

Planning Committee 25 October 2022
Report of the Planning Manager (Development Management)

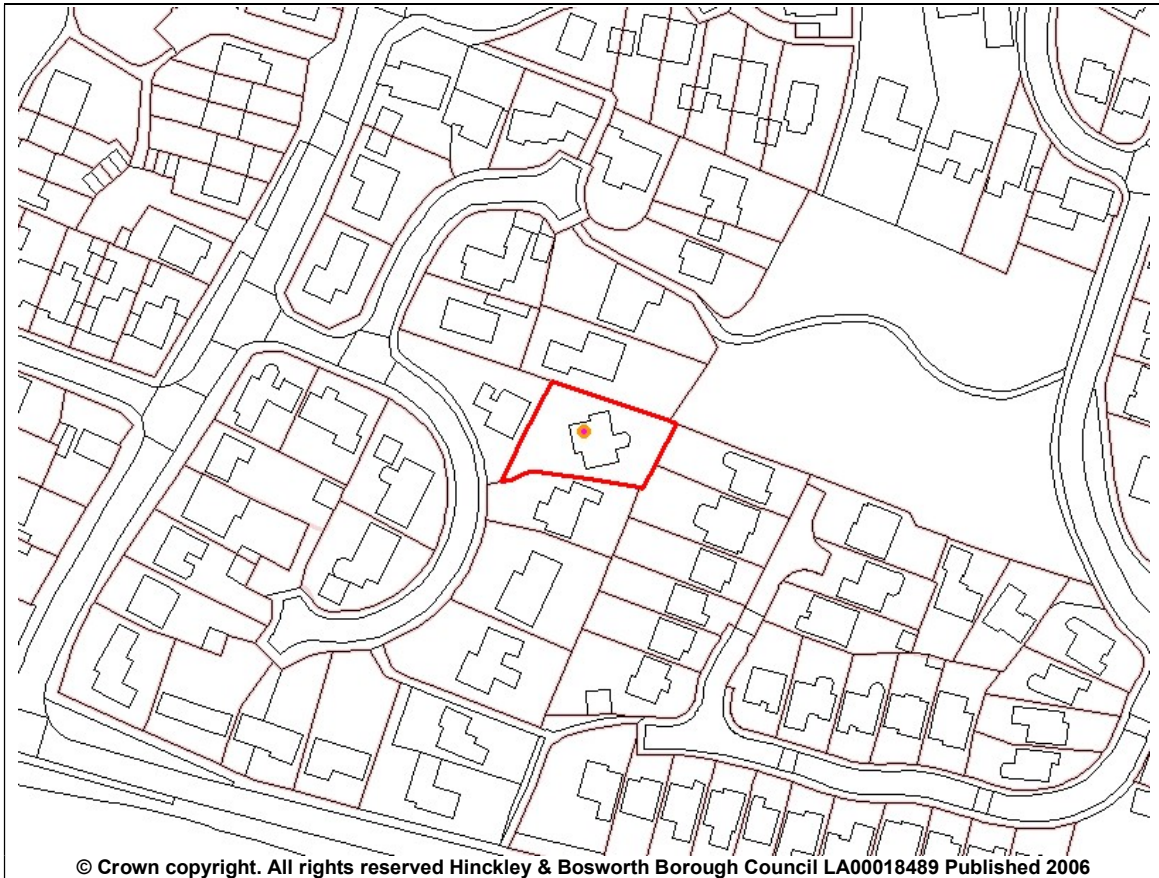
Planning Ref: 22/00385/HOU
Applicant: Mr & Mrs J C Farn
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 14 The Hawthorns Markfield Leicestershire

Proposal: First floor and single storey side, front and rear extensions and other alterations



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 resubmitted householder application seeks full planning permission for first floor and single storey side, front and rear extensions and other alterations to a dwelling, 14 The Hawthorns, Markfield.

