

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

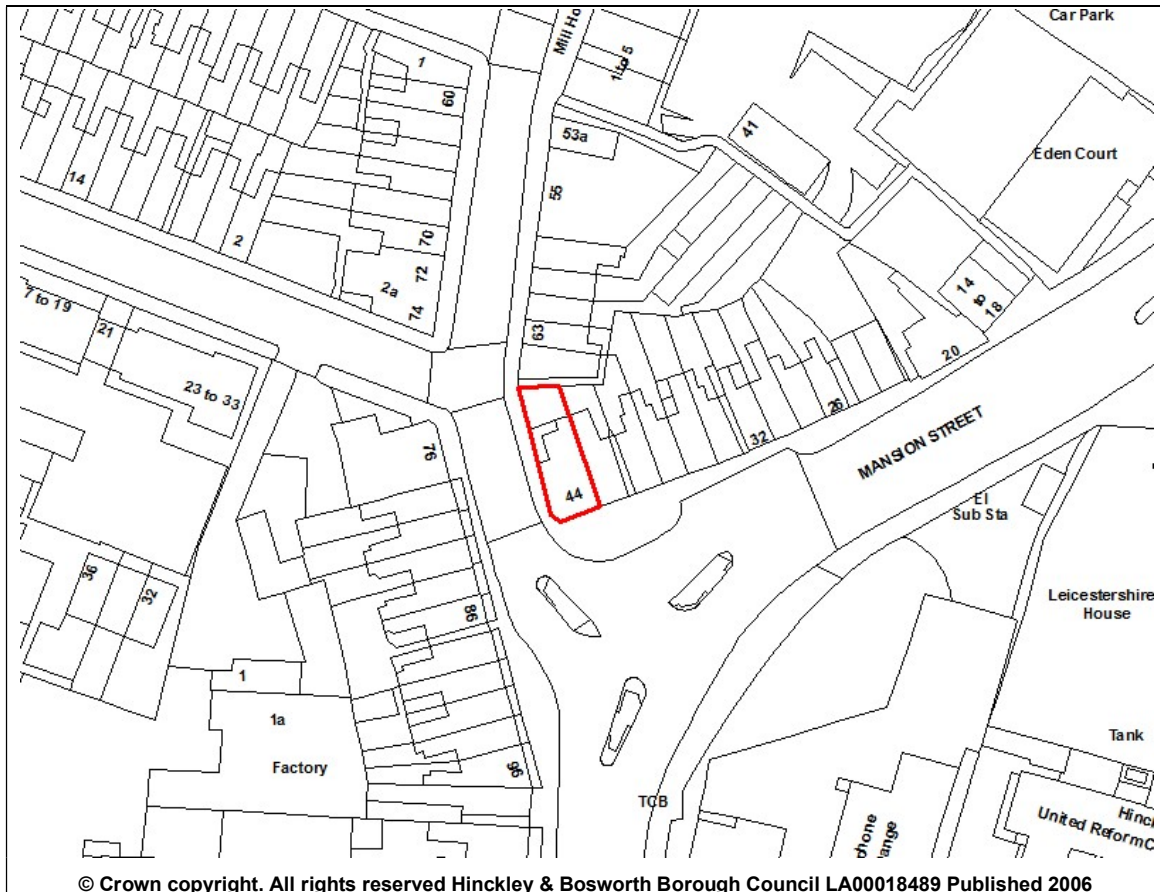
Planning Ref: 21/01016/FUL
Applicant: Mr F Williams
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 44 Mansion Street Hinckley Leicestershire

Proposal: New roof above existing single storey garage/shop storeroom. Proposed extension of height of boundary (west) wall.



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 full planning permission to increase the roof height of an existing store/garage that serves as ancillary use in association with the existing commercial unit currently used as a Tattoo Parlour, with residential accommodation above (use Class E with C3 Above- mixed use)
- 2.2. The existing garage/storage unit is detached from the main property, whereby it is separated by an open courtyard area. The unit's footprint is asymmetric in shape,

whereby, its width (at its widest point) measures approx. 6.1 metres and depth (at the deepest point) measures approx. 6.5 metres.

