

Planning Committee 19th November 2024
Report of the Head of Planning



Hinckley & Bosworth
Borough Council

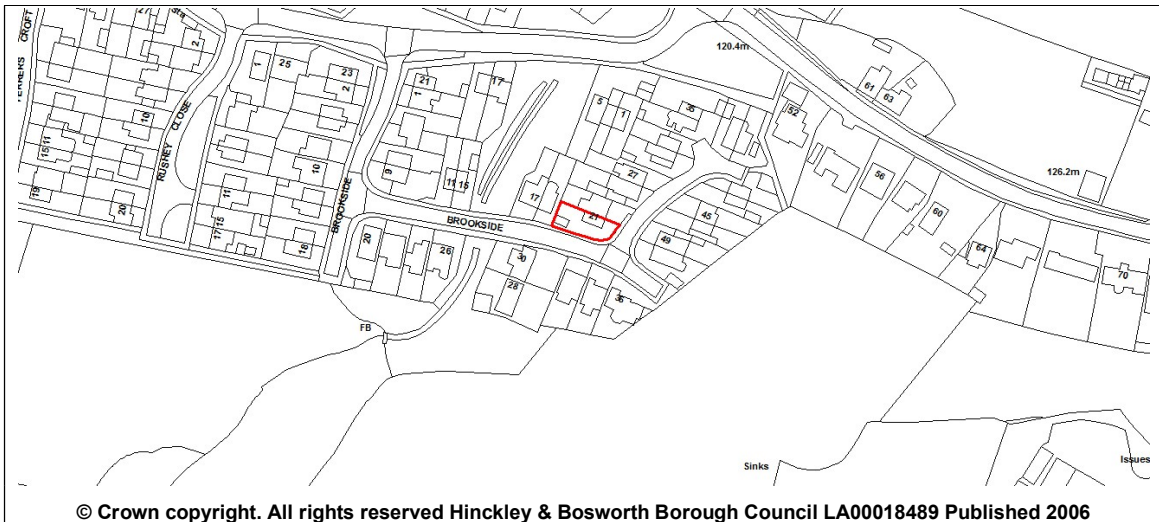
Planning Ref: 24/00782/HOU

Applicant: Mr Ngarakana

Ward: Barlestone Nailstone and Osbaston

Site: 21 Brookside Barlestone Leicestershire

Proposal: Single storey side and rear extension



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This householder application seeks planning permission for a single storey side and rear extension to a dwelling, 21 Brookside, Barlestone.

2.2. The proposed single storey side/rear extension would be set back 0.3 metres from the front elevation and extend for a width of 3 metres from the side elevation. It would extend for a total depth of 10.5 metres, including 3 metres in depth from the main rear elevation, and for a total width of 7 metres across the rear elevation to just inside the common side boundary. It would have a dual pitched roof with side elevation gable with an eaves height of 2.3 metres and a ridge height of 5.5 metres. No specific external materials are proposed other than brickwork to walls, tiles to roof and uPVC windows. The proposal includes the demolition of the existing former

garage (now store) to increase private amenity space within the rear garden and replace the space lost to the proposed rear extension. A new 1.8 metre high close boarded timber fence would be erected to enclose the rear garden.

- 2.3. Amended plans have been submitted to address an inaccurate garden depth measurement, confirm details of the proposed off-street parking provision and dropped kerb access arrangements, include matching blue brick window detailing and change the room notation. By virtue of the nature of the amendments and objections already received, no re-consultations are considered to be necessary or have been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Barlestone on a prominent corner plot within a cul-de-sac on a much larger residential estate. It is a semi-detached two storey house with dual pitched gable sided main roof form. It is constructed of red facing bricks, large plain grey concrete roof tiles, blue brick soldier headers and sills to window openings and white uPVC window frames. It has an open lean-to canopy porch roof to the front elevation and a detached former garage with dual pitched gable fronted roof form set back to the side and rear. This is no longer accessible by car due to the part construction of a previously approved side extension up to blue brick course/foundation level. The rear garden is currently enclosed by 1.8 metres high close boarded timber fencing to the north side and rear (west) boundaries and by the existing garage to the south side. The front corner of the plot is open plan. Off-street parking space is currently available within the loose stone surfaced site frontage with dropped kerb access from the south side of the plot.

- 3.2. The cul-de-sac is characterised by a mix of both two storey and single storey detached and semi-detached dwellings with a variety of designs but similar style and appearance having been constructed contemporaneously. Many have been extended since originally constructed, notably the adjoining dwelling (No. 23) which has a two storey side extension with additional single storey forward projection and a single storey rear extension (conservatory) and provides two off-street parking spaces within its site frontage on concrete block paving.

