

Planning Committee 30th July 2024
Report of the Head of Planning

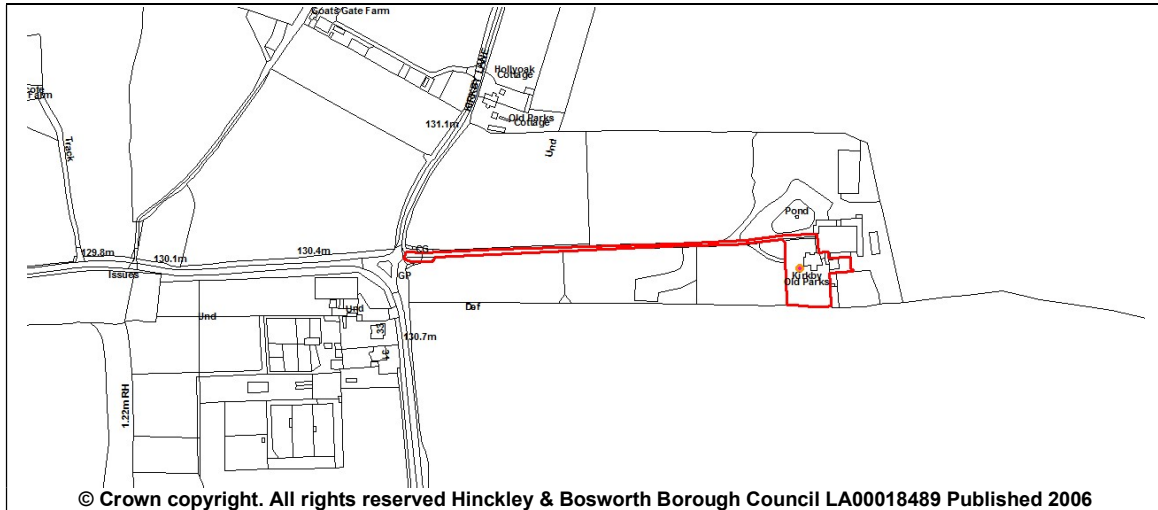


Hinckley & Bosworth
Borough Council

Planning Ref: 24/00488/HOU
Applicant: Mr Jamie Anderson
Ward: Newbold Verdon with Desford & Peckleton

Site: Kirkby Old Parks Farm Kirkby Lane Newbold Verdon

Proposal: Two-storey side extension, creation of balcony, demolition and replacement of ancillary outbuilding and construction of a double garage (Retrospective)



1. Recommendations

1.1. Grant retrospective planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks retrospective planning permission for the construction of a two-storey side extension including first floor balcony, other alterations to the dwelling, the demolition and replacement of a detached ancillary outbuilding and the construction of a double garage to serve a dwelling, Kirkby Old Parks Farm, Kirkby Lane, Newbold Verdon.
- 2.2. The recently constructed two storey extension extends from the middle of the south facing elevation and is approximately 6 metres in width and 4 metres in depth and has matching eaves and ridge heights to the main roof. The ground floor provides an extended kitchen/living area. At first floor there is a bedroom extension with a 1.5 metres deep external balcony covered by a dual pitched gabled roof with brick supporting columns to the two external corners. The extension has been constructed with red rustic facing bricks, architectural detailing, slate roof and cream coloured UPVC windows to match the architectural detailing and corresponding external construction materials of the remainder of the dwelling.
- 2.3. The recently constructed detached double garage and ancillary outbuilding lie immediately to the east (rear) of the dwelling. The 1½ storey detached double garage is 9 metres in width and 8.1 metres in depth and has a dual pitched gable

sided roof form with an eaves height of 4 metres and ridge height of 8 metres. An internal staircase leads to the first floor loft space which is used as an ancillary home office and recreation/games room. The replacement single storey outbuilding is attached to part of the west (rear) elevation of the garage and is 11.4 metres in width and 3.4 metres in depth and has a lean-to/monopitch roof form with an eaves height of 2.4 metres and a maximum height of 4.3 metres. It is divided internally and is used as a garden store, dog washing room, boiler room and toilet facilities. They are both constructed of red rustic facing bricks, Spanish slate roof, matching cream UPVC windows, slate grey roof lights and dark grey garage and other doors.

- 2.4. An amended elevations plan has been submitted to include the provision of two bat boxes and address chimney inaccuracies on the originally submitted elevations.

