

Planning Committee 14 February 2023
Report of the Planning Manager (Development Management)



Hinckley & Bosworth
Borough Council

Planning Ref: 22/01169/HOU
Applicant: Lisa Davison
Ward: Burbage St Catherines & Lash Hill

Site: Thirlmere 42 Far Lash Burbage Leicestershire

Proposal: Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension, alterations to the dwelling including Juliette balcony to rear and single storey rear extension (Retrospective)



1. Recommendations

1.1. Grant retrospective 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 retrospective full planning permission to regularise variations within the as-built/proposed extensions and alterations to a dwelling, in comparison to the plans previously approved on appeal (ref: APP/K2420/D/20/3245403).

2.2. The variations to the approved scheme include:

- A single storey rear extension with a flat roof design extending 2.8 metres in depth and 11.5 metres in width and to a height of 3.3 metres
- The formation of double glazed doors and a Juliette balcony to the first floor rear elevation (to replace the approved window)
- An additional (2nd) roof light in each side roof elevation to serve an en-suite and walk-in-wardrobe space

- Re-location of the approved door and removal of a window in the south side elevation (facing No. 44)
 - Removal of an approved external chimney from the north side elevation (facing 1 Herford Way)
 - Internal layout alterations
 - The use of matching smooth render to all external walls including the gables
- 2.3. Other than the single storey rear extension, the overall scale and mass of the dwelling remains as previously approved.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Burbage on a residential estate. It is a detached dormer bungalow with gable fronted main roof design and two subordinate single storey projecting gables to the front elevation linked by a central lean-to roof. It has a single storey extension across the full width of its rear elevation and with a flat roof design. The external walls of the dwelling are currently predominantly of unrendered blockwork with remnants of the original red brick faced bungalow still evident to the north side and part front elevation. It has grey flat concrete roof tiles to its roof and grey uPVC windows and doors. The site frontage comprises a mix of tarmacadam hardstanding and grass and is part enclosed by a low level wall. The rear garden measures approximately 19 metres in length by 13 metres in width and is enclosed by 1.8 metres high close boarded timber panel fencing with concrete posts to each side boundary and a conifer screen hedge to the rear boundary.
- 3.2. The southern part of Far Lash comprises individually designed detached and semi-detached houses and bungalows which, like the application dwelling, are also set back from the highway with front gardens enclosed by low walls or hedgerows. To the north of the site there are terraced and semi-detached rows of modest sized bungalows of more uniform design and appearance with open frontages and smaller rear gardens.

4. Relevant planning history

19/01145/HOU

- Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling
- Refused
- 03.12.2019

20/00009/FTPP

- Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling
- Appeal Allowed
- 26.06.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. As a result of public consultation, a petition has been received, signed by the occupiers of five neighbouring properties, objecting to the as-built scheme on the grounds that even with a Juliette balcony, access would still be available to the extension and the occupiers would be able to overlook neighbouring properties.

6. Consultation

6.1. No objection has been received from Burbage Parish Council.

7. Policy

7.1. Burbage Neighbourhood Development Plan (BNDP) 2015-2026 (2021)

- No relevant policies

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 and alterations to existing dwellings within urban 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. Burbage Neighbourhood Development Plan (BNDP) contains no specifically relevant policies for domestic extensions but refers to the materials, design and scale of extensions and alterations being compatible with the original building (Para. 15.3).

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.

8.4. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions and states:

'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.' and,

'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.'

- 8.5 The as-built/proposed single storey rear extension extends across the entire rear elevation of the dwelling but has a modest depth of only 2.8 metres and a clearly subordinate flat roof height of only 3.3 metres. Subject to the proposed use of matching render to all external walls to ensure a satisfactory and uniform appearance, it is considered that it would respect the scale of the application dwelling and by virtue of its contemporary flat roof design would not result in any significant adverse impacts on its character or appearance. Notwithstanding its flat roof design, by virtue of its siting to the rear and single storey scale the proposal would not be overly prominent in, or result in any significant adverse visual impacts on, any street scene despite the north side elevation being visible at distance from the Far Lash/Herford Way junction area.
- 8.6 The other variations to the approved scheme including the window and door alterations, internal layout changes and the proposed use of render to all external walls including the gables are considered to be relatively minor in nature and to have no significant adverse impacts on the character or appearance of the application dwelling or the varied wider street scene.
- 8.7 By virtue of their siting, scale, design and subject to the proposed use of matching render on all external walls throughout to ensure a satisfactory and uniform external appearance, the as-built/proposed scheme would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the already varied wider street scene. The as-built/proposed scheme is therefore considered to be in accordance with Policy DM10 of the adopted SADMP, the general principles of the adopted Good Design Guide and the general principles of the Burbage Neighbourhood Development Plan.

