

Planning Committee 7th November 2023
Report of the Head of Planning (Development Management)

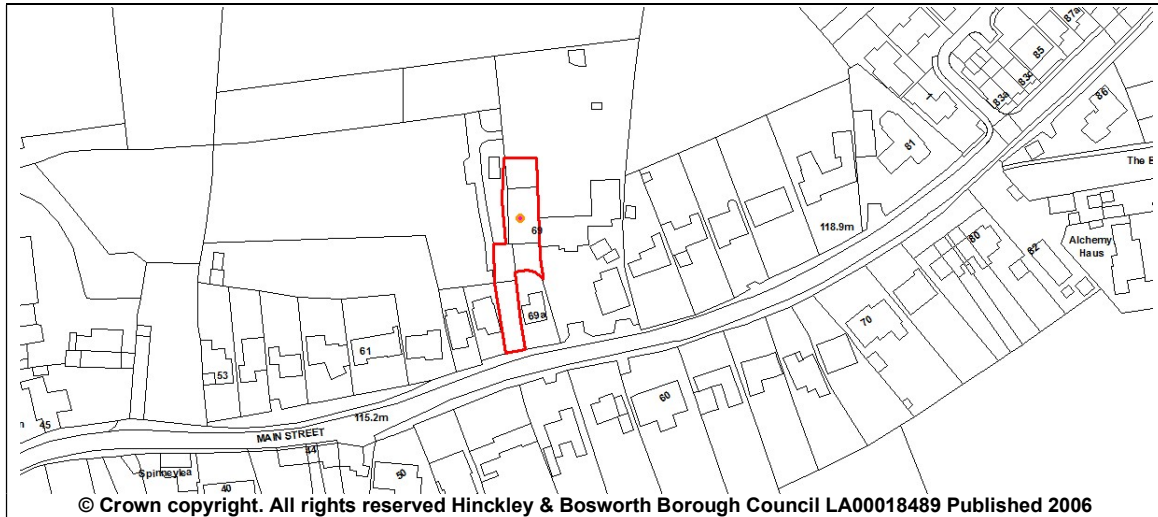


Hinckley & Bosworth
Borough Council

Planning Ref: 23/00503/CONDIT
Applicant: Mr & Mrs K Salisbury
Ward: Cadeby Carlton M. Bosworth & Shackerstone

Site: Windhover House, 69 Main Street, Carlton, Nuneaton

Proposal: Variation of condition 2 of planning permission 20/00421/FUL. Amendment to approved plan and design



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning.

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. In this case, planning permission for application 20/00421/FUL granted full planning permission for the 'Subdivision of existing single dwelling to provide an additional four-bed dwelling' as well as an associated detached garage and the creation of a new vehicular access between no's 67 and 69A Main Street, Carlton.

2.3. This application seeks planning permission for the variation of Condition 2 of that planning permission to amend the design of the approved 2020 design. A large 1st floor area is proposed. Amended plans were received on 07.08.2023 which reduces the height of the proposed 1st floor extension and now makes it subservient to the existing dwelling by approx. 300mm. Two roof lights are now proposed to the front elevation of the proposed 1st floor extension. An amended block plan along with floorplans & elevations was also received on 31.08.2023 which now reverts the access to the access approved under application 20/00421/FUL. This access is

between no's 67 and 69A Main Street, Carlton and ends with an approved garage to the front of the dwelling which opens to the west.

2.4. Condition 2 of 20/00421/FUL states that:

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

Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale)

General Arrangement - Existing and Proposed Drg No: 4654/02 Rev: A (1:100/1:200 scale)

Both received by the Local Planning Authority on 1 May 2020

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)'.

2.5 The proposed changes over the original permission are:

- Increase in ridge and eaves height to the new dwelling (current swimming pool structure) raised,
- 1st floor accommodation added,
- Ground floor layout revised,
- Visual feature added to west elevation and amendments to the overall style

2.6 The height of the annex would be raised by 1.6m and extended back over the existing swimming pool by 16.2m (the existing depth at ground floor). With the swimming pool removed the ground floor would be changed to a lobby, a family area, a dining room, a kitchen, a w.c, a utility room, a pantry and an en-suite guest bedroom. The proposed 1st floor would form a principal en-suite bedroom, 2 bedrooms, a bathroom and a final en-suite bedroom which would bring the total to 5 bedrooms. 3 parking spaces are proposed (2 in the detached garage and 1 on the western side of the front elevation).

