

**Planning Committee 2 August 2022**  
**Report of the Planning Manager (Development Management)**

**Planning Ref: 22/00335/HOU**  
**Applicant: Mr Andy Hawker**  
**Ward: Groby**



Hinckley & Bosworth  
Borough Council

**Site: 19 Fern Crescent Groby Leicestershire**

**Proposal: Two storey rear and first floor side and rear extension and other alterations**



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**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 planning application seeks full planning permission for the construction of a two storey rear extension and first floor side and rear extension

along with other alterations to a detached two storey dwelling, 19 Fern Crescent, Groby.

- 2.2. The proposed first floor side and rear extensions would be constructed over an existing car port and garage to the side elevation and a dining room to the rear. The proposed two storey extension would extend 3.2 metres further across the rear elevation to infill the rear corner. The first floor side extension would be set back 0.5 metres from the main front elevation and extend 9.5 metres in depth. The proposed first floor and two storey rear extension would extend 3.7 metres from the main rear elevation and be set in from either side elevation by 0.3 metres with an overall width (including the first floor side extension) of 9.8 metres. A new pitched lean-to roof is proposed across the front elevation along with a front entrance door. The proposal includes the use of smooth white render to all walls, matching roof tiles and new/replacement anthracite grey windows throughout to ensure a unified appearance.
- 2.3. Amended plans have been submitted to address design and amenity issues raised during the course of the application. The amendments include a subordinate hipped roof to the rear/side extension and a reduction in its width, a set back of the proposed first floor side extension and more subordinate roof height and the inclusion of obscure glazing and window restrictors to a first floor rear bedroom window. Re-consultation on the amended plans has been undertaken.

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

- 3.1. The application dwelling is located on a residential estate within the settlement boundary of Groby. It is a detached two storey house with side gabled roof form and has single storey low profile lean-to roof extensions to the front, sides and rear. It is constructed of dark red/brown facing bricks, brown concrete interlocking roof tiles and white uPVC windows and is set back approximately 4 metres from the highway. The site frontage is predominantly surfaced in tarmacadam and provides two off-street parking spaces.
- 3.2. The application dwelling is the only two storey dwelling in the vicinity, immediate neighbouring properties being detached bungalows of varying design and with gable fronted bungalows with accommodation within the roof space beyond.

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

None.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Responses have been received from four separate addresses raising objections and concerns on the following grounds:
  - 1) Not in keeping with surrounding development
  - 2) Loss of privacy from overlooking from first floor rear windows
  - 3) Loss of light
  - 4) Noise and disturbance during construction
  - 5) Loss of use of neighbours' side access for emergency workers during construction
  - 6) Drainage (no specific issue raised)

## **6. Consultation**

- 6.1. Groby Parish Council raise concerns in respect of overdevelopment, this being the only two storey house on this side of the road and the impacts of this on neighbours. These concerns are reiterated in their re-consultation response to the amended plans.

## **7. Policy**

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - 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)
  - 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 parking provision
- Other issues

Design and impact upon the character of the area

- 8.2. 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:

*'Two storey side extensions should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal for a two storey side extension should be set down from the ridge of the existing house and set back from the front elevation (the minimum distance for this should be 0.5 metres in both directions) unless in design terms this in itself would create an imbalance in the overall design of the property.'* and,

*'Rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing. Where there are no public views into a site, a fully integrated two storey rear extension may be acceptable unless there is a detrimental impact on the adjacent properties.'*