3. Description of the site and surrounding area

3.1. The application site is located in the countryside to the southeast of Newbold Verdon and to the west of Kirkby Lane. It includes a two storey detached farmhouse, the recently constructed 1½ storey detached double garage with loft floorspace and the single storey ancillary outbuilding. The two storey farmhouse has a traditional overall design and style and is constructed of red rustic facing bricks, a slate roof with dual pitched roof form with two storey gables with the same eaves and ridge heights to all four sides and dark stained timber bargeboards/eaves. It has an open front porch constructed with low level brick walls and timber framing supporting a dual pitched gabled roof, a central brick chimney stack, brick plinth with blue canted copings, cream stone cills and angled brick headers to windows. It has replacement cream coloured uPVC windows throughout. It has extensive amenity areas to the west, north and south of the dwelling.

3.2. The recently constructed detached double garage and ancillary outbuilding lies immediately to the east (rear) of the dwelling. Adjacent to the northeast there is a quadrangle of 1½ storey and single storey brick and tile barns enclosing a large, loose stone surfaced courtyard providing extensive parking and turning space to serve the site. Access to the site is via a long, gated hard-surfaced private driveway from Kirkby Lane which lies to the west. There are open agricultural fields surrounding the building complex and associated land.

4. Relevant planning history

10/00489/GDO

- Erection of an agricultural building
- General Permitted Development Order
- 18.08.2010

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. No responses have been received as a result of public consultation at the time of writing this report.

5.3. The application has been called in for determination by the Committee by Cllr Bools due to the significance of the works that have already been undertaken without permission within the countryside.

6. Consultation

- 6.1. Leicestershire County Council (Highways) refer to current standing highway authority advice and suggest revision of the red edge on the site location plan to include the existing access up to the public highway.
- 6.2. Leicestershire County Council (Ecology) would normally have requested a bat survey but as the application is retrospective, they recommend a condition to secure the provision and retention of two bat boxes to mitigate any potential loss of former bat habitat.
- 6.3. Environmental Health (Drainage) refer only to the discharge of rainwater from the detached garage roof.
- 6.4. No responses have been received at the time of writing this report from Ramblers Association or Newbold Verdon Parish Council

7. Policy

- 7.1. Core Strategy (2009)
 - No relevant policies
- 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 DM6: Enhancement of Biodiversity and Geological Interest
 - 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) (2023)
 - 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. Notwithstanding the countryside location, extensions and alterations to existing domestic properties including ancillary buildings 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 site and surrounding countryside
 - Impact upon bats and their habitat
 - Other matters

Design and impact upon the character of the area and surrounding countryside

- 8.2. Policy DM4 of the adopted SADMP allows extension and alteration of existing buildings in the countryside including ancillary structures which lead to an enhancement of the immediate setting and where it does not have a significant adverse effect on the appearance and open character of the countryside. 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.

- 8.3 The recently constructed two storey extension extends from the south side elevation the dwelling. Whilst it is not subordinate in terms of its height, as it has matching eaves and ridge heights to the main roof, this matches the heights of the two storey gables to the other three sides of the dwelling and is considered to be a characteristic integral feature of this traditionally designed and styled dwelling. In addition, by virtue of its set back of 5.5 metres from the front elevation and 4.7 metres from the rear elevation together with its width of only 6 metres and depth of only 4 metres, the extension still appears as a clearly subordinate addition to the previously existing substantial farmhouse when viewed from the three sides where it is visible. The covered external balcony at first floor is perhaps not a traditional feature of a farmhouse but is nevertheless considered to be an acceptable design feature in the context of this site. The extension has been constructed with red rustic facing bricks, architectural detailing, slate roof and cream coloured UPVC windows to match the architectural detailing and corresponding external construction materials of the remainder of the dwelling and therefore results in a satisfactory and uniform appearance.
- 8.4 The recently constructed detached double garage and ancillary outbuilding lie immediately to the east (rear) of the dwelling where they are screened from the Kirkby Lane highway and are well related to the complex of previously existing buildings on the site. They have a substantial combined footprint of 9 metres in width and 8.1 metres in depth and 11.4 metres in width and 3.4 metres in depth and are a mix of 1½ storey and single storey height. Notwithstanding the height and footprint, by virtue of the substantial scale of the host dwelling that they relate to, the buildings are nevertheless subordinate additions reflecting their ancillary uses and do not overwhelm the existing dwelling. The buildings have a plain but not unacceptable design that reflects their functional ancillary uses and are appropriate in their context. They are also constructed of red rustic facing bricks, Spanish slate roof, matching cream UPVC windows, slate grey roof lights and dark grey garage and other doors and therefore result in a satisfactory and uniform appearance. They are currently used for purposes ancillary to the occupation of the application dwelling and their future use can be restricted to remaining ancillary through the imposition of a condition (2).
- 8.5 By virtue of their siting well within the site/landholding boundaries and their proximity to the existing building complex, together with their appropriate scale, design and appearance, it is considered that the proposals would not appear overly visually prominent or result in any significant adverse impacts on the rural appearance or open character of the surrounding countryside.
- 8.6 By virtue of their siting, scale, design, matching external appearance and ancillary uses, the proposals are considered to respect and complement the scale, character and appearance of the application dwelling and wider site and would not result in any significant adverse impacts on the rural appearance or open character of the surrounding countryside. The proposals are therefore considered to be in accordance with Policies DM4 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon bats and their habitat

