

Planning Committee 20th December 2022
Report of the Planning Manager (Development Management)

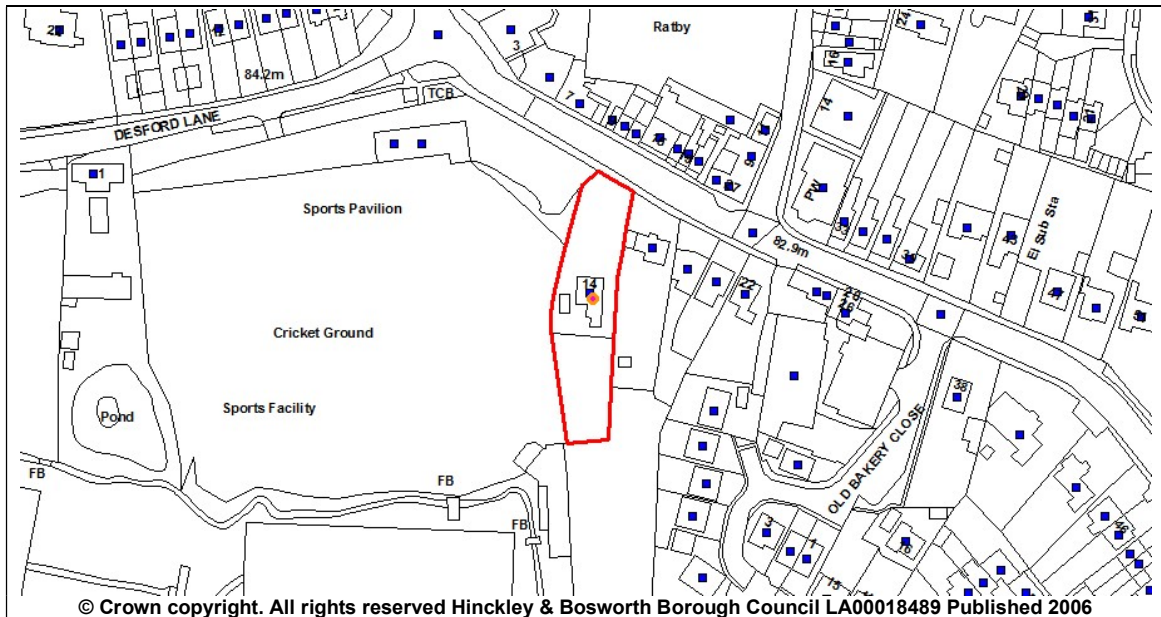


Hinckley & Bosworth
Borough Council

Planning Ref: 21/01482/HOU
Applicant: Mr Lukbinder Bath
Ward: Ratby, Bagworth and Thornton

Site: 14 Station Road, Ratby, Leicester, Leicestershire

Proposal: Remodelling of existing dwelling including a two storey rear extension, single storey side extension, roof extensions with attic accommodation and front porch



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;

- two-storey rear extension
- single storey side extension
- installation of rooflights (east side elevation) and dormer windows (west side elevation)
- roof replacement which includes a change from dual hip to gable end and an increase to the roof ridge height
- front porch extension

- 2.2 The proposed materials are to be cream render with timber panelling, replacement white aluminium windows and light brown concrete roof tiles.
- 2.3 The initial application proposed a two-storey side extension, followed by an amendment to a 1.5 storey side extension, both of which were resisted by Officers due to the overbearing impact that this type of extension would have on neighbouring No. 16 Station Road.
- 2.4 The application was called in by Cllr. Boothby due to concerns over the scale of the proposals and the subsequent impact on neighbouring amenity and the character of the street scene. The changes to the side extension have since been made.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Ratby at the end of a row of dwellings on the south side of Station Road, towards the south of the village. The dwelling is set back from Station Road by approximately 27 metres, whereas the immediate neighbouring dwellings to the east (numbers 16-22) are sites in a linear form approximately 10m back from the street. The application dwelling is understood to have been built by the previous owners of No. 16 Station Road in the mid-20th century.
- 3.2. The property itself is detached and two-storey, with a dual hipped roof and single storey extension to the rear and detached outbuilding to the west along the western boundary. It is constructed of red brick on the ground floor, with brown pebble dash render on the first floor, white wooden windows and brown clay roof tiles. There is a large, landscaped front garden area with a long, pebbled access to the front and rear of the dwelling. The rear garden and land ownership is extensive, extending beyond the settlement boundary of Ratby. At the time of the site visit it appeared overgrown and unused. The dwelling is bound by residential dwellings to the east and north, Ratby Town Cricket Club and Pavilion to the west, and open countryside to the south. The application site sits on slightly elevated ground (approximately 0.5m) compared to neighbouring No. 16 Station Road.