- 8.4 Groby Parish Council raise concerns in respect of overdevelopment by virtue of the application dwelling being the only two storey house on this side of the road. Other objections have been received on the grounds of the proposals not being in keeping with surrounding development.
- 8.5 By virtue of its two storey scale, the existing dwelling is already uncharacteristic of the surrounding single and 1½ storey development in the vicinity but that should not preclude it from being extended in accordance with the policies of the adopted Local Plan and supplementary design guidance. The dwelling occupies a large plot and the proposal would retain approximately 400 square metres of private amenity space and satisfactory parking provision to the site frontage. Therefore, the proposals are not considered to result in overdevelopment of the plot.
- 8.6 The proposed first floor side extension is set back 0.5 metre from the main front elevation, has a clearly subordinate width of only 2.4 metres and a subordinate ridge height to the main roof. It would therefore be subordinate in both scale and massing in accordance with the principles of the adopted Good Design Guide. As the side elevations of the two storey dwelling can be viewed from both directions along Fern Crescent, above existing single storey neighbours, the proposed first floor and two storey rear extension has been amended to step in from both side elevations to better define the extension and to reduce its overall mass to a domestic scale. Notwithstanding that the depth of the proposal is marginally over half that of the existing dwelling, the proposal is to be constructed above and to the same extent as existing structures and the amended design with a clearly subordinate 6.8 metres high hipped roof further reduces its overall mass and visual impact within the street scene and ensures that the existing dwelling remains the dominant part of the dwelling. Notwithstanding that the proposal extends to the side boundary (over existing single storey sections), by virtue of the different scale and design of the respective dwellings there are no potential terracing issues to consider.
- 8.7 Existing window openings to the front elevation are to be re-used and the new front elevation window is of matching proportion. The rear elevation is designed with a more contemporary but acceptable style with extensive full height glazing characteristic of many modern rear extensions.
- 8.8 A new lean-to roof with matching pitch and roof tiles is proposed across the front elevation which will integrate the proposed first floor side extension to the existing dwelling. This feature along with the provision of a new focal front entrance door and garage door to the existing open car port is considered to enhance the overall design, character and appearance of the dwelling.
- 8.9 The proposals include the use of smooth white render to all external walls, matching roof tiles and new/replacement anthracite grey windows throughout to ensure a satisfactory and unified appearance. The scheme would therefore result in a more contemporary style, but this would significantly enhance its overall appearance within the street scene as the existing brickwork is visually poor. Rendered dwellings are already a common feature of the street scene and therefore such materials would not be uncharacteristic.
- 8.10 By virtue of the scale, mass and design of the proposed extensions together with the proposed use of sympathetic external materials throughout to ensure a

satisfactory and unified appearance, the scheme would result in subordinate extensions that would complement the two storey scale and character of the existing dwelling and would significantly enhance its overall appearance within the street scene. Approximately 400 square metres of private amenity space would be retained within the rear garden and would be adequate to serve the resulting four bedroomed dwelling. Notwithstanding the objections received, the amended scheme is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

#### Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the adopted SADMP and the adopted Good 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.
- 8.12 Groby Parish Council raise concerns in respect of impacts on neighbours due to the two storey scale of the existing dwelling and proposed extensions. Objections have also been received on the grounds of loss of light and loss of privacy from overlooking from first floor rear elevation windows.
- 8.13 The neighbouring dwelling to the southeast (No. 17) is a detached hipped roof bungalow that is set off the side boundary by approximately 1 metre. It has an 'L' shaped footprint and has been extended with a conservatory across a majority of its rear elevation, a flat roof extension to the front and a flat roof car port to the side elevation leading to a garage located to the side and rear of the dwelling. The proposed first floor side and rear extension would extend up to the side boundary with No. 17 at two storey height above existing single storey structures but would not extend any further to the rear than the original main rear elevation of the neighbouring bungalow. There are no significant windows in the side elevation of No. 17 facing the existing structure. By virtue of the similar rear building line and its position to the northwest of No. 17, the proposal would not result in any significant adverse overshadowing impacts on any significant rear elevation windows or the rear garden of No. 17.
- 8.14 Objections have been received that the proposal would result in a loss of privacy to the occupiers of No. 17 from overlooking from the new first floor rear elevation bedroom window. However, the existing windows in the first floor rear elevation already provide similar sideways views by virtue of the clear roof panels in the neighbouring conservatory. Therefore, it is considered that any additional adverse impacts on privacy would be very limited at worst. Notwithstanding this, by virtue of the new rear elevation first floor window being closer to the side boundary and further to the rear, the applicant has agreed to fit obscure glazing to the bedroom window and to use window restrictors to mitigate any potential additional impact on privacy. These measures can be secured through a planning condition.
- 8.15 The neighbouring dwelling to the northwest (No. 21) is a detached hipped roof bungalow with side gable roof form and a subordinate extension with dual pitched roof to the near side of its rear elevation. It is set off the side boundary by approximately 1 metre. It has a bedroom window in the near side elevation but this already faces directly towards a single storey side extension with a lean-to roof that is constructed up to the side boundary and directly towards the main two storey side elevation of the application dwelling at only a further 2 metres separation. Notwithstanding that the proposed two storey extension would extend 3.7 metres further to the rear from the existing main rear elevation at a separation distance of approximately 3 metres, the outlook from the neighbouring window is already compromised to a significant degree by the existing structures which lie directly in

