

Planning Committee 22 November 2022
Report of the Planning Manager (Development Management)

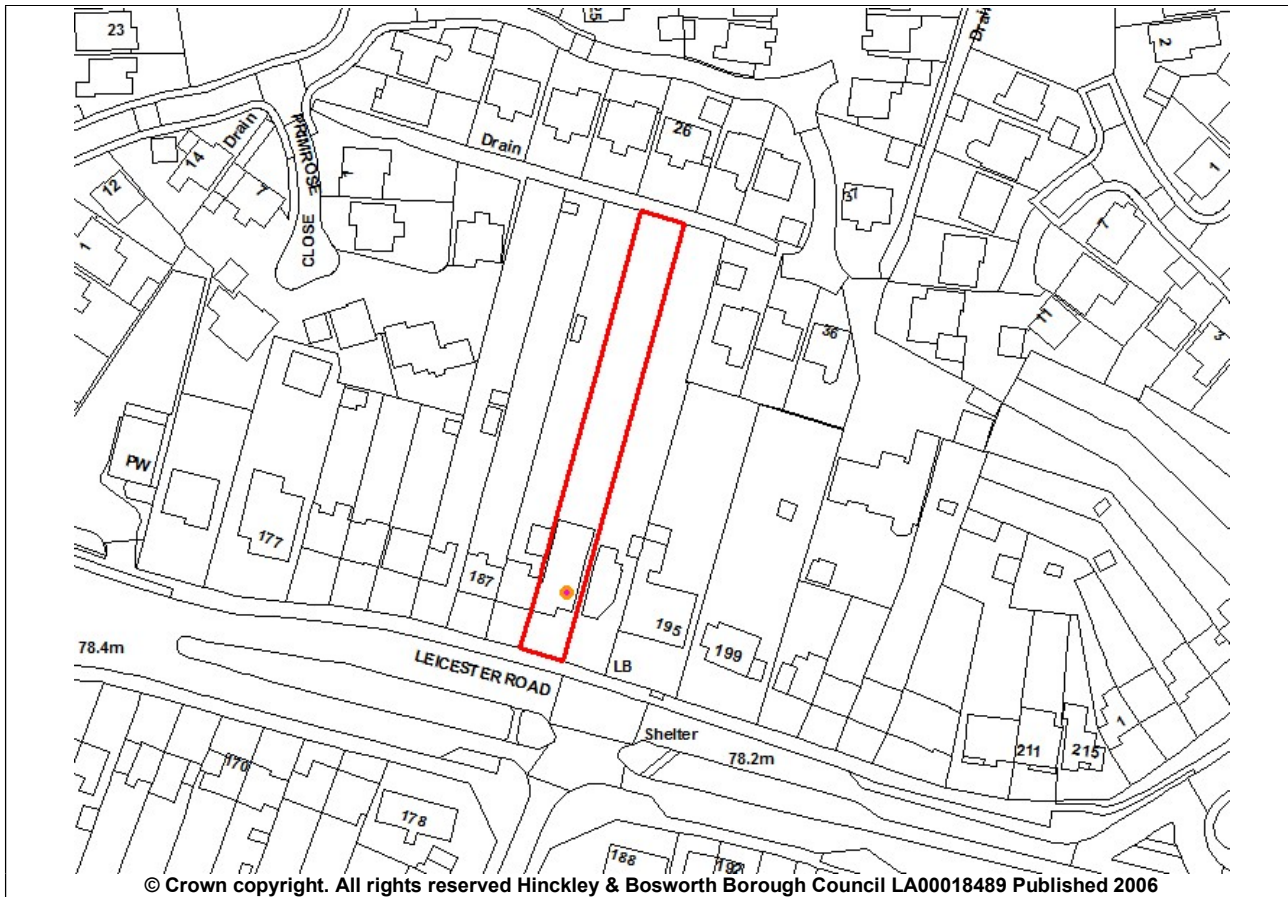
Planning Ref: 21/01359/HOU
Applicant: Pancholi
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 191 Leicester Road Groby

Proposal: Erection of a raised patio at the rear of a dwelling



1. Recommendations

- 1.1. Approve planning permission subject to the conditions at the end of this report and confirm to the Planning Inspectorate that the Council withdraws its revocation order

2. Preamble

- 2.1 This application was previously approved in March 2022 under delegated powers. However, as the Ward Councillor had previously requested that the application be determined by Planning Committee, the Council made an order in April 2022 revoking the permission and sent it to the Secretary of State for confirmation.
- 2.2 The Secretary of State initially confirmed in August 2022 that no objections were received to the revocation order and that the Order therefore took effect. This decision was then reversed on 23rd September 2022 by the Secretary of State following recognition from the Secretary of State that an objection had been received within the allocated time period.
- 2.3 The Council then received confirmation on 13th October 2022 that the matter had been passed to the Planning Inspectorate for consideration via a public hearing or public inquiry, at

a date to be confirmed.

- 2.4 The Planning Committee is therefore requested to re-consider the original delegated decision of approval, in respect of which the revocation order has not yet taken effect, because it is opposed, and will need to be determined by the Secretary of State.
- 2.5 Should Planning Committee resolve to confirm the delegated decision on the original application then notification will be sent to the Planning Inspectorate to withdraw the revocation order made in April 2022, and the original delegated decision will stand.
- 2.6 Should Planning Committee resolve to refuse the application then the matter of the revocation order will proceed to a public hearing or public inquiry for consideration.

