

Planning Committee 5 July 2022
Report of the Planning Manager (Development Management)

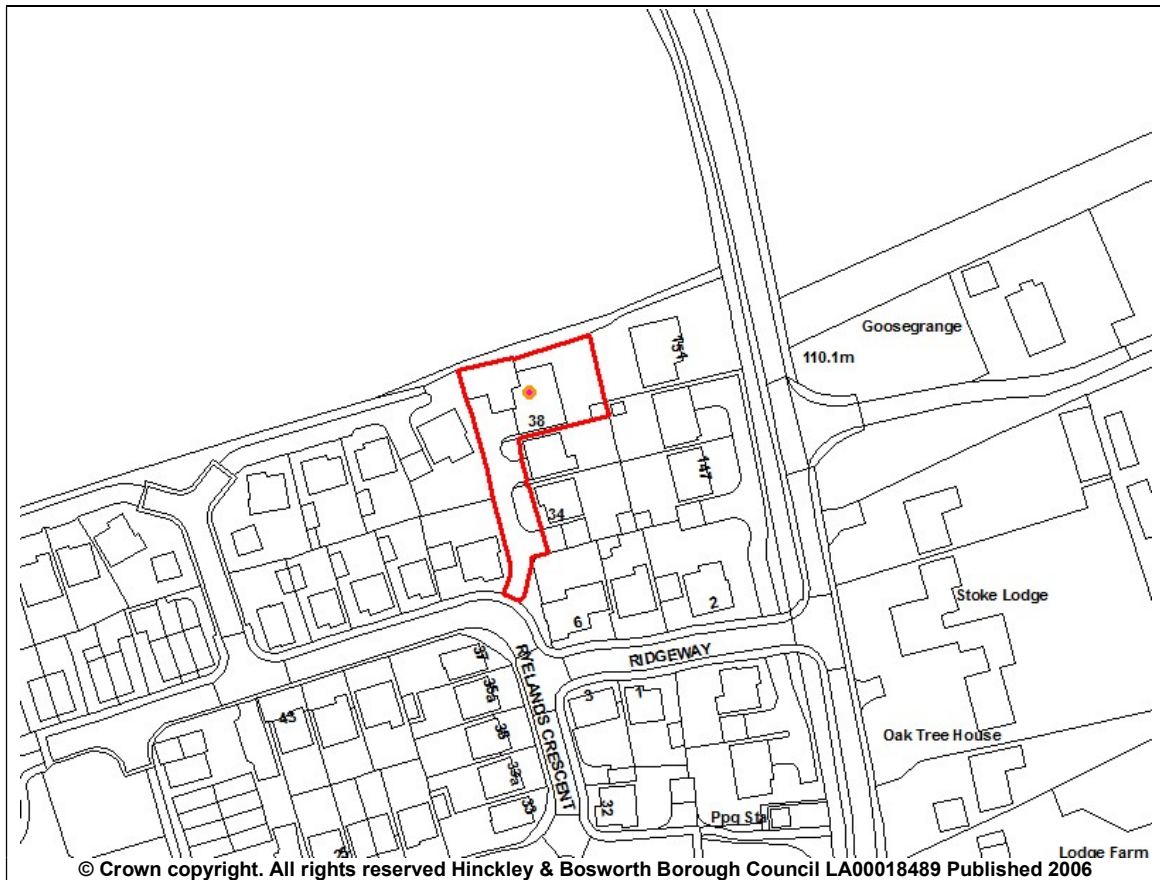
Planning Ref: 22/00369/HOU
Applicant: Lee and Philippa Hudson and Clark
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 38 Ryelands Crescent Stoke Golding Leicestershire

Proposal: Dual hip to gable end roof extension, installation of roof lights to front and rear roof slopes and detached garage



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 householder application seeks full planning permission for dual hip to gable end roof extensions, installation of roof lights to the front and rear roof slopes and the construction of a detached garage to a dwelling, 38 Ryelands Crescent, Stoke

