

**Planning Committee 10 May 2022**  
**Report of the Planning Manager (Development Management)**

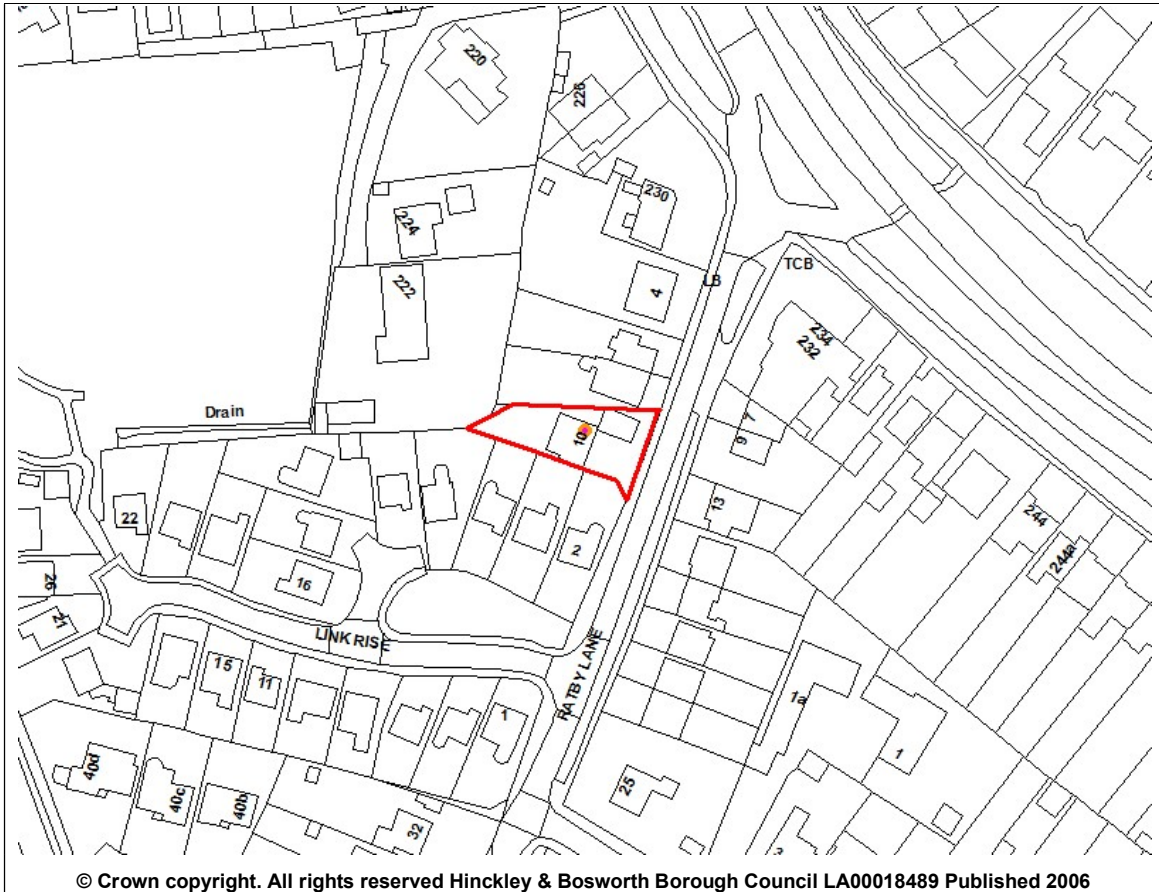
**Planning Ref: 21/00879/HOU**  
**Applicant: Mr Daniel Cattell**  
**Ward: Markfield Stanton & Fieldhead**



Hinckley & Bosworth  
Borough Council

**Site: 10 Ratby Lane Markfield Leicestershire**

**Proposal: Erection of single storey outbuilding in rear garden space**



© Crown copyright. All rights reserved Hinckley & Bosworth Borough Council LA00018489 Published 2006