- 2.2. The proposal includes the formation of a front gable projection with Juliette balcony over the existing integral double garage, a first floor side extension to align the main side elevation and new front gable with the existing side elevation of the garage, a first floor side extension above an existing single storey lean-to extension and a single storey rear extension with dual pitched roof to replace the existing conservatory. Matching external materials are proposed along with the additional use of complementary render to the proposed first floor front gable extension.
- 2.3. This is a resubmitted scheme, following refusal of planning permission in respect of planning application reference 22/00284/HOU at Planning Committee in August 2022. The main amendment from the scheme previously refused is the proposed replacement of a hipped pitched roof over the proposed garaging with a flat roof to seek to address issues raised in respect of potential impacts on neighbours amenity. A Supporting Statement from the agent has been submitted with the application.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Markfield in a residential area. It is a two storey detached house with gable sided main roof form. It has an integral double garage and porch that project at single storey height to the front and side elevations and have a hipped roof form. A white uPVC conservatory has also been attached to the rear elevation. It is constructed predominantly of dark brown facing bricks but with a stone panel at first floor, brown concrete interlocking roof tiles, dark grey uPVC windows and a white up-and-over garage door. It has a large enclosed rear garden and off-street parking space for at least four cars to serve the dwelling within the integral double garage and on the tarmac surfaced driveway within the site frontage.
- 3.2. The dwelling occupies an elevated position in relation to the public highway and the neighbouring detached bungalows to the west and north but is set well back from the highway (approximately 23 metres).

4. Relevant planning history

77/00854/4M

- Erection of detached house
- Permitted
- 23.08.1977

22/00284/HOU

- First floor and single storey side, front and rear extensions and other alterations
- Refused
- 16.08.2022

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 from five separate addresses have been received raising objections to the proposals on the following grounds:
- 1) Uncharacteristic design, not in keeping with character or appearance of neighbouring properties in the area
 - 2) Garaging excessive for four bed roomed house

- 3) Overbearing due to height, proximity and relative ground levels Loss of light and solar heat
- 4) Loss of privacy from overlooking
- 5) Additional noise, air pollution and roadside parking
- 6) Future potential commercial use

6. Consultation

- 6.1. Markfield Parish Council has requested and been granted an extension of time for their consultation response until 14 October 2022. Any response received will therefore be reported as a late item to the main agenda.

7. Policy

- 7.1. Markfield Neighbourhood Plan (MNP) 2020-2039 (2021)
 - Policy M10: 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 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 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

Design and impact upon the character of the area

- 8.2. Policy M10 of the 'made' Markfield Neighbourhood Plan (MNP) states that to be supported development must be sympathetic to local character and be in keeping with the scale, form and character of its surroundings.
- 8.3. 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. The Council's adopted

Good Design Guide provides further advice in respect of the siting and design of house extensions.

8.4 The adopted Good Design Guide states that:

‘Two-storey extensions to the front of properties are unlikely to be acceptable especially in relation to semi-detached and terraced properties as they will be visually prominent within the street scene. If this type of development is proposed, it should take the form of the existing building, mirroring the roof pitch, replicate or have lower eaves height and the ridge should be below the existing ridge height. In addition, the proposal should not normally extend beyond the front elevation by more than 2 metres and not cover more than 50% of the front elevation.’

‘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 unless in design terms this in itself would create an imbalance in the overall design of the property.’

‘Flat roofs on extensions will not normally be considered appropriate where they do not form part of the original design of the house, however in some circumstances where they are not visible from the public realm and the use of a flat roof may result in a reduced visual impact, they may be considered acceptable, particularly if designed with a contemporary aesthetic style.’

‘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 and materials of the original building.’

8.5 Objections to the application have been received on the grounds that the proposals would have an uncharacteristic design, not in keeping with the character or appearance of neighbouring properties in the area and that the level of garaging proposed for the size of dwelling is excessive and may result in potential future commercial use.

8.6 The application dwelling is a two storey detached house, one of a number within The Hawthorns which is characterised by dwellings of individual scale, size and variety of designs. The proposed first floor front/side extension would extend only 1.8 metres forward of the existing main front elevation over the existing forward projection of the integral double garage. In order to align with the left side of the integral garage and balance the front elevation, the proposal includes a 1 metre wide first floor side extension with matching eaves and ridge heights. The proposed front gable would have a clearly subordinate dual pitched roof and would have a width of only 5.3 metres, approximately half the width of the existing dwelling as required by the adopted Good Design Guide in respect of front extensions. The proposal also includes a first floor side extension with an additional 2 metres in width but this would be set back approximately 4 metres from the existing main front elevation where it would not be visually prominent and would have a clearly subordinate dual pitched roof with the same pitch as the main roof.