4. Relevant planning history

19/01083/FUL

- Demolition of an existing garage and construction of 2 residential dwellings sited in the rear garden
- Withdrawn
- 20.11.2019

20/00004/FUL

- Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby
- Refused
- 17.03.2020

21/01118/OUT

- Removal of the garage to the existing dwelling and erection of two three bedroom 2 storey dwellings with gardens.

- Refused
- 08.12.2022

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 have been received from three separate addresses raising objections to the initial application on the following grounds:
- 1) Overdevelopment, not in keeping with surrounding area
 - 2) Loss of privacy from overlooking from new roof lights
 - 3) Increased scale and massing will cause overshadowing and overbearing impacts
- 5.3. Following re-consultation, one objection was received from a neighbour with concerns regarding the overbearing and overshadowing impact of the enlarged dwelling which would appear out of character within the street scene, as well as the loss of privacy/overlooking from the proposed windows and roof lights.

6. Consultation

- 6.1. Ratby Parish Council object to the initial application for the following reasons:
- Very large extension not in keeping with the local surroundings (remodelling existing dwelling, including 2 storey rear extension 2 storey and single storey side extension, roof extension with attic accommodation and front porch)
 - Loss of light and private to adjacent properties
 - Access/egress to property on to narrow, single lane, busy road
 - Access directly opposite a permitted parking bay
 - Part of area subject to flooding
- 6.2. No comments were received from the Parish Council following re-consultation of the revised proposals.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
- 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 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)
- 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

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:

'Although it may appear that extensions are relatively modest in their scale, both individually and collectively, they can result in changes to the built environment that if designed insensitively, can have a significant negative impact.'

and

'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 would not be in keeping with the neighbouring dwellings in the vicinity. The dwelling is set back more than 25m from the street and does not therefore hold a prominent position within the street scene. The proposed alterations would lead to a noticeably larger dwelling when viewed from public vantage points, however this would be in the context of neighbouring dwellings and would not appear uncharacteristic.

8.5 The immediate surrounding area and neighbouring dwellings to the east comprise of two-storey detached dwellings, mainly on large plots, sited forward of the application site. There is a variety of house sizes and designs with a mix of hipped and gable ended roof form and only occasional dwellings with hipped roof form. The proposed dual hip to gable roof extension would only marginally exceed the existing ridge height (0.5m) and is therefore not considered to uncharacteristically exceed the height or scale of surrounding development. It is acknowledged that the new roof would result in an increase in overall scale and massing through the introduction of gable ends which extend the length of the ridge. Whilst this would result in a notably larger roof, the increase in massing is not considered to cause visual harm due to the siting of the dwelling.

8.6 The proposed two storey rear extension would essentially 'square off' the footprint of the dwelling, extending to the rear at two storey level by 2.8m on the eastern elevation and 6.8m on the western elevation. The cubic massing of the dwelling will be noticeably larger when viewed from the rear gardens of 16-22 Station Road and the new properties on Old Bakery Close. However, when compared to the existing situation, it is not considered that the extension would cause unacceptable harm to

visual amenity as the perceptible increase at two-storey level (from the east facing west) is approximately 25%.

