

Planning Committee 16 November 2021  
Report of the Director Environment and Planning

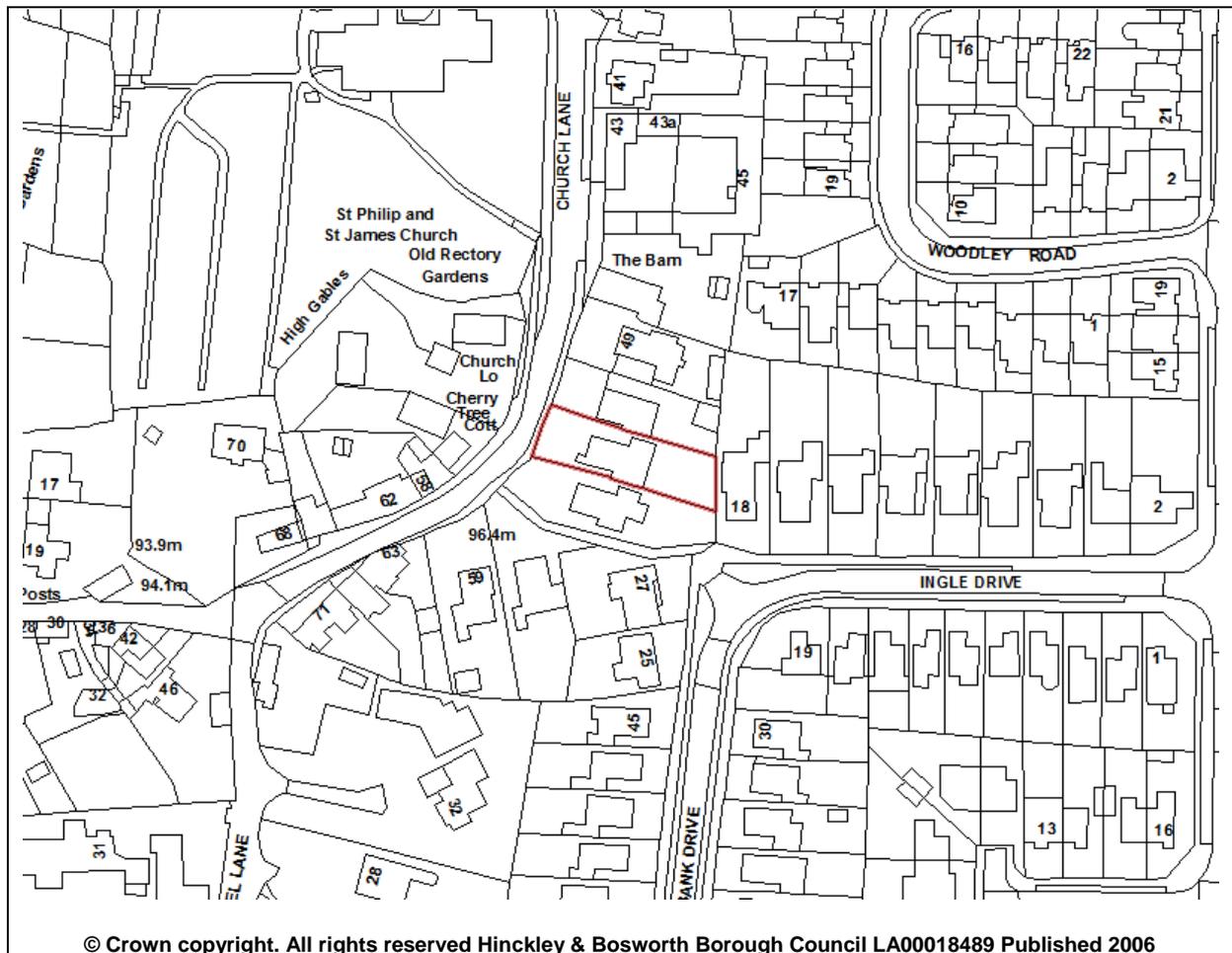


Hinckley & Bosworth  
Borough Council

Planning Ref: 21/00523/HOU  
Applicant: Mr Mick Mullings  
Ward: Ratby Bagworth And Thornton

Site: 53 Church Lane Ratby

Proposal: Single storey extension to the front and rear of the property, including demolition of existing porch and chimney breast and relocation of main entrance door to side of property.



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.