4. Relevant planning history

19/00262/HOU

- Single storey side extension and dropped kerb to front of property
- Permitted
- 02.05.2019

18/00048/FTPP

- Two storey side extension
- Appeal Dismissed
- 14.01.2019

18/01154/HOU

- Two storey side extension
- Refused
- 04.01.2019

18/00717/HOU

- Two storey side extension
- Refused
- 28.09.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Four responses have been received as a result of public consultation objecting to the proposals on the following grounds:
- 1) Excessive mass compared to original house on prominent corner plot
 - 2) Out of balance with neighbouring properties
 - 3) Height of extension affects existing bathroom window and safety of occupiers
 - 4) Overdevelopment of the plot (well over 50% of original footprint)
 - 5) Insufficient off-street parking to serve a five bedroomed house
 - 6) Will exacerbate existing on-street parking problems/congestion and further impair access for emergency and service vehicles
 - 7) Highway and pedestrian safety issues due to pavement parking and lack of visibility.

6. Consultation

- 6.1. Barlestone Parish Council object to the proposals on the grounds that there would be a lack of parking for a five bedroomed dwelling on such a small plot.

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 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. Extensions and alterations to existing dwellings 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
- Impact upon highway safety and parking provision
- Biodiversity

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP. 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 various forms of house extensions. In respect of rear extensions, it 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*'.

8.4 As a result of public consultation four objections have been received on the grounds that the proposed extension would result in overdevelopment of the plot by virtue of its footprint, would be excessive in mass compared to the original house, excessive in height and would be out of balance with neighbouring properties.

8.5 The proposed single storey side/rear extension would be set back 0.3 metres from the front elevation and extend for an appropriate width of 3 metres from the side elevation, the same as the previously approved (and part constructed) single storey side extension. It would extend for a not inappropriate total depth of 10.7 metres and for a depth of only 3 metres from the main rear elevation and across the full 7 metres width of the rear elevation. This would result in a substantial increase in the ground floor footprint of the original dwelling. However, there is a previous and extant planning permission for a side extension of similar footprint to that being proposed and the footprint of the proposed additional rear extension would be mostly offset by the demolition of the existing former garage building to provide replacement private amenity space of a depth of 6.8 metres (measured on site) and a total area of approximately 55 square metres. This provision would be only marginally below the 7 metres garden depth and 60 square metres of amenity space suggested as being acceptable for a two bedroomed dwelling within the adopted Good Design Guide and therefore is not considered to result in overdevelopment of the plot. Whilst the originally submitted ground floor plan proposed additional bedroom space, the amended plan has renamed those rooms to additional general living space. Ultimately, it is for the occupiers of any residential property to use any rooms within it as they choose.

8.6 In respect of objections on overdevelopment, scale and massing grounds, it is also evident that the adjoining semi-detached dwelling (No. 23) has been extended with a two storey side extension with additional single storey forward projection and a single storey rear extension (conservatory) which results in at least comparable development of its plot to that now proposed to the application dwelling. It is

therefore considered that the proposed would not be out of scale or character with neighbouring development.

- 8.7 By virtue of its appropriate dual pitched gable sided roof form with an eaves height of 2.3 metres and a ridge height of 5.5 metres, the proposal would also respect the form of the main roof and appear as a clearly subordinate single storey addition to the existing dwelling in terms of its height and width within the street scene. Whilst no specific external construction materials have been submitted with the application and the submitted proposed elevations drawing has no window detailing, a condition for the use of matching corresponding external materials and matching window detailing (blue brick soldier headers and sills) could be imposed to ensure a satisfactory and uniform appearance. By virtue of its set back, single storey scale and being set inside the south side boundary of the plot by between 1.5 and 2 metres it is considered that the proposal would not result in any significant adverse visual impacts within the street scene or upon the character or appearance of the wider surrounding area.
- 8.8 A new 1.8 metres high close boarded timber fence is proposed to enclose the rear garden along the same line as the former garage that is to be demolished. This is set back from the highway boundary to enable the provision of some low level amenity planting to soften its appearance and to retain the existing visibility available from the neighbouring driveway to No. 19.
- 8.9 Notwithstanding the objections received, by virtue of its appropriate siting, scale, design and subject to the use of matching corresponding external materials and proposed matching window detailing to ensure a satisfactory and uniform appearance, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse impacts upon the character or appearance of the surrounding area. The proposal is therefore considered to be acceptable in design terms and in accordance with Policy DM10 of the adopted SADMP and the general principles of the Council's adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.10 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.
- 8.11 The adjoining two storey semi-detached dwelling (No. 23) has a conservatory attached to its rear elevation that extends for 3 metres in depth just inside the common side boundary and with a solid brick wall with only high level windows in its near side elevation facing the proposal. Therefore, by virtue of its single storey scale, same 3 metres depth and lean-to roof form, it is considered that the proposed rear extension would have no significant adverse overbearing or overshadowing impacts upon the main habitable room windows or rear amenity space or the privacy of the neighbouring occupiers of No. 23.
- 8.12 The neighbouring dwelling to the west (rear) is a two storey semi-detached house set off the rear boundary of the application site by approximately 3 metres and 10 metres from the proposed single storey rear extension. It has a side gable facing the site with only a first floor obscurely glazed bathroom window facing directly towards the proposal and a side door at ground floor but this is offset and screened from the proposal by the existing 1.8 metres high solid close boarded timber boundary fencing. Therefore, by virtue of its single storey scale, 10 metres separation distance and screening, it is considered that the proposed rear extension