**1. Recommendations**

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

- Planning conditions outlined at the end of this report

**2. Planning application description**

- 2.1. This application seeks planning permission (retrospective) for an outbuilding sited within the rear garden space of no.10 Ratby Lane. The outbuilding is currently used as a storage building, used ancillary to the enjoyment of the main dwelling.
- 2.2. The proposed building measures approx. 6.3 metres in length and 3.9 metres in depth. The building is under a tiled duo-pitched roof, with a ridge height of approx. 3.84 metres, with an eaves height of 3.07 metres (both measured from ground level)

- 2.3. The proposal is located (at its closest point) approx. 11 metres from the rear elevation of the main house, and is sited within the north east corner of a triangular shaped rear garden space. The buildings south elevation is sited upon the common boundary treatment, shared with the adjoining properties (No.s 6 and 8 Link Rise).

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

- 3.1. No. 10 Ratby Lane is a detached, two storey dwelling, situated within the settlement boundary of Markfield.
- 3.2. The dwelling is constructed from red brickwork, with grey pan tiles and brown UPVC fenestration.
- 3.3. The host property has been previously incrementally extended (by virtue of planning permission) with single storey front extensions and a first floor rear extension

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

#### **14/00853/HOU**

- Extensions and alterations to a dwelling.  
PER  
24.10.2014

#### **17/00841/HOU**

- First floor extension  
PER  
24.10.2017

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. No comments have been received.

### **6. Consultation**

- 6.1. Markfield Parish Council. No comments have been received.

### **7. Policy**

- 7.1. Markfield Neighbourhood Plan 2020-2039
- Policy M10- Design.
- 7.2. Core Strategy (2009)
- Policy 8 Key Rural Villages Relating to Markfield.
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- 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) (2021)
  - 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
- Drainage

Design and impact upon the character of the area

8.2 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.

8.3 The proposed (as built) outbuilding cannot be viewed from the highway (Ratby Lane) located to the front of the host dwelling but can be glimpsed when viewed from the spaces formed between the adjoining neighbours located to its west (Link Rise). The proposal therefore will not introduce a harmful or incongruous feature within the surrounding street scene.

8.4 Furthermore, given its design (including exterior materials), siting, scale and floor area the proposal is sympathetic to the design and scale of the host dwelling and neighbouring properties; and moreover, the proposal will remain subservient in scale to the host dwelling and sit comfortably within the surrounding amenity space.

8.5 Therefore, in consideration of the above, the proposal accords with SADMP Policy DM10 and the associated recommendations provided within the Good Design Guide and the Markfield Neighbourhood Plan

Impact upon neighbouring residential amenity

8.6 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.7 The proposed outbuilding is sited upon the common boundary shared with the adjoining neighbours (No.s 6 and 8 Link Rise). The upper proportion of its side (south) elevation can be viewed above the said property's 2 metre boundary treatment, whereby, approximately 1.07 metres of the elevation up-to the building's eaves line can be viewed. The building's south facing roof slope can also be viewed above the adjoining neighbour's common boundary treatments, whereby, the slope (approx. 2.4 metres in length) is constructed at a 30 degree angle from the building's proposed eaves line.

8.8 Despite, the proposal's siting and views allowed to it from neighbouring dwellings, it is considered that the proportion of the building that can be viewed will not cause any significant harm to the outlook afforded to neighbouring dwellings. Also, by virtue the proposal's roof slope is constructed at a 30 degree angle – that falls away from the common boundary- the visual impact of the proposals mass is further reduced.

8.9 Despite the adjoining neighbours (No.s 6 and 8 Link Rise) being able to view the proposal from a proportion of their ground floor living space windows, conservatory type extensions and rear garden spaces, the proposal is sited at a sufficient distance from both properties rear elevations and the areas of rear amenity space most

enjoyed by their occupants to not cause an overshadowing or overbearing feature, and therefore will not harm the amenity afforded to them. Furthermore, the proposed outbuilding is sited at an oblique angle to the rear elevations belonging to both adjoining dwellings and therefore it is not sited in direct view from both their ground floor living space windows and areas of amenity space i.e. patio areas most enjoyed by their occupants.