Golding. The proposal includes an increase in the height of the southernmost (right hand) section of the dwelling from 1½ storey to 2 storey height and the conversion of one of the integral garages to a bedroom/shower room, the other being retained as a store. The only addition to the built form footprint is the detached garage. Matching external materials are proposed throughout the construction.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Stoke Golding on a relatively recently constructed modern residential estate and at the end of a small private shared access road serving a total of three dwellings. It is a predominantly two storey and 1½ storey detached house with a hipped main roof form, a full height central forward projecting two storey gable to the front elevation along with two dormer windows and a lean-to roof over integral double garages. There is also a single storey section to the north side elevation with a lean-to roof and an infill conservatory to the southern rear corner. It is constructed of red facing bricks with black mottling, flat/plain grey concrete roof tiles and white uPVC windows. The site frontage currently has off-street parking for two additional vehicles on the concrete block paved surfaced garage forecourts and two additional spaces on loose stone hardstanding at the end of the shared access driveway.
- 3.2. The surrounding estate comprises a mix of two storey detached, semi-detached and terraced dwellings with a variety of house sizes and designs. The vast majority of the houses have gable ended roof form, with occasional hipped roof properties scattered throughout the estate. The vast majority of the houses are constructed with red facing bricks and plain concrete roof tiles with occasional rendered dwellings. There are detached two storey dwellings to the west, south and east of the application dwelling and a field to the north.

4. Relevant planning history

14/00262/OUT

- Residential development (outline - access only)
- Outline Planning Permission
- 27.01.2015

15/00073/REM

- Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings
- Approval of Reserved Matters
- 23.12.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. As a result of public consultation responses have been received from four separate addresses raising objections to the application on the following grounds:
- 1) Overdevelopment, not in keeping with surrounding area

- 2) Siting and size of garage will be imposing and block open views of the field and block light
- 3) Loss of privacy from overlooking from new roof lights
- 4) Garage will reduce space for turning
- 5) Shared driveway is insufficient in width and not designed to support increased parking, vehicle movements and turning from a larger dwelling
- 6) Additional use of shared driveway will impact on its maintenance
- 7) Potential adverse impact on drainage capacity and infrastructure from increased use and damage from construction vehicles

6. Consultation

6.1. Stoke Golding Parish Council object to the application and consider that it does not meet a number of the design criteria of Policy SG15 of the 'made' Stoke Golding Neighbourhood Plan with specific reference to the following matters:

- Point 1 - the proposed increase in the size of the dwelling to 7 bedrooms would not be in keeping with the scale, form or character of neighbouring properties or its surroundings
- Point 3 - the current shared access (with two other dwellings) is not suitable for the potential increase in traffic going to the end of the driveway as a result of the proposed increase in size of the dwelling
- Point 8 - the proposed garage will remove the best view of open countryside for the public along Ryelands Crescent and therefore would not enhance the current street scene
- Point 10 - the increase in the size of the dwelling and the resulting retained off-street parking space to serve the dwelling is likely to result in additional vehicles associated with the property parking on the street.

7. Policy

7.1. Stoke Golding Neighbourhood Plan (SGNP) 2020-2039 (2022)

- Policy SG15: Design

7.2. Core Strategy (2009)

- No relevant policies

7.3. Site Allocations and Development Management Policies (SADMP) 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

7.4. 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)
- Local Highway Authority Design Guide

8. Appraisal

8.1. Extensions to existing domestic properties located within settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety/parking provision
- Other matters

Design and impact upon the character of the area

8.2 The design criteria of Policy SG15 of the 'made' SGNP requires development, (amongst other matters) to: (1) be in keeping with the scale, form and character of its surroundings, (8) ensure buildings are designed and positioned to enhance streets and spaces, and (10) ensure parking is integrated so that it does not dominate the street. Policy DM10 of the adopted 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 existing/neighbouring buildings and the local area generally.