front of it. Therefore, it is considered that the proposal would not result in any significant additional adverse overbearing or overshadowing impacts on the side elevation window than the existing situation. The proposed two storey rear extension would not extend beyond the projection to the rear of No. 21 and therefore would not affect any rear elevation windows on the neighbouring dwelling. No windows are proposed that would result in any loss of privacy from direct overlooking to the neighbouring occupiers of No. 21.

- 8.16 Objections have been received relating to loss of amenity from noise and disturbance during the construction works. Such impacts are only temporary in nature and any unreasonable noise or hours of work are subject to noise pollution control through separate legislation. The personal circumstances of neighbouring occupiers are not a material planning consideration.
- 8.17 Notwithstanding the objections received, it is considered that the proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings and that therefore the proposals are in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

#### Impact upon parking provision

- 8.18 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.19 The proposal would result in the addition of a fourth bedroom to the dwelling. The proposal indicates retention of an integral garage to the side elevation, although at 2.3 metres width, this would lack the 3 metres internal width required by the local highway authority design guide to be acceptable as a parking space. Notwithstanding this, the site frontage is already predominantly surfaced in tarmac and provides at least two off-street parking spaces to serve the resulting dwelling. Whilst there may be a potential shortfall of one space, by virtue of the quiet nature of the residential road on which the application dwelling is located and lack of through traffic, this shortfall is not considered to be likely to result in any significant adverse impacts on highway safety as a result of that shortfall. The proposed parking provision is therefore considered to be acceptable in this case and in accordance with Policy DM18 of the adopted SADMP.

#### Other issues

- 8.20 Objections have been received relating to potential loss of use of neighbours side access for emergency workers during construction works. This is not material to the planning merits of the case and is a civil matter between the respective parties that may be able to be addressed through the Party Wall etc. Act.
- 8.21 An objection has been received in respect of drainage but no details or evidence of any significant drainage issue has been submitted. In any event, the development would be subject to normal separate building regulations approval which would include the provision of satisfactory drainage of the site.

## **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 extension and alterations to an existing dwelling within the settlement of Groby 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. For the reasons given in the report above, it is considered that by virtue of the scale, mass and design of the proposed extensions together with the proposed use of sympathetic external materials throughout to ensure a satisfactory and unified appearance, the scheme would result in subordinate extensions that would complement the two storey scale and character of the existing dwelling and would significantly enhance its overall appearance within the street scene. By virtue of the scale, mass, design and separation distances, the proposals would not result in any significant adverse overbearing or overshadowing impacts or result in any significant loss of privacy to the occupiers of any neighbouring properties. Adequate off-street parking and private amenity space would be retained within the site. Notwithstanding the objections received, the proposals are considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and are 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: Site Location Plan and Block Plan Drawing No. 518-003 Rev A and Proposed Floor Plans and Elevations Drawing No. 518-002 Rev B received by the local planning authority on 14 June 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 shall be in accordance with the details provided within the submitted Planning Application form and on the Proposed Floor Plans and Elevations Drawing No. 518-002 Rev B received by the local planning authority on 14 June 2022.

**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. The first floor window(s) in the rear (south) elevation serving bedroom 3 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and fitted with window restrictors as detailed on the approved Proposed Floor Plans and Elevations Drawing No. 518-002 Rev B received by the local planning authority on 14 June 2022. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.