- 8.7 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation.
- 8.8 Leicestershire County Council (Ecology) consider that *'the site is located in a rural area, with mature trees and hedgerows providing good habitat connectivity to nearby woodland blocks. This provides good habitat for foraging and commuting bats. Farmhouses and outbuildings of brick and tile construction in these locations often provide suitable roosting habitat for bats.'* As such, the submission of a pre-assessment bat survey would normally have been required to assess any potential impact on bats and their habitat prior to determination of the application.
- 8.9 However, as this is a retrospective application and therefore this is no longer possible, Leicestershire County Council (Ecology) require a condition to be attached to any planning permission for a minimum of two suitable bat boxes to be installed in suitable specified locations on the buildings in order to replace any potential bat roosting features lost by the development. An amended plan has been submitted to include the installation of two bat boxes of suitable specifications in the locations specified to mitigate any potential impact on bat habitat. Subject to a condition (3) to secure the provision and retention of the two bat boxes it is considered that the proposal would be in accordance with the general requirements of Policy DM6 of the adopted SADMP.

Other matters

- 8.10 The site has adequate access from the public highway (Kirkby Lane) to the west along a long established and recently upgraded private driveway. The site provides ample parking space to serve the site within the recently constructed double garage that is the subject of this application, its forecourt and the large loose stone surfaced courtyard within the quadrangle of outbuildings immediately adjacent to the dwelling. Therefore, there are no highway implications arising from the development and the proposals would therefore accord with Policies DM17 and DM18 of the adopted SADMP.
- 8.11 There are no nearby neighbouring dwellings and therefore the proposals would have no adverse impacts on any residential amenity or privacy.
- 8.12 The detached garage and replacement outbuilding have been constructed with satisfactory rainwater discharge systems for the site.

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. Notwithstanding the countryside location, the proposals relate to extensions and alterations to an existing dwelling where there is a general presumption in favour of sustainable development as set out in Policy DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of their siting, scale, design, appearance and ancillary uses, the proposals are considered to respect and complement the scale, character and appearance of the application dwelling and wider site and would not result in any significant adverse impacts on the rural appearance or open character of the surrounding countryside or any residential amenities. Adequate access and parking is provided to serve the site and more than adequate private amenity space would be retained within the site to serve the resulting dwelling. Subject to the proposed provision and retention of two bat boxes the proposals would mitigate any potential adverse impacts on bats and their habitat. The proposals are considered to be in accordance with Policies DM1, DM4, DM6, DM10, DM17 and DM18 of the adopted SADMP and the general principles of the adopted Good Design Guide and are therefore recommended for retrospective 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 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: Location Plan Drawing No. ND.24.190.01 Rev A received by the local planning authority on 20 June 2024, Proposed Block Plan and Floor Plans Drawing No. ND.20.122.04 Rev A received by the local planning authority on 16 May 2024 and Proposed Elevations Drawing No. ND.20.122.05 Rev C received by the local planning authority on 8 July 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The double garage and replacement outbuilding hereby permitted shall only be used for purposes ancillary to the occupation of the application dwelling, Kirkby Old Parks Farm and for no other purposes whatsoever at any time.

Reason: To ensure that the uses of the building remain compatible with the site in accordance with Policies DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. Within six months of the date of this planning permission the two bat boxes detailed on the approved Proposed Elevations Drawing No. ND.20.122.05 Rev C received by the local planning authority on 8 July 2024 shall have been installed in accordance with the bat box details and specifications on the plan and once so installed shall be permanently retained and maintained as such at all times thereafter.

Reason: In order to protect wildlife species and enhance their habitat in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).