8.3 The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states: *'Roof extensions are a well-used methodology for extending internal space but can be prominent over a wider area due to their higher scale compared with their neighbours.'*

8.4 Through the consultation process objections to the application have been received on the grounds that the proposed increase in the size of the dwelling to 7 bedrooms would not be in keeping with the scale, form or character of neighbouring properties or its surroundings contrary to point 1 of Policy SG15 of the 'made' SGNP and that the proposal represents overdevelopment of the site.

8.5 The surrounding estate comprises a mix of two storey dwellings, predominantly detached but with a number of semi-detached and terraced dwellings scattered through the estate. There is a variety of house sizes and designs but the vast majority have gable ended roof form and only occasional dwellings with hipped roof form. The proposed dual hip to gable roof extensions and associated works would not exceed the height of the highest part of the existing roof of the dwelling and therefore would not uncharacteristically exceed the height or scale of surrounding development.

8.6 Notwithstanding the objections received, it is considered that the proposed formation of a dual gabled roof would be entirely in keeping with the roof form and character of surrounding development and would not be dissimilar to the wide single height gable ended roof form of a neighbouring dwelling immediately to the east, 149 Hinckley Road. It is considered that the proposals result in an acceptable design and the proposed use of matching external materials would result in an acceptable, unified appearance.

8.7 Notwithstanding that at 7 bedrooms, the dwelling would exceed the size of any other dwellings on the estate, two of the bedrooms would be in the roof space and one in a converted garage, no additional footprint to the dwelling itself is being proposed. It is considered that the proposals would not result in overdevelopment of the site or any significant adverse visual impacts to the application dwelling or wider street scene, particularly as the dwelling is located at the end of a 47 metres long

shared driveway serving a total of three dwellings and is not overly prominent in any street scene.

- 8.8 Through the consultation process objections to the application have been received on the grounds that the siting and size of the proposed garage will remove the best view of open countryside for the public along Ryelands Crescent and therefore would not enhance the current street scene contrary to point 8 of Policy SG15 of the 'made' SGNP and would result in an over dominance of parking in the street scene.
- 8.9 The Council's adopted Good Design Guide also states that state that *'garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene'*.
- 8.10 The proposed garage would measure approximately 5.2 metres in width by 6.4 metres in depth with a dual pitched gable fronted roof with an eaves height of 2.1 metres and a ridge height of 3.84 metres. It would be located within the applicant's residential curtilage at the front of the dwelling and would form a single storey visual end stop to the shared driveway. The proposal would clearly obstruct views along the shared driveway through to the field, however, that view is not protected or identified as being of any particular significance other than forming part of the original layout of the estate. The provision of a garage at the end of a driveway is not uncharacteristic of many modern residential estates and in this case would not be dissimilar in principle to the provision of a four garage block at the head of the space between and serving Nos. 4 and 6 Rylands Crescent. The area proposed for construction of the garage is already hard-surfaced with loose stones and is used to provide parking for two vehicles. Therefore, notwithstanding the objections received and the advice contained within the Good Design Guide SPD, whilst the garage would not retain the existing openness of the street scene, it is considered that by virtue of its single storey scale it does not result in any significant visual harm either, particularly as the driveway offers no public thoroughfare and the proposal would be located at the end of a 47 metres long driveway and so is not a street in the usual context that would require greater adherence to the Good Design Guide.
- 8.11 Notwithstanding the various objections received, by virtue of their siting, scale, design and subject to the proposed use of matching external materials in their construction to ensure a satisfactory and uniform appearance, the proposed scheme of extensions and alterations would respect the scale, form, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or the surrounding area. It is therefore considered that the proposed scheme would meet the requirements of design criteria 1 of Policy SG15 of the 'made' SGNP, Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide and would not be in any significant conflict with points 8 or 10 of the design criteria of Policy SG15 of the 'made' SGNP.