8.7 The proposed single storey element of the side extension would extend a maximum of approximately 5.5 metres towards the side boundary in line with the existing garage and provide additional garaging. The front corner of the extension would be set in from the side boundary by over 3 metres, reducing to a metre further to the rear and parallel with the side boundary. This resubmitted scheme now proposes a flat roof over this section of the extension (previously a hipped pitched roof) to seek to reduce perceived impacts on neighbours amenity. Notwithstanding that flat roof structures are not a characteristic of the original or existing dwelling, by virtue of its single storey scale and position to the far side of the dwelling, where it would be set

well back from the highway and to the rear of existing neighbouring dwellings, the proposal would not be visually prominent within the street scene and it is therefore considered that it would not result in any significant adverse visual impacts in this case. Notwithstanding the objections received regarding the design of the proposals being uncharacteristic and out of keeping, the surrounding area exhibits a variety of designs and scales and there are already at least two detached two storey dwellings in close proximity within the street scene with similar overall width as that now being proposed (Nos. 16 and 17). It is therefore considered that the proposals would not be out of character or scale with the already varied surrounding area. The resulting dwelling would not be excessive in terms of its footprint for the size of the plot. There is no policy guidance that restricts the number of garages that a dwelling may have and no evidence to suggest that the proposals would result in any significant additional noise, air pollution or roadside parking. This is a householder application which does not seek any commercial use at the property for which a separate full planning application for change of use would be required and any potential resulting impacts would be assessed at that time.

- 8.8 The proposed single storey rear extension would extend approximately 3.3 metres from the main rear elevation with a width of approximately 6.7 metres and be set in from both side elevations. It would have a clearly subordinate dual pitched roof with a rear gable and full height glazing. It would replace an existing smaller conservatory. By virtue of its subordinate single storey scale, footprint and design together with the proposed use of matching external materials, the proposal would respect the scale, character and appearance of the existing dwelling and by virtue of its siting to the rear would have no visual impact on any street scene.
- 8.9 By virtue of the detached nature of the application dwelling, the varied designs and styles in the vicinity of the site, which include a detached dwelling with a forward projecting two storey gable (No. 21 The Hawthorns), together with the proposed use of matching external materials and complementary render to ensure a satisfactory appearance, the proposed two storey front gable is considered to be acceptable in respect of its scale, design and appearance.
- 8.10 As a result of the elevated position of the application dwelling within the street scene, the first floor extensions to the front and side elevations would be visible from the public highway at various points. However, by virtue of the application dwelling being set back approximately 23 metres from the nearest public highway together with its position set back from other dwellings to both the west and south on The Hawthorns, the proposals would not appear overly prominent within, or result in any significant visual harm to, the already varied character and appearance of the wider street scene.
- 8.11 Therefore, notwithstanding the objections received, the resubmitted proposals are considered to be acceptable in design terms and in general accordance with Policy M10 of the 'made' MNP, Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.
- Impact upon neighbouring residential amenity
- 8.12 Policy M10 of the 'made' MNP seeks to ensure that the amenities of residents in the area are not significantly adversely affected including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.13 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.
- 8.14 Objections have been received on the grounds of adverse impacts on the amenities of neighbouring properties. The objections relate to overbearing impacts due to the

height, proximity and relative ground levels, loss of light and heat and loss of privacy from overlooking.