2.7 For the front elevation a subservient pitched roof is proposed which would have the same pitch as the existing dwelling. Extending to the rear from this would be a shallow pitch roof with 4 no. roof lights proposed for the eastern elevation & a western elevation with a large amount of fenestration. Two sliding doors were approved in the original permission (20/00421/FUL) for the ground floor western elevation and for the current application two 1st floor windows of a similar size as the ground floor sliding doors are proposed. The central 1st floor window would form a feature window with a distinctive mono-pitch roof. This window would be metal clad, details of which would be conditioned, if approval is granted, along with other proposed materials. The proposed northern elevation would consist of 1st floor bedroom windows & a ground floor consisting of a sliding door & windows for the en-suite guest bedroom.

3. Description of the site and surrounding area

3.1. The application site comprises a large detached 1 & 1/2 storey dwelling on the northern side of Main Street in the settlement boundary of Carlton. The property sits

approx. 35m back from the highway, distinct in this respect from most other dwellings along Main Street. It features a front gable end roof with 2 eave level pitched roof dormer windows and a single storey element on its western side that forms the swimming pool area. The dwelling is finished in a pale brick, brown roof tiles and white UPVC windows and doors. The property benefits from outdoor residential amenity space to the rear and on its western side is a full size football pitch, with open countryside views beyond. To the front of the application property is a sizeable area of off-street parking space, including a single bay garage on its eastern side. The host property is enclosed to its front by a brick wall of 1.1m in height which rise to 1.8m in height when it meets the sizeable entrance gates.

- 3.2. The access approved under application 20/00421/FUL is between no's 67 and 69A Main Street and is the relevant access for this proposal. Land levels slope slightly towards the north (rear) and west. Under 10/00374/FUL 69A Main Street, a detached two storey dwelling, has been erected in the south west corner of what was previously the residential curtilage of 69 Main Street Carlton. Planning permission has also been granted for a detached dwelling in the south east corner of 69 Main Street under 19/00773/FUL & this development has been completed (69B).
- 3.3. Main Street is characterised by a varied street scene but with a dominance of 2 storey detached dwellings. The site adjoins open countryside to the north and west, and is otherwise adjoined by residential dwellings also inside the settlement boundary.

4. Relevant planning history

20/00421/FUL

- Subdivision of existing single dwelling to provide additional four-bed dwelling
- Permitted
- 10.07.2020

09/00455/OUT

- Erection of two dwellings with creation of access and parking, extension and alterations to existing dwelling and garage
- Approved
- 06.08.2009

10/00374/FUL

- Erection of new dwelling
- Approved
- 04.08.2010

14/01219/FUL

- Erection of dwelling, modification to existing access and proposed new access
- Approved
- 16.02.2015

18/00800/CONDIT

- Variation of Condition 2 of planning permission reference 14/01219/FUL to enable the development for the erection of one dwelling, modification to existing access and proposed new access to be implemented in accordance with amended plans
- Approved
- 08.10.2018

19/00773/FUL

- Part Demolition of existing garage, Erection of 1.5 storey dwelling and proposed boundary walls
- Approved
- 06.09.2019

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 5 households wrote objection letters to the proposal. The main summarised points of objection are:
- The increased height will lead to overlooking
 - A neighbour is unable to build at the back of their house as it would impinge of the applicant's privacy. Why are the applicants allowed to build at the back?
 - There has already been years of noise and development from development of this property
 - It could affect the value of a neighbours house
 - The original permission 20/00421/FUL stated the proposed would have 'only very simple and unobtrusive external changes in matching materials with replacement windows' & that 'externally, the only change to be made to the existing single storey projection along the west side of the host dwelling would be the addition of a window along the front elevation. The proposed subdivision would retain and make use of all other existing openings. In this regard, the subdivision itself would not have any material impact upon the character and appearance of the existing host dwelling'
 - The current proposal turns a single storey dwelling into 2 storeys
 - The number of windows and openings is doubled
 - The height of the structure is being increased considerably to match the main dwelling that is not part of the application.
 - The proposed side elevation would be very visible
 - The garage is rotated 180 degrees which means the vehicle access is now via Windhover's driveway & not No. 67's.
 - The proposed changes are so great and the visual impact would be affected for the worse
 - The addition of a second storey will adversely impact local residents to the west of Windhover, as the view from the large second storey windows will look across several gardens
 - The site is becoming overdeveloped