Impact upon neighbouring residential amenity

- 8.12 Point 5 of the design criteria of Policy SG15 of the 'made' SGNP requires that new development has regard to the amenities of residents in the area which should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution. Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 The Council's adopted Good Design Guide states:

'The 45 degree rule is applied for planning applications for new extensions to existing properties which could result in the outlook from or daylight to a principal window to a habitable room being impacted upon. On a plan of the proposal, a projecting line is to be drawn from the nearest principal window to a habitable room that may be affected by the planning application towards the proposed building at an angle of 45 degrees. Habitable rooms include living rooms, bedrooms and kitchens but do not include rooms such as bathrooms, utility rooms, halls, landings or garages. The extension should not cross the 45 degree line.'

- 8.14 Through the consultation process objections to the application have been received on the grounds that the proposed garage will be imposing, block light to windows and views of the field and that the proposed roof lights would result in a loss of privacy to neighbouring dwellings from overlooking.
- 8.15 The nearest neighbouring dwelling to the proposed garage is 56 Ryelands Crescent which is a two storey house located to the south west of the proposed garage. By virtue of its siting and separation, the proposed garage would not impede a 45 degree line drawn from the centre of the nearest ground floor principal habitable room window which is located in the north elevation of No. 56 facing the field. Whilst there are other ground floor windows in the east elevation of No. 56 that face towards the application dwelling, the nearest is only a secondary, not principal window. Therefore, the proposed garage would not result in any significant adverse overbearing or overshadowing impacts on the outlook of, or light to, the principal habitable room windows of any neighbouring dwelling.
- 8.16 The proposed roof lights to the front and rear roof elevations to serve the proposed bedrooms and bathroom within the roof space would face towards the windows in the east side elevation of No. 56 Ryelands Crescent at a separation distance of approximately 14 metres and towards the rear elevation windows of No. 151 Hinckley Road at a separation distance of approximately 20 metres and 10 metres to the rear garden boundary. There are already windows within the first floor front and rear elevations of the application dwelling that face in the same directions and at slightly closer proximity. Nonetheless, following the objections received, the applicant's agent has confirmed that a condition requiring the roof lights to be constructed with a cill height of a minimum of 1.7 metres above the floor level of the rooms that they serve would be agreeable to the applicants in order to address any perceived potential loss of privacy from overlooking raised by the occupiers of neighbouring properties.
- 8.17 The neighbouring dwelling to the south, No. 36 Ryelands Crescent is a two storey detached dwelling on a similar building line to the application dwelling. By virtue of the proposed increase in the roof height of the nearest section of the application dwelling being adjacent to the blank north elevation of No. 36, it is considered that the proposal would not result in any significant adverse overbearing or overshadowing impacts on No. 36 and there are no windows proposed that would result in any loss of privacy to the neighbouring occupiers.
- 8.18 Notwithstanding the objections received, it is considered that the proposed scheme of extensions and alterations would not result in any significant adverse impacts on the privacy or residential amenity of the occupiers of any neighbouring dwellings and that the scheme is therefore in accordance with point 5 of the design criteria of Policy SG15 of the 'made' SGNP, Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.