- 2.3. The existing storage unit is currently under a flat roof incorporating a sloping section located at its north end (which adjoins a private alleyway formed between the proposal site and the dwelling immediately located to its north (No. 68 Trinity Lane). This application proposes an increase in height of the storage unit by approx. 1360 mm above the mentioned sloped section (which will be the proposal's highest measurement) and incorporate an extension to the height of the existing flat roof by approx. 340mm.
- 2.4. Upon the common boundary shared with the adjoining dwelling (No. 42 Mansion Street) the proposed roof extension will be sloped at a 30 degree angle. The sloped roof element will span the length of the existing storage building's eastern side wall (approx. 6.5 metres in length and approx. 2.4 metres in height) and will replace an existing hipped (tiled) roof slope - albeit at a higher degree (20 degree to 30 degree pitch), this new side roof slope will adjoin proposed increased flat roof level.
- 2.5. The extended storage/garage unit will incorporate a replacement garage door opening within its side elevation (west) that adjoins and has access to the Highway (Trinity Lane). This opening will measure approx. 3.8 metres in width, and will measure approx. 1.2 metres wider than the existing garage door opening.
- 2.6. An existing, brick built, boundary wall (2000mm height) located upon the proposal site's western boundary shared with the pedestrian highway serving Trinity Lane), which is sited between the storage unit and the main property, is proposed to be replaced with a brick wall measuring approx. 2400mm in height (at the highest point from ground level). The enlarged wall will incorporate a further door opening to allow pedestrian access from the street to the site's courtyard/ proposed bin store area

3. Description of the site and surrounding area

- 3.1. The application site is a two-storey end terrace property located in a prominent position at the corner of Mansion Street and Trinity Lane. The ground floor is a retail unit currently used as a tattoo studio. The first floor comprises a flat to which this proposal will provide additional living accommodation.
- 3.2. The site is within a mainly residential area, located close to Hinckley Town Centre, and adjacent to the Town Centre Conservation Area - with some commercial elements, which are mainly ground floor retail shops that serve the local community.

4. Relevant planning history

16/00186/FUL

- Single storey rear extension with external metal staircase, shopfront and roller shutters with retention of existing first floor flat
Permission
31.05.2016

18/00163/FUL

- Change of use of ground floor from retail (A1) to cafe with hot and cold food takeaway and delivery (A3/A5) (resubmission of 17/01168/FUL)
Refused
06.04.2018

19/00486/FUL (Appeal Ref 19/00044/PP)

- Two storey and first floor extensions to existing garage/store
Refused and Appeal Dismissed

- 05.08.2019

19/00608/FUL

- Change of use to tattoo studio (retrospective)
- Permission
- 12.07.2019

19/00957/FUL (appeal Ref 19/00045/PP)

- Reduction of garage with first floor extension with alterations to existing including outdoor sitting area.
- Refused/ Appeal Dismissed
- 28.10.2019

19/01235/FUL

- First floor rear and part ground floor extension to provide additional living accommodation for existing first floor flat
- Permission
- 23.12.2019

5. Publicity

- 5.1. The application (and subsequent design amendments) has been publicised by sending out letters to local residents.
- 5.2. 3 neighbour letters received. Summarised as follows:
 - 1.) The siting, height and scale of the proposed extension will harm the outlook and daylight amenity afforded to adjoining dwellings.
 - 2.) The proposed extension the garage and boundary wall will harm the visual amenity of the surrounding street scene.
 - 3.) The layout and density is entirely inappropriate for this area.
 - 4.) The proposal will introduce noise, odours and risk of hazardous materials upon neighbouring properties.
 - 5.) There is no logical or immediate need to enlarge the existing garage building.
 - 6.) Due to lack of turning and road access, the proposed widening of the garage door opening will create safety of users of the nearby highway/highway junction.
 - 7.) The proposal is a pre-text for further development / change of use to a dwelling house in the future.
 - 8.) This proposal will potentially harm the property belonging to adjacent/adjoining neighbours.
 - 9.) The construction of the proposal will lead to disruption and limit access to properties via the shared alley (located behind the proposal site)

6. Consultation

- 6.1. No comments receive from third parties

7. Policy

7.1. Core Strategy (2009)

- Policy 1 – Development in Hinckley

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 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
- Drainage

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP requires development to complement or enhance the character of the surrounding area.

8.3 The application site is located in a predominantly residential area, with terraced residential properties on all sides of the application site. The site is not within, but is in close proximity to, the Hinckley Town Centre Conservation Area.

8.4 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. Section 12 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF 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.

