

Planning Committee 6 December 2016  
Report of the Chief Planning and Development Officer