Impact upon neighbouring residential amenity

- 8.8 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.
- 8.9 Objections to the as-built scheme have been received on the grounds that despite the inclusion of a Juliette balcony, access would still be available to the flat roof of the rear extension from the double doors and therefore the occupiers would be able to overlook neighbouring properties.
- 8.10 By virtue of its siting and close proximity to the boundaries with the gardens of a number of neighbouring properties, any use of the flat roof of the single storey rear extension as a balcony would without doubt result in a significant loss of privacy to neighbouring occupiers. The inclusion of a Juliette balcony to the double glazed doors formed within the first floor rear elevation indicates that there is no intention by the current applicant for the flat roof to be readily accessible for such use. Notwithstanding this, in the event that this as-built scheme be approved, it is considered to be reasonable and necessary in this case to impose a planning condition to prevent the use of the flat roof as a balcony or sitting area at any time now or in the future in order to protect the privacy and residential amenity of the occupiers of neighbouring properties and to satisfactorily address the objections raised from neighbouring occupiers.

- 8.11 By virtue of its single storey scale, modest 2.8 metres depth and flat roof design to a height of only 3.3 metres, the 13 metres separation distance from the rear elevation of the bungalows (on a slightly lower ground level) on Herford Way and existing part screening by 1.8 metres high close boarded timber fencing panels, it is considered that the rear extension does not result in any significant adverse overbearing or overshadowing impacts on these neighbouring properties. The rear extension projects approximately 2 metres beyond the rear elevation of the neighbouring dwelling to the south (No. 44) but by virtue of its single storey scale, and flat roof design to a height of only 3.3 metres, together with the separation distance of 1 metre either side of the boundary and existing part screening by 1.8 metres high close boarded timber fencing panels, the rear extension would not result in any significant adverse overbearing or overshadowing impacts on the outlook of No. 44. The rear extension is 19 metres inside the rear boundary and therefore would have no adverse impact on the residential amenity or privacy of the occupiers of 10 Rosewood Close, the neighbouring dwelling to the west.
- 8.12 The double glazed doors formed within the first floor rear elevation gable replace a previously approved window and are set inside both side boundaries of the site by 6 metres and the rear boundary by 22 metres and therefore would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings from direct overlooking. The additional roof lights within each side roof elevation serve only an en-suite and a walk in wardrobe and by virtue of their scale, height and siting are not considered to result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings from direct overlooking.
- 8.13 Notwithstanding the objections received, by virtue of the siting, single storey scale, flat roof design, existing screening and separation distances, and subject to a condition to prevent any future use of the flat roof of the rear extension as a balcony or sitting area, it is considered that the as-built scheme with variations to the previously approved appeal scheme would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. The as-built 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 parking provision

- 8.14 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.15 With internal dimensions of only 5.6 metres in length by 2.4 metres in width, the integral garage is marginally below both the length and width standards within the local highway authority design guide to be counted as a parking space. Notwithstanding this, three additional off-street parking spaces are proposed and could be provided to meet the dimension standards required within the 6.7 metres deep and 13 metres wide site frontage. This level of provision would be adequate to serve the resulting four bedroomed dwelling located in a highly sustainable urban location with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposed parking scheme would therefore be in accordance with 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 relates to variations to approved extensions and alterations to a dwelling located within the urban settlement boundary of Burbage 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 their siting, scale, design and subject to the proposed use of matching render on all external walls throughout to ensure a satisfactory and uniform external appearance, the as-built/proposed scheme would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse visual impacts on the character or appearance of the already varied wider street scene. Notwithstanding the objections received, by virtue of the siting, single storey scale, flat roof design, existing screening and separation distances, and subject to a condition to prevent any future use of the flat roof of the rear extension as a balcony or sitting area, it is considered that the as-built scheme would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties. Adequate private rear amenity space of 240 square metres would be retained and satisfactory off-street parking provision of three spaces is proposed as part of the scheme to serve the resulting four bedroomed dwelling within the site frontage of the dwelling. The as-built/proposed scheme is considered to be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP, the general principles of the adopted Good Design Guide and the principles of the Burbage Neighbourhood Development Plan and is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1 **Grant retrospective 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 1589/SL, Proposed Block Plan Drawing No. 1589/BP and As-Built/Proposed Floor Plans and Elevations Drawing No. 1589 received by the local planning authority on 14 December 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).

2. The external elevations of all the walls of the dwelling shall be finished with smooth render (off-white) as detailed on the approved As-Built/Proposed Elevations Drawing No. 1589 received by the local planning authority on 14 December 2023.

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).

3. The flat roofed area hereby permitted shall not at any time be used as a balcony or sitting out area, neither shall any balustrade, railings, wall or other means of enclosure be erected on any part of the flat roof.

Reason: In the interest of, and to protect, the residential amenity and privacy of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).