1.2. That the Planning Director be given powers to determine the final detail of planning conditions.

**2. Planning application description**

2.1. The planning application seeks permission to erect single storey rear and front extensions to the property. The single storey front extension would involve the

replacement of the existing porch and removal of the chimney breast to the front of the property and relocation of the main entrance door to the side of the property.

- 2.2. The rear extension would project out from the rear of the property by 3 metres and be 7.7 metres in width. It would be 4.9 metres to the ridge and 2.7 metres to the eaves. The rear extension floor levels would drop by 0.6 metres. The front extension would be 4.3 metres to the ridge and 2.5 metres to the eaves and would project from the original front elevation by 1.8 metres. This would not project beyond the existing front porch and would measure 6.7 metres in width. The proposed extension would use existing brickwork to match the surrounding dwellings and Redland mini stonewold concrete slate tiles.

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

- 3.1. 53 Church Lane is a single storey detached dwelling located in an established residential area within the settlement boundary of Ratby. It is situated within the Ratby Conservation Area.
- 3.2. It is surrounded on all sides by other residential dwellings. The dwelling is one of 4 similarly designed dwellings on Church Lane. Off-street parking is located to the side and front of surrounding dwellings.

### **4. Relevant planning history**

#### **02/01053/TPO**

- Removal of one cherry tree  
Permit Conservation Area TPO Works  
16.10.2002

#### **76/01362/4M**

- Erection of porch and extension to dwelling  
Planning Permission  
03.11.1976

### **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 and a notice was displayed in the local press.
- 5.2. Letters of representation were received from four different addresses on the following grounds:
- 1) Concern over removal of the Chimney breast.
  - 2) Concern over the proposed white rendering and the impact upon the street scene and conservation area.
  - 3) Concern over the size of the fence to the rear of the property.
  - 4) Concern over the roof materials.

### **6. Consultation**

- 6.1. LCC Highways were consulted and did not object
- 6.2. The HBBC Conservation Officer was consulted and considered the application.
- 6.3. LCC Ecology requested a bat survey who commented that no bats or evidence for bats was found. They noted that there was low potential for roosting bats and no further survey work is required or ecology mitigation planning conditions are required.
- 6.4. Ratby Parish Council have objected on the following grounds:-

- 1) The property has already been extended, and is situated in a Conservation area, another extension would not enhance the area and it would be virtually a complete rebuild.

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres to Leicester

### 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 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)
- Ratby Conservation Area Appraisal (2014)

## **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 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 that area.

8.3 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where less than substantial harm is identified, this should be weighed against the public benefits of the proposal.

8.4 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.

8.5 Policy DM10 of the adopted SADMP seeks to ensure that development would not have a significant adverse effect on the character of the surrounding area.

8.6 The application site is situated within the Ratby Conservation area, and is a collection of similar designed bungalows positioned on the eastern side of Church Lane. This collection of bungalows and immediate area are identified within the Ratby Conservation Area Appraisal (2014) as a weak area as they do not follow the traditional building form, scale and characteristics of the Conservation Area and are

of no special historical or architectural interest. Accordingly it is considered that these dwellings including the application site make a negative contribution to the character and appearance of the conservation area.

- 8.7 The proposed single storey rear extension would be similar in design and style to the existing property and would make use of existing materials to retain the character of the existing dwelling despite its more contemporary appearance and result in an overall larger footprint. The original scheme contained rendering however amendments during the course of the application at the request of the planning officer to provide a more sympathetic finish were received which removed the rendering. The rear extension would not be viewable from the street scene and consequently would have little impact upon the surrounding area. Nevertheless the rear extension has been designed to reflect the character of the existing dwelling as the extension retains the same roof pitch, ridge height and eaves of the main dwelling, providing a complementary appearance to that of the original dwelling. The main roof tiles would be replaced fitted with Redland mini stonewold concrete slate to match properties opposite. The use of the materials, would ensure that the proposed extension would complement the existing street scene and reflect the character of the existing dwelling.
- 8.8 The proposed front extension would lead to the loss of the chimney breast at the front of the property. While the immediate properties flanking the application site have been designed featuring identical chimney breasts, this isn't deemed to be intrinsic to the character of the conservation area as it is situated within a weak part of the conservation area, as identified within the Ratby Conservation Area Appraisal (2014). The single storey extension to the front would project from the principal elevation, however it would maintain the proportions of the original dwelling. The proposed front extension would result in the existing dwelling projecting beyond the principal elevations of the neighbouring dwellings, however it is not considered to result in an adverse impact upon the street scene. As the dwelling would maintain its characteristic set back from the highway and furthermore the existing dwellings along this eastern edge of Church Lane having a slight variant to the building line.
- 8.9 Accordingly having regard the proposed development, it is not considered that the extension would impact upon any key characteristics of the Ratby Conservation Area, as such the significance would be preserved. In addition there are no opportunities arising from the proposed development to enhance the character of and appearance of the area. Overall the proposal is considered to have no adverse impact on the character and appearance of existing building and the wider Ratby Conservation Area. Therefore the proposal would preserve the significance of the conservation area and subsequently complies with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.
- 8.11 Objections have been received during the course of the application in relation to the proposed 1.8 metre fence to the rear of the property. However, as the fence is not adjacent to a highway it can be up to 2.0 metres in height without requiring planning permission, and is therefore not a matter requiring planning permission and is therefore does not form part of this application.
- 8.12 The proposed single storey rear extension would project out from the rear of the property by 3 metres and would measure 4.9 metres in height. Under permitted development, the rear extension of a detached property can extend 4 metres from