Impact upon highway safety/parking provision

- 8.19 Point 3 of Policy SG15 of the 'made' SGNP requires development to have safe and suitable access. Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.20 Through the consultation process objections to the application have been received on the grounds that the current shared access (with two other dwellings) is not suitable in width or design for the potential increase in traffic going to the end of the driveway as a result of the proposed increase in size of the dwelling contrary to point 3 of Policy SG15 of the 'made' SGNP and that the garage would reduce available turning space resulting in vehicles reversing down the shared access driveway. Objections to the application have been received on the grounds that the increase in the size of the dwelling and the resulting retained off-street parking space to serve the dwelling is likely to result in additional vehicles associated with the property parking on the street contrary to point 10 of Policy SG15 of the 'made' SGNP.
- 8.21 The shared driveway is 4.25 metres in width along its entire length and is considered to be of sufficient width to enable vehicles to pass for a shared driveway serving between 1 – 5 dwellings in accordance with the local highway authority design guidance. Whilst marginally exceeding the 45 metres length referred to within the guidance, this is the maximum length to the proposed garage only and is more than offset by the fact that only three dwellings in total are served by the shared access. The proposed garage is set back sufficiently from the existing garage forecourt parking area to enable vehicles to reverse out and exit in a forward direction. The submitted layout plan indicates that a minimum of three off-street parking spaces would be retained to serve the resulting 7 bedroomed dwelling and the proposed 'store' on the ground floor has the potential to be re-used as a garage in the future should the need arise. The shared driveway was not designed with any communal turning head and therefore delivery vehicles would be likely to have to reverse down the driveway from any of the three dwellings that it serves. By virtue of only three dwellings being served by the driveway, the proposal is considered unlikely to result in any severe or significant adverse impacts on highway or pedestrian safety in this case.
- 8.22 Notwithstanding the objections received, the proposed access is considered to remain safe and suitable to serve the extended dwelling and the proposed parking provision of three spaces to be acceptable to serve the resulting dwelling. The proposal is therefore considered to have no significant conflict with point 3 of Policy SG15 of the 'made' SGNP, Policies DM17 and DM18 of the adopted SADMP or the general principles of the local highway authority design guidance.

Other issues

- 8.23 Objections to the application have been raised in respect of the potential increase in use and wear and tear on the shared access driveway and associated drainage infrastructure from additional vehicles and from construction traffic. Such matters are not material to the planning merits of the proposal and are a civil matter between the respective parties.
- 8.24 Objections to the application have been raised in respect of potential adverse impacts on the drainage capacity of the system serving the estate from increased use. This would be a matter for building regulations approval and is not material to the planning merits of the proposal.

- 8.25 An objection to the application has been raised in respect of the need to obtain permission from the developer for any alterations to the front of the dwelling. If such permission is required, this would be a legal matter separate to the planning application process and is not material to the determination of this planning application.

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 for extensions and alterations to an existing dwelling on a residential estate within the settlement boundary of Stoke Golding where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. Notwithstanding the various objections received, by virtue of their siting, scale, design and subject to the proposed use of matching external materials in their construction to ensure a satisfactory and uniform appearance, the proposed scheme of extensions and alterations would respect the scale, form, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the wider street scene or the surrounding area. By virtue of siting and separation distances the proposed scheme would not result in any harm to, or have any significant adverse impacts on, the privacy or residential amenities of the occupiers of any neighbouring dwellings. The proposal would retain safe and suitable access and acceptable off-street parking and turning facilities. The proposed scheme of extensions and alterations is therefore considered to be in general accordance with the design criteria principles of Policy SG15 of the 'made' SGNP, Policies DM10, DM17 and DM18 of the adopted SADMP, the general principles of the Council's adopted Good Design

Guide and the general principles of the local highway authority design guidance and is therefore 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 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: Location Plan and Block Plan Drawing No. 07a, Existing Floor Plans & 3D Views Drawing No. 01, Existing Elevations Drawing No. 02, Proposed Dwelling Floor Plans, Roof Plan and Elevations Drawing No. 05a and Proposed Garage Floor Plan and Elevations Drawing No. 06 received by the local planning authority on 19 April 2022.

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 extensions and alterations and detached garage hereby permitted 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 submitted details, all the proposed roof light windows in both the front and rear roof elevations as shown on Proposed Floor Plans and Elevations Drawing No. 05a received by the local planning authority on 19 April 2022 shall be constructed with a cill height of a minimum of 1.7 metres above the floor level of the room in which the window is installed.

Reason: To ensure the development does not have a detrimental impact upon the privacy and residential amenity of any neighbouring properties 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.