8.5 Policy DM11 of the SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.6 In relation to its impact on views into and out of the Conservation Area, due to its positioning to the rear of the main property and given its siting, scale and design,

when having regard to the wider street scene, it is not considered that harm would be caused to the adjacent Conservation Area.

- 8.7 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8 The proposed extension to the height of the existing storage building will respect the footprint of the existing building. Furthermore, the built form of the surrounding area is predominately built against the back of the pedestrian highway and there is a strong sense of enclosure which is typical of development from this period (Mid-late 19th Century). Therefore, given the relatively small addition to its height, and furthermore, in consideration of the proposed materials and design, the extensions to both the existing storage building and the replacement boundary wall will be sympathetic to the design and scale of the main property and neighbouring dwellings and will not introduce a harmful or incongruous feature within the surrounding streetscene.
- 8.9 The proposed extension to the storage building's height above the existing slope roof (located adjacent to the sites north boundary) will be sited adjacent to an existing (privately owned) alleyway that serves as access to the rear of neighbouring dwellings. However, the proposed additional height will not create any significant or harmful impacts upon the views or access, either in or out, from the alleyway and therefore will not introduce any greater opportunity for crime or increase the fear of crime than the existing access arrangement.
- 8.10 In this regard the proposal is considered to be appropriate and accords with Policies DM10 and DM11 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11 The design initially submitted as part of this application included the increase of the height of the storage building by approx. 1360 metres, this increased height would have created an extended side wall facing the adjoining neighbour (No 42 Mansion Street). Such an enlarged flank wall, would, in the case officer's opinion, create a overbearing and overshadowing feature upon the relatively shallow and narrow rear courtyard outdoor amenity space afforded to the adjoining neighbour.
- 8.12 Therefore, upon the officer's concerns, the proposal has been amended, whereby the proposed eastern side of the extension will be under a pitched roof (30 degree) with a length of approx.2500 from the shared boundary with the adjoining neighbour (No 42). This amendment, in the officer's opinion, is a sufficient angle and height to not harm the amenity afforded to the adjoining neighbour.
- 8.13 The proposed extension will provide increased storage capacity for the associated commercial unit, however, given the relatively small increase in the existing store building's volume, I do not consider the proposal will not increase its current use by any significant level which would cause noise disturbance to neighbouring dwellings.
- 8.14 The proposal will not otherwise introduce any features or window openings that will harm the amenity and privacy afforded to habitable rooms belonging to neighbouring dwellings or their rear amenity space most enjoyed by their occupants. In this respect, the proposal accords with SADMP Policy DM10 and the associate guidance provided in the Good Design Guide.

Impact upon highway safety

- 8.15 Policy DM18 requires all new development to provide an appropriate level of parking provision.
- 8.16 Given its relatively small increase in volume, the proposal for an extension/enlarged ceiling height within the existing store room not require or generate any additional parking requirements from the commercial unit.
- 8.17 The proposed increase in width of the garage door opening would enable wider vehicles to park within the building, however, this element of the proposal will not create any greater impact on the users of the adjoining highway and/or compromise the safety of its users than is already experienced. Nevertheless, to ensure the safety of the users of the adjoining highway, a planning condition should be attached to the approval of this application that requires the garage door opening shall not open upon the adjoining highway.
- 8.18 The proposal therefore accords with the Local Highway Authority's Highway Design Guidance and SADMP Policy DM18.

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 for the extension to the existing store/garage building is considered to be acceptable. The proposal would have no undue impact on the residential amenity of any adjacent occupiers, and would have no impact on parking or traffic movement or compromise the safety of its users. The proposal would not impact on the adjacent conservation area and in this regard the proposal is considered to accord with Policies DM1, DM10, DM11, DM12 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 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:

Amended A001 - Site Location Plan and Proposed Layout Plan; PA 4809/2-02, revision P1 - Amend Proposed Elevations, received by the Local Planning Authority 4th April 2022.

PA 4809/2-01- Proposed Ground Floor Plan, received by the Local Planning Authority 14th October 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).

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no windows other than those approved under this permission shall be inserted within the approved roof structure and/or north, east and west elevations 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).

5. Notwithstanding the submitted plans, any garage doors shall not open above/upon the adjoining highway and shall be maintained thereafter.

Reason: To protect the free and safe passage of traffic, including pedestrians, in the public highway and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 110 of the National Planning Policy Framework (2021).

6. Provision shall be made to direct run-off water from both the approved building's roof structures 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).

11.3 **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.