- The partial change in materials, in particular the projecting section on the western 1st floor is unwelcome

6. Consultation

6.1. There have been no objections from the following consultants:

- HBBC's Pollution Officer

6.2. Carlton Parish Council object to the proposal on the grounds that

- the design is awkward and ugly and does not complement the form or materials of the existing host dwelling, or reflect the vernacular style of built development in the locality contrary to Policy DM10;
- the proposed dwelling will now incorporate part of the host dwelling, and will dwarf it and have an overbearing impact by virtue of its increased size and mass;
- the materials to be used are not specified, but in the case of the 'feature' around the first floor window in the west elevation do not match the existing dwelling, contrary to condition 3 of the existing consent;
- while acceptable in a single storey dwelling, the use of similar large sliding windows at first floor level creates a bland facade which is incongruous with the host dwelling;
- the revised plans show access to the approved double garage and parking space to be from the east, whereas the drawings referred to in conditions 4-8 of the existing consent show access to be from the west by way of a new access drive;
- it is not clear whether the panelled feature in the centre of the west elevation will project forward of the façade of the building, or how it will relate to the roof, and it is not shown on the drawing of the north elevation.

The PC notes that the landscaping plans required by condition 9 of the consent have not yet been submitted.

6.3. No further responses have been received.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- 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)

8. Appraisal

8.1. The principle of development has already been established through the earlier grant of the extant planning permission on the site. Issues to do with access have already been approved. This application involves a large 1st floor addition among other alterations & the key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impacts on neighbouring amenity
- Other Issues
- Conditions

Design and Impact upon the Character of the Area

8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

8.3 Extending from the Main Road to the entrance of the approved new dwelling and associated garage, a marginal portion of the proposed access driveway would be located within the countryside. This has been dealt with in the original proposal and considered acceptable from a Policy DM4 impact on the Countryside perspective. Being considered in the current application is the proposed 1st floor addition and associated features.

8.4 The proposed 1st floor whose dimensions have been described above would form an en-suite master bedroom, a 2nd en-suite bedroom, 2 bedrooms & a bathroom which significantly increases the total floor space of the scheme over the original permission. Footprint however would remain the same. The massing of the development increases from the streetscene perspective but the 1st floor addition is now subservient to the main roof ridge and extends to the rear with a shallow pitched roof. Amendments have also been received which proposes 2 no. roof lights for the front elevation rather than the dormer windows originally proposed in this application. The majority of the proposed would be at the rear and unseen and what would be visible from a streetscene perspective blends well with the existing dwelling. The area immediately in front of the existing dwelling is already somewhat restricted from view by virtue of the brick boundary wall of no.69A & 69B that encloses it.

8.5 Some information on proposed materials has been provided in the topographical survey submitted on 20.10.2023 but a full more comprehensive list of material details would be conditioned, if approval is to be granted. Materials should generally respect the materials traditionally used within the village. It is considered the proposed metal clad central window on the 1st floor western elevation which although different would provide architectural detailing that would help break up this more substantial western elevation. This feature window would be behind the rear boundary of neighbouring plots to the west and face the soccer pitch area with the open countryside behind. This western elevation would not be seen from the streetscene. Although not typical of the area it's considered once blended with more traditional materials as per the existing dwelling it would overall improve the scheme from a design perspective and for the above reasons would not significantly impact the character of the area.

- 8.6 It is considered the amendments made improve the scheme and for this and the above reasons the proposed would not significantly impact the character of the area.
- 8.7 By virtue of these factors, the proposal respects the character of the existing dwelling and surrounding area. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP, and the adopted Good Design Guide.