- 8.7 The proposed single storey side extension and front porch would both be subordinate to the main dwelling, complementing the dwelling and not unbalancing the overall design. The raising of the chimney would increase the prominence of the feature positively and in proportion with the extended roof.
- 8.8 The proposed materials and wider detailing of the dwelling are considered acceptable and would result in an overall improvement to the visual appearance of the dwelling. The cream render exterior with timber detailing, porch and front door would improve the external appearance, whilst the new windows (including twin west side elevation dormers) would be suitable additions to the dwelling.
- 8.9 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 Policy DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.10 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.
- 8.11 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.'
- 8.12 Through the consultation process objections to the application have been received on the grounds that the extensions and alterations would result in loss of privacy, loss of light and overbearing impacts, particularly on No. 16 to the east.
- 8.13 The nearest neighbouring dwelling is 16 Station Road which is sited approximately 12m to the northeast, sharing an unusual relationship with the application dwelling when compared to the prevailing form of development within the street. The application dwelling is on elevated ground compared to No. 16, approximately 0.5m higher than its closest neighbour. By virtue of the siting and separation between the dwellings, the proposed extensions and alterations would not impede a 45-degree line of any principal habitable windows of No. 16.
- 8.14 The single storey side extension, roof alterations and two-storey rear extension would create a notably larger dwelling, and this would be perceptible from No. 16, particularly from the garden area. Although there would be some degree of negative impact through the additional massing of the proposals, it is not considered that this would be to an unacceptable degree. The existing relationship between the dwellings is unusual, and the current relationship features the prominent two-storey dwelling which limits the outlook and creates a degree of dominance in the rear

garden of No. 16. A separation of at least 1m between the proposed single storey side extension and the neighbouring boundary is maintained which accords with the Good Design Guide. It is not considered that the additional massing to the roof, rear elevation and side elevation would cause additional overbearing or loss of light impacts to an unacceptable degree when compared to the existing situation.

- 8.15 The proposed roof lights to the east side roof elevation to serve the proposed loft room within the roof space would face towards the south elevation of No. 16 at a separation distance of approximately 14 metres (minimum). There is already a window within the first floor of the application dwelling that face in the same directions and at slightly closer proximity. The proposed rooflights are positioned towards the new roof ridge so that loss of privacy or perceived overlooking would not be a concern as the height of the roof light would prohibit overlooking. Furthermore, the oblique relationship between the dwellings would limit direct views to and from the windows in question, whilst the separation distance of 14m is considered adequate in this case. The application proposes windows on the ground and first floors of the side (east) elevation serving a bathroom and hallway respectively. These windows are to be conditioned with obscure glazing to ensure that there is no perceived or actual overlooking into the garden of No. 16.
- 8.16 Notwithstanding the objections received, it is considered that the proposed scheme of extensions and alterations would, as a result of the amendments to reduce the scale and impact of the extensions, 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 Policy DM10 of the adopted SADMP and the principles of the adopted Good Design Guide.

Impact upon highway safety/parking provision

- 8.17 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.
- 8.18 Through the consultation process objections to the application have been received on the grounds that the current access is not suitable for the potential increase in traffic as a result of the enlargement of the dwelling. Objections have also been received on the basis that the access is opposite a designated parking bay.
- 8.19 The proposed access is considered safe and suitable to serve the extended dwelling and the proposed parking provision is more than adequate. The proposal is therefore considered to accord with Policies DM17 and DM18 of the adopted SADMP or the general principles of the local highway authority design guidance.

Other issues

- 8.21. Concerns were raised via objections regarding the drainage capacity of the area due to the additional built form. The dwelling is located in Flood Zone 1 and has a low risk of fluvial and surface water flooding, therefore there are no concerns from Officers regarding flood risk.

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 Ratby 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 appropriate 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 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: Existing/Planning - Drawing Ref: DSA-21116-EXT-PL-01-J received by the local planning authority on 03.11.2022.

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 extension and alteration shall accord with the approved plan - Drawing Ref: DSA-21116-EXT-PL-01-J received by the local planning authority on 03.11.2022.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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 the side (east) roof elevation 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).

5. On the side (east) elevation, the windows on the ground floor (serving a bathroom) and first floor (serving a hallway) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and bottom hung. Once so provided the windows shall be permanently maintained as such 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 or call 01455 238141.