- 8.10 Otherwise, the proposal does not contain window openings, and therefore it will not introduce any degree of overlooking to neighbouring dwellings. Nevertheless, to ensure that the privacy of neighbouring dwellings is protected, a condition should be attached to the approval of this application that restricts the introduction of window openings and roof-light type windows without permission from the Local Planning Authority.
- 8.11 The outbuilding is currently used as an outbuilding for storage used ancillary to the enjoyment of the main dwelling. This outbuilding and its use is typical and to be expected within a residential rear garden space. Furthermore, notwithstanding specific siting and dimension restrictions, such buildings are usually allowed as permitted development if they are sited within residential curtilage and are used ancillary to the enjoyment of the associated main dwelling. Therefore, the use or potential use of the building would not cause any greater disturbance e.g. noise to neighbouring dwellings than is usually expected or indeed allowed. Nevertheless, to ensure the protection of the amenity of adjoining neighbours, a condition should be attached to the approval of this application that restricts the use of the proposed outbuilding for uses ancillary to the enjoyment of the main dwelling.

#### Impact upon highway safety

- 8.12 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision to serve the development proposed. However, in this case no further bedroom spaces are proposed. The Leicestershire Highways Design Guide requires there is sufficient accommodation for vehicles and recommends that at least three off-street parking spaces are retained for dwellings with four or more bedrooms. The host dwelling at present provides four parking spaces, and the proposal will not result in the loss of existing of street parking space, and therefore sufficient off-street parking for at least 3 vehicles will be retained.
- 8.13 The proposal will not otherwise compromise the access arrangements from the host dwelling to the adjoining highway and will not introduce any features that will harm the safety of highway of users of the adjoining highway network. I therefore consider the application complies with Policy DM18 of the SADMP.

#### Drainage

- 8.14 Policy DM7 of the SADMP seeks to ensure developments propose measures to mitigate any potential adverse impacts of pollution and flooding. As per HBBC Drainage Officer's standard advice, to prevent rainwater discharging directly onto the surface of the site, a condition will be attached to approval of this application that requires rainwater from the detached outbuilding's roof to be drained into a suitable water butt, soakaway or domestic drainage system.

## **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 proposal is located within the settlement boundary of Markfield, 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 application is in keeping with the existing dwelling and would not have an adverse visual impact on the area and complies with Policy DM10 of the SADMP and advice within the Good Design SPD and Neighbourhood Plan Policy H7. There would be no significant loss of residential amenity to any neighbouring properties or adverse implications on highway safety. The proposal is therefore in accordance with Policy DM10, DM17 of the SADMP, associated recommendations of the Good Design Guide and Policy DM10 of the Neighbourhood Plan, and in this regard the proposal can be supported.

## **11. Recommendation**

11.1 **Grant planning permission** subject to

- Planning conditions outlined at the end of this report

11.2 **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:

01- Site Plan and Elevations - As Existing, received by the Local Planning Authority on the 5<sup>th</sup> July 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).

2. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Drawing No:

01- Site Plan and Elevations - As Existing, received by the Local Planning Authority on the 5<sup>th</sup> July 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).

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no windows or doors other than those approved under this permission shall be inserted into the east, west and south elevations, and the north and south roof slopes of the proposed extension, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Provision shall be made to direct run-off water to be drained into a suitable water butt, soakaway or domestic drainage system.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The outbuilding hereby permitted should be used only as a building ancillary to the enjoyment to the dwelling known as: 10 Ratby Lane, Markfield and shall not be occupied as a self-contained or independent unit of residential accommodation.

**Reason:** To ensure the outbuilding is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.