Impact on Neighbouring Amenity

- 8.8 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.9 As mentioned the proposed 1st floor addition would greatly increase the floor space for this development. The large feature window on the 1st floor western elevation would be for a stairs and landing area which is a non-habitable room. The other windows would serve bedrooms with the southernmost window serving a dressing room. This larger scheme would obviously be more visible from the rear elevation of neighbour's No. 61, 63, 65 and 67 but as the distance between the proposed is in excess of 20m which combined with the obscure orientation between the dwelling and these neighbouring properties would reduce potential overlooking. The orientation of the dwellings No. 61, 63, 65 & 67 is also away from the application property.
- 8.10 At the front the proposed 1st floor consists of 2 no. roof lights with the majority of the proposed development being to the rear of this. The rooflights would serve non habitable rooms, a dressing room and an ensuite. The nearest neighbouring properties to the front elevation are No. 67 which is in the applicants ownership and No.69, the separation distance is of approx. 22m away and is satisfactory. The eastern boundary of No. 65 consists of a 1.8m high close boarded wooden fence. The rear gardens of No. 61, 63, 65 & 67 consist of scattered mature trees & bushes which further screens the amenity of these neighbours. It is considered at this distance and angle with the intervening boundaries and vegetation the residential amenity of these neighbouring dwellings would be protected.
- 8.11 Due to the shallow pitched of the 1st floor rear extension the proposed passes the relevant light tests from the application property's perspective, No. 69. There are 4 no. roof lights proposed for the eastern roof slope but it is not considered this would result in significant overlooking with the vast majority of fenestration being proposed for the western elevation.
- 8.12 Accordingly it is considered the proposed development would not have any significant overlooking, overbearing or overshadowing impacts upon the occupants of the existing host dwelling or nearby neighbours, subject to the use of appropriate boundary treatments which could be secured by condition.
- 8.13 The private residential amenity space provided for the proposed dwelling would also be adequate in accommodating for future occupants as would the remaining garden for the existing dwelling.
- 8.14 The proposed development would therefore satisfy Policy DM10 in this regard.

Impact on highway safety

- 8.15 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.16 According to the information submitted as part of the approved planning application 20/00421/FUL, the local planning authority was satisfied that the proposed new access would achieve vehicular and pedestrian visibility splays in accordance with LCC Highways design guidance. The approved access would also be bounded on both side by brick walls. The width of the access satisfied LCC Highways design guidance according to the quantum and type of development the access would serve.
- 8.17 According to the proposed floor plan, the proposed dwelling would accommodate for 5 bedrooms. According to LCC design guidance, this requires off-street parking provision for a minimum of 3 vehicles. The approved double garage & parking space to the side of the front elevation would adequately accommodate for this and the site would also provide sufficient turning space. The access would require some additional kerbs to be dropped along the highway which LCC Highways is satisfied would be appropriate. The highway conditions attached to the original permission will also be attached to the current permission, if granted.
- 8.18 The proposed development would therefore cause no adverse impacts upon highways safety in accordance with Policy DM17 and DM18 of the SADMP.

Conditions

- 8.19 Planning permission 20/00421/FUL was subject to 10 conditions. No conditions have been discharged since but the permission was implemented so condition 1 of that permission has been removed.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 remains acceptable in principle, would not result in any adverse impact to the character or appearance of the area, neighbouring amenity, highways, flooding/drainage & ecology. The proposal is therefore considered to accord with Policy DM1, DM4, DM10, DM17 and DM18 of the SADMP and Policy 6 of the Core Strategy.

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 not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

- Amended Proposed Site Location & Block Plan Drg No: 4654/01
- Existing & Proposed Floor Plans and Elevations received by the Local Planning Authority on 31/08/2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. No above ground development hereby permitted shall commence until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on with Amended Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale) received by the Local Planning Authority on 31 August 2023 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities has been provided and hard surfaced in accordance with Amended Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale) received by the Local Planning Authority on 31 August 2023. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as the access drive and any turning space has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The development hereby permitted shall not be occupied until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development hereby permitted shall not be occupied until full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

10. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays. There shall be no construction work on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and 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.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.