would have no significant adverse overbearing or overshadowing impacts upon the residential amenity or privacy of the neighbouring occupiers of No. 19.

- 8.13 By virtue of its single storey scale, design and separation distances of approximately 16 metres and 20 metres over public highway it is considered that the proposal would have no significant adverse impacts upon the residential amenity or privacy of the neighbouring occupiers of Nos. 32 or 51 to the south and east of the site.
- 8.14 By virtue of its siting, single storey scale, design, screening and separation distances the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon highway safety and parking provision

- 8.15 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 and of appropriate design.
- 8.16 Barlestone Parish Council object to the original proposal on the grounds that there would be a lack of parking for a five bedroomed dwelling on such a small plot. In addition, as a result of public consultation four objections have also been received on similar grounds that the proposals would result in insufficient parking, exacerbate existing on-street parking problems/congestion, further impair access for emergency and service vehicles and result in highway and pedestrian safety issues due to pavement parking and lack of visibility.
- 8.17 In response to the objections received, the amended proposed ground floor plan includes the renaming of rooms to accommodation uses other than bedrooms and therefore suggests that only the two existing bedrooms at first floor would remain. Ultimately, the use of each room within a residential property is the occupiers choice and occupiers of any existing dwelling can choose to use additional rooms as bedrooms should they so wish to do so without the need for planning permission. The application must be determined on its own merits.
- 8.18 The previously approved and extant planning permission for a single storey side extension (19/00262/HOU) also approved the provision of two off-street parking spaces within the site frontage and a new dropped kerb access from the front (east) of the site. Leicestershire County Council (Highways) assessed the scheme and raised no objections on either highway or pedestrian safety grounds in part by the location of the site within a small residential cul-de-sac.
- 8.19 The amended Proposed Site Plan includes a note to confirm the intended provision of the off-street parking spaces and dropped kerbs to the site frontage approved on the previous and extant planning permission. Off-street parking provision for two vehicles would therefore be provided and retained within the site to serve the resulting dwelling and, notwithstanding the objections received, this level of provision is not considered to be unacceptable in this cul-de-sac location within a sustainable rural centre where a range of services and facilities are available via alternative and more sustainable transport means. The provision would not be out of character with surrounding development which also provides frontage parking, including the adjoining semi-detached dwelling (No. 23).
- 8.20 Subject to the provision and retention of two off-street parking spaces to serve the resulting dwelling, which can be secured by a planning condition, it is considered

that the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Biodiversity

- 8.21 The proposal would be exempt from the biodiversity gain condition by virtue of being a householder application development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

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 relates to extension and alterations to an existing dwelling located within the settlement boundary of Barlestone 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 objections received, by virtue of its siting, scale, design and subject to the use of matching corresponding external materials and proposed matching window detailing, it is considered that the proposal would respect and complement the scale, character and appearance of the existing dwelling and would not result in any significant adverse impacts upon the character or appearance of the surrounding area. By virtue of its siting, scale, design, screening and separation distances the proposal would not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring dwellings. Notwithstanding the objections received, satisfactory off-street parking provision for two vehicles and private amenity space of 55 square metres would be retained within the site to serve the resulting dwelling. The proposal is therefore considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the adopted

SADMP and the general principles of the Council's adopted Good Design Guide 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 Head of Planning 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: Location Plan at scale 1:1250 received by the local planning authority on 12 August 2024 and Proposed Site/Ground Floor Plan and Proposed Elevations Drawing (Amendment 1) received by the local planning authority on 28 October 2024.

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 alterations hereby permitted shall match the corresponding materials and window detailing (with blue brick headers and sills) of the existing dwelling.

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).

4. Within two months of the first occupation of the extension hereby permitted, a minimum of two off-street car parking spaces shall have been provided and hard surfaced in permeable hard-bound materials within the frontage of the site. Once so provided the parking spaces shall be permanently retained and maintained as such at all times thereafter.

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 in the interests of highway safety and in accordance with Policies DM17 and DM18 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 building.control@blaby.gov.uk or call 0116 272 7533.
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.