- 8.15 The neighbouring dwelling to the north (10 The Hawthorns) is a detached bungalow which occupies a lower relative ground level (approximately 1 metre) than the application site. The southern elevation of No. 10 facing the application site includes a principal bedroom window and a utility room window set off the side boundary by approximately 4.2 metres and with a concrete paved patio area between. The boundary with the application site is defined by double height concrete gravel boards and solid close boarded timber fence panels to a total height of approximately 2.5 metres above patio level.
- 8.16 Notwithstanding the differences in relative ground levels and that the proposed front/side extension would extend much closer to the side boundary with No. 10, by virtue of the single storey scale and 3.5 metres high flat roof design, it is considered that the resubmitted proposal would not result in any significant adverse overbearing impacts on the amenity of the occupiers of No. 10 or result in any significant loss of light or heat from the blocking of direct sunlight. The proposal would angle away from the side boundary and be approximately 6 metres from the window at its closest point. Notwithstanding that this is less than the ideal separation distance of 8 metres suggested in the design guidance in respect of single storey development and the window is on a relatively lower ground level, in this case, the outlook of the window is already compromised to a large degree by the existing solid timber fencing to a height of approximately 2.5 metres and therefore it is considered that the proposal would not result in any significant additional impacts.
- 8.17 The proposed front/side first floor extension would extend only 1 metre towards the side boundary with No. 10 leaving a separation distance of approximately 12 metres from the bedroom window. Notwithstanding that this would be less than the ideal separation distance of 14 metres suggested in respect of two storey development in the design guidance, the proposal would be offset from the window and would not extend directly across it. Therefore, the retained separation distance is considered to be acceptable in this case.
- 8.18 The proposed first floor side extension that is set back from the front elevation would be adjacent to the blank south side elevation of No. 10 and therefore would not result in any significant adverse overbearing impacts on the neighbouring property. However, the proposed first floor en-suite window in its rear elevation would face towards the rear garden of No. 10 at close proximity to the boundary and therefore could result in potential loss of privacy from overlooking. The submitted plans indicate the use of obscure glazing and only top opening lights to this window to prevent overlooking. In the event that the application be approved, a condition to require the use of obscure glazing in the window(s) and for them to be non-openable below a height of 1.7 metres above the finished first floor room level would therefore be reasonable and necessary to protect the privacy and amenity of the occupiers of No. 10. By virtue of its single storey scale, separation distance of 1.5 metres to the boundary and design, the proposed rear extension would not result in any significant adverse overbearing impacts of loss of light or privacy to the occupiers of No. 10.
- 8.19 The neighbouring dwelling to the west (13 The Hawthorns) is a detached bungalow which occupies a relatively lower ground level than the application dwelling. Notwithstanding the relative difference in ground level, by virtue of the minimum separation distance to the boundary with No. 13 of 5 metres at single storey scale and 8.5 metres at two storey scale, it is considered that the resubmitted proposals would not result in any significant adverse overbearing or overshadowing impacts

on the residential amenity of the occupiers of No. 13. The proposed new first floor window with Juliette balcony would not face directly towards the rear garden of No. 13 but towards the driveway of the application dwelling. The proposed first floor window serving the dressing area would face towards the rear garden boundary of No. 13 but at a separation distance of 12 metres such that no significant loss of privacy would result.

8.20 By virtue of their siting, scale and separation distances to other neighbouring properties, the resubmitted proposals would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any other dwellings.

8.21 Notwithstanding the objections received, for the reasons given above, and subject to the use of obscure and non-openable glazing where necessary, it is considered that the resubmitted proposals would not give rise to any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties and that they are therefore in general accordance with Policy M10 of the 'made' MNP, Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

8.22 Policy M10 of the 'made' MNP seeks that development provides adequate external space for vehicles. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.

8.23 The proposals would result in a four bedroomed house. The proposals include the provision of two double garages in addition to the existing off-street parking space available on the long tarmac driveway. This level of off-street parking provision is considered to be more than adequate to serve a dwelling of this size and to be in accordance with Policy M10 of the 'made' MNP, Policy DM18 of the adopted SADMP and the local highway authority design guide.

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 within the settlement boundary of Markfield 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. By virtue of the siting, scale, design, separation distances and subject to the use of obscure and non-openable glazing where necessary and matching and complementary external materials, the resubmitted proposals are considered to respect the scale, character and appearance of the existing dwelling and variety of the wider street scene and would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate private rear amenity space would be retained to serve the dwelling along with four off-street parking spaces. The resubmitted proposals are considered to be in general accordance with Policy M10 of the 'made' MNP, 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 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, Proposed Block Plan and Proposed Floor Plans Drawing No. 6404/JCF/15 Rev A and Proposed Roof Plan, Elevations and Section Drawing No. 6404/JCF/16 Rev A received by the local planning authority on 1 September 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 match the corresponding materials of the existing dwelling and be in accordance with the details submitted on the approved Proposed Elevations Drawing No. 6404/JCF/16 Rev A received by the local planning authority on 1 September 2022 and the submitted Planning Application form.

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 rear elevation window(s) serving the proposed en-suite shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.7 metres above the finished floor level of the room it serves in accordance with the details submitted on the approved Proposed Elevations Drawing No. 6404/JCF/16 Rev A received by the local planning authority on 1 September 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).

11.3 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.