Good Design Guide SPD (2020) states that principal windows to habitable rooms on the rear of neighbouring properties should not be less than 21m apart, unless they are across a road. In this instance, the separation distance would be roughly 18.7m. The existing separation distance between the first floor bedrooms is roughly 19.2m. There are separation distances to principal windows on the front elevation of less than 21m found in the area. In the case of the proposed extension, it is considered that due to the separation across the road, and that the windows are on the front of the house where lower levels of privacy can be expected compared with to those rooms on the rear of a property. The existing level of perceived overlooking between the principal windows on the existing front elevations is not considered to be increased to an unacceptable level as a result of the proposed development.
- 8.11 The HBBC Good Design Guide (2020) also states that extensions to the front should take the form of the existing building, mirroring the roof pitch, and replicate the eaves height.
- 8.12 The proposed balcony, as part of the front extension would be fully enclosed to both sides, and covered by a roof. The pitched roof above the entrance would extend to a height matching the cill height of the first floor windows. Consequently, it is considered that the proposed enclosed balcony would provide no additional overlooking than the existing first floor bedroom.
- 8.13 The proposed extensions would not result in any conflict with the 45 degree rule to the adjacent no.4 Chambers Close. Furthermore there are no ground level windows of which the extension would obstruct, the extension would not obstruct the 45 degree line from the nearest first floor window. Furthermore, the proposed development is located to the north of no.4 Chambers Close, as such there is not considered to be any significant overshadowing to this neighbouring property.
- 8.14 The additional windows on the south elevation would be obscurely glazed to limit the level of overlooking to an acceptable level, moreover these can be installed without the need for planning permission. No windows are proposed to the north elevation. Consequently it is considered that there would be no significant adverse overlooking to the occupants of nos. 4 & 6 Chambers Close.
- 8.15 The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in regard to impact upon neighbouring residential amenity.

Impact upon highway safety

- 8.16 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.17 Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.18 The proposed development would see a reduction in the number of bedrooms provided at the site, changing from five to four. The proposed front extension is not considered to result in the loss of existing parking spaces, as the extension would be built over an area of lawn.
- 8.19 The application site includes a double garage, and at least two parking spaces on the driveway. Double garages should preferably be 6m by 6m in order to be counted towards off street car parking provision. However, the LHA and LPA appreciate this garage is an existing situation. The existing internal dimensions of roughly 5.4m by 5.9m, and can be considered to be adequate in this instance.
- 8.20 The development is therefore not considered to have any severe adverse impact upon highway safety, and an appropriate level of off street parking is considered to be provided in accordance with Policies DM17 and DM18 of the SADMP and the provisions of the NPPF.

Other matters

- 8.21 Concern has been raised in regard to the proposed development resulting in yet more construction within the cul-de-sac. As a domestic extension, the principle of carrying out construction works is considered to be sustainable and acceptable.
- 8.22 Concern has been raised for the size of the garden. There would be no change to the size of the rear garden.
- 8.23 Concern has been raised in regard to the accuracy of the submitted details. Section 6 of the application form states that no trees or hedges would be affected. The proposed front extension would be built on an area of lawn and a small section of hardstanding, with no impact upon any trees or hedgerows. Secondly, the existing plans show the garage with two separate doors, where in reality one full width door exists. This is not considered to have any material impact upon the consideration of this application which does not affect the garage.
- 8.24 Concern has been raised for the proposed use of the garage, this application does not affect the garage.
- 8.25 Concern has been raised that the proposed development would be a breach of the original planning permission. Authorised modifications to an earlier planning permission can be granted with a new planning permission. This may result in multiple planning permissions being lawful for one site. Notwithstanding the original planning permission for the residential development, the proposed development would remain consistent with the earlier implemented permission.

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 is located within the settlement boundary of Markfield, therefore the presumption in favour of sustainable development applies as set out in Policy DM1 of the SADMP and Paragraph 11 of the NPPF.
- 10.2. The proposed development is considered to complement the character of the existing dwellinghouse, and there are not considered to be any significant adverse impacts to neighbours. Therefore the proposal complies with Policy DM10 of the SADMP.
- 10.3. The application site has a sufficient parking area for two cars, as well as a double garage. Consequently the proposal is not considered to result in any significant adverse impacts upon highway safety, and there is a justified level of parking. Consequently is in accordance with Policies DM17 and DM18 of the SADMP.

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:

Site Location Plan - received 06/09/2021

Site Plan - received 06/09/2021

Proposed Floor Plans & Elevations - Drg. No. 404/01 Rev.B - received 06/09/2021

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.