the rear of the property and be up to 4 metres in height. This proposal seeks to extend beyond the rear wall of the dwelling by 3 metres, with an overall height of 4.9 metres. The proposed extension would be finished with a shallow pitched roof. The proposal would also not impede the 45 degree line to either No.51 or No.55. Therefore given the roof would pitch away from the neighbouring properties No.51 and No.55, combined with the limited depth and its relationship to the neighbouring dwellings, it is not considered that the proposed rear extension which would have a ridge height of 0.9 metres over the fall-back position under permitted development rights, would be adverse in terms of loss of light or overshadowing to either No.51 or No.55 which are situated north and south of the application site.

- 8.13 The rear of the single storey extension has grey upvc windows, bifold doors and with apex glazing to provide additional light into the proposed open plan kitchen. The distance from the rear elevation to the rear side window of no.18 Ingle Drive would be approximately 13 metres. By virtue of the height of these apex windows, they would not provide any additional views into 18 Ingle Drive as they are primarily for allowing light into the property because the open plan kitchen would drop down by a total of 600mm. The upvc windows and bifold doors would not lead to any views not already available from the existing rear windows. The proposed boundary treatment of a 1.8 metre fence would further reduce any limited views into no.18's side window and therefore it would not impact their private amenity.
- 8.14 The single storey front extension would project forward by 1.8 metres in line with the existing porch. It would measure 4.3 metres in height to the ridge and 2.5 metres to the eaves, in line with the existing roof of the property. The proposed front extension would follow the existing small porch positioned on the existing dwelling and would extend away from No.51. The extension is set in from the boundary by approximately 3.8 metres, and it does not infringe the 45 degree rule of the habitable rooms at the front of no. 51. There would be some overshadowing in the latter half of the day but this would not be significant because of the separation distance between the two properties and the 45 degree rule from the front windows not being infringed.
- 8.15 There would not be any loss of sunlight or overshadowing to no. 55 to the south of the property as it is set in 4.0 metres from the shared boundary and does not impede the 45 degree line on the front windows. The proposed front extension would not project any further out than the existing porch on the southern end of the front elevation and therefore there would be no additional impact arising from this development on no. 55.
- 8.16 Overall it is considered that the proposed development would therefore satisfy Policy DM10 in this regard.

#### Impact upon highway safety

- 8.17 Policy DM18 seeks to ensure that development would provide an appropriate level of parking provision.
- 8.18 The proposed front extension would not impact the amount of parking available. The proposed development does not increase the number of bedrooms, they have remained at two and as such there is no increased demand for additional parking.
- 8.19 The extension of an existing dwelling is unlikely to result in any significant adverse impact upon the relevant off-street parking provision. Policies DM18 of the SADMP can therefore be complied with in this instance.

## **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 proposal is located within the settlement boundary and conservation area of Ratby and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

10.2. The proposed development would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. In addition sufficient off-street parking provision would be available on the site. On this basis, the proposal is therefore considered to be in accordance with Policies DM1, DM10, DM11, DM12 and DM18 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and is recommended for approval subject to conditions.

## 11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Director 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:  
Proposed Plans and Elevations Drg no. 2021-11-PL-02 rev 1 (Received 23<sup>rd</sup> June 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 accord with the approved plans:  
Proposed Plans and Elevations Drg no. 2021-11-PL-02 rev 1 (Received 23<sup>rd</sup> June 2021)

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and 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.