3. Planning Application Description

- 3.1 This application is for a patio attached to an existing single storey extension at the rear of 191 Leicester Road. The patio is to be accessible from the bi-fold glass doors to the rear elevation of the extension that was permitted in April 2020 and is to run the length of the rear elevation at around 7.9m. Included in the plan is a series of steps down to the garden that will drop around 1.1m to reach the grassed rear garden of the property.

4. Description of the site and surrounding area

- 4.1 The site is located off Leicester Road to the north of the settlement boundary of Groby. The site relates to a 1930s two storey brick built detached dwelling that has had a number of extensions since the 2000s.
- 4.2 There is a varied character to this part of the old ribbon development, which includes two storey detached and semi-detached properties, as well as numerous bungalows. All of which vary considerably in their use of materials. Many of these properties have been subject to extensions and alterations over time.

5. Relevant planning history

02/00171/FUL

- Two storey side extension and single storey rear extension
- Refused
- 07.02.02

02/00560/FUL

- Side and rear extensions
- Planning Permission
- 30.02.02

19/01084/HHGDO

- Rear extension measuring 6m in depth, 4.6m to the ridge and 3.2m to the eaves
- Withdrawn
- 23.09.19

19/01085/HHGDO

- Rear single storey 6m extension to existing detached house
- Withdrawn
- 31.10.19

20/00115/HOU

- Single storey front, first floor side and single storey rear extensions at no.191 / single storey rear extension at no.193 Leicester Road

- Planning Permission
- 03.02.2022

6. Publicity

Neighbours were consulted by letter – there was one response objecting to the proposal raising the following points:

- Overlooking impact of the proposal

7. Consultation

- 1) HBBC Drainage had no objection
- 2) Groby Parish Council had no objection

8. Constraints

- None

9. Policy

8.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development & Design

8.2. National Planning Policy Framework (NPPF) (2021)

8.3. Other Relevant guidance

- Good design guide (2020)

10. Appraisal

9.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon parking

Design and impact upon the character of the area

9.2. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally.

9.3. The raised patio, being at the rear of the property, will not be seen from a public highway and given the nature of the previous modern extensions in the area the patio would not be considered to be out character from a design perspective and thus would not have a detrimental impact on the character and appearance of the area. Therefore, the materials and design proposed will not contravene Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

9.4. Policy DM10 of the adopted Site Allocations & Development Management Policies requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.

9.5. 191 Leicester Road has been extended since 2002, including front, side and rear extensions. The latest was a single storey rear extension which was applied for in tandem with the neighbouring property at 193 Leicester Road whom received permission for a flat roofed single storey extension that was around 4.1m by 4.1m with an eaves height of around 2.9m above ground level.

9.6. This set of extensions left the new rear elevation of 191 (applicant property) around 2.9m further out than the new rear elevation of 193 (neighbouring property). Therefore, there are legitimate concerns of overlooking and the potential for said patio to be of an overbearing nature as raised by an objection received.

9.7. The patio is to be accessible from the bi-fold glass doors to the rear elevation of the extension that was permitted in April 2020 and is to run the length of the rear elevation at around 7.9m.

- 9.8. Concerns of overlooking would have been addressed as a result of this original application, with one important element of the design of the proposed patio its stepped nature. The initial portion of the patio is to extend 1.2m from the rear elevation of the house before dropping by 15/20cm to extend for a further 1.2m. This design may help to prevent lingering on the patio and allay overlooking concerns, furthermore, the design is likely to preclude the positioning of a barbecue or other large outdoor furniture items given the stepped nature, and that the longest flat portion would only be 1.2m in length from the house. It should be noted that this assessment does not forbid any such uses if they could be accommodated on the patio, rather it is a pragmatic appraisal of the limitations of the proposed patio.
- 9.9. The first portion of patio extending from the rear elevation by 1.2m is to have a toughened glass privacy screen which is to be 1.7m tall, this will be accommodated behind the existing timber fence separating 191 and 193 Leicester Road. It is proposed that this screen will be around 50cm at its highest above the existing fence.
- 9.10. On balance, it is considered that the proposal would not have a significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking or overbearing nature, in accordance with Policy DM10 of the SADMP.
- Impact upon parking
- 9.11. It is considered that through the nature of the proposal the proposed development will not lead to an increase in the need for car parking provision.

11. Equality implications

- 10.1. A 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.

- 10.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 10.3. There are no known equality implications arising directly from this development.

12. Conclusion

- 11.1. By virtue of the appropriate scale, layout, form, design and proposed construction materials, it is considered that the proposed development would comply with Policy DM10 of the SADMP.

13. Recommendation

- 12.1 **Confirm the delegated decision** and withdraw the revocation order.

12.2 Conditions and Reasons

If the decision of the committee is to confirm the original delegated decision, and to withdraw the revocation order, then the conditions attached to the original decision notice will continue to apply

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as

follows:

- Plans & Elevations Drg No DSA-21008 – Received 09/11/2021

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The materials to be used on the elevations of the proposed patio shall accord with the approved plans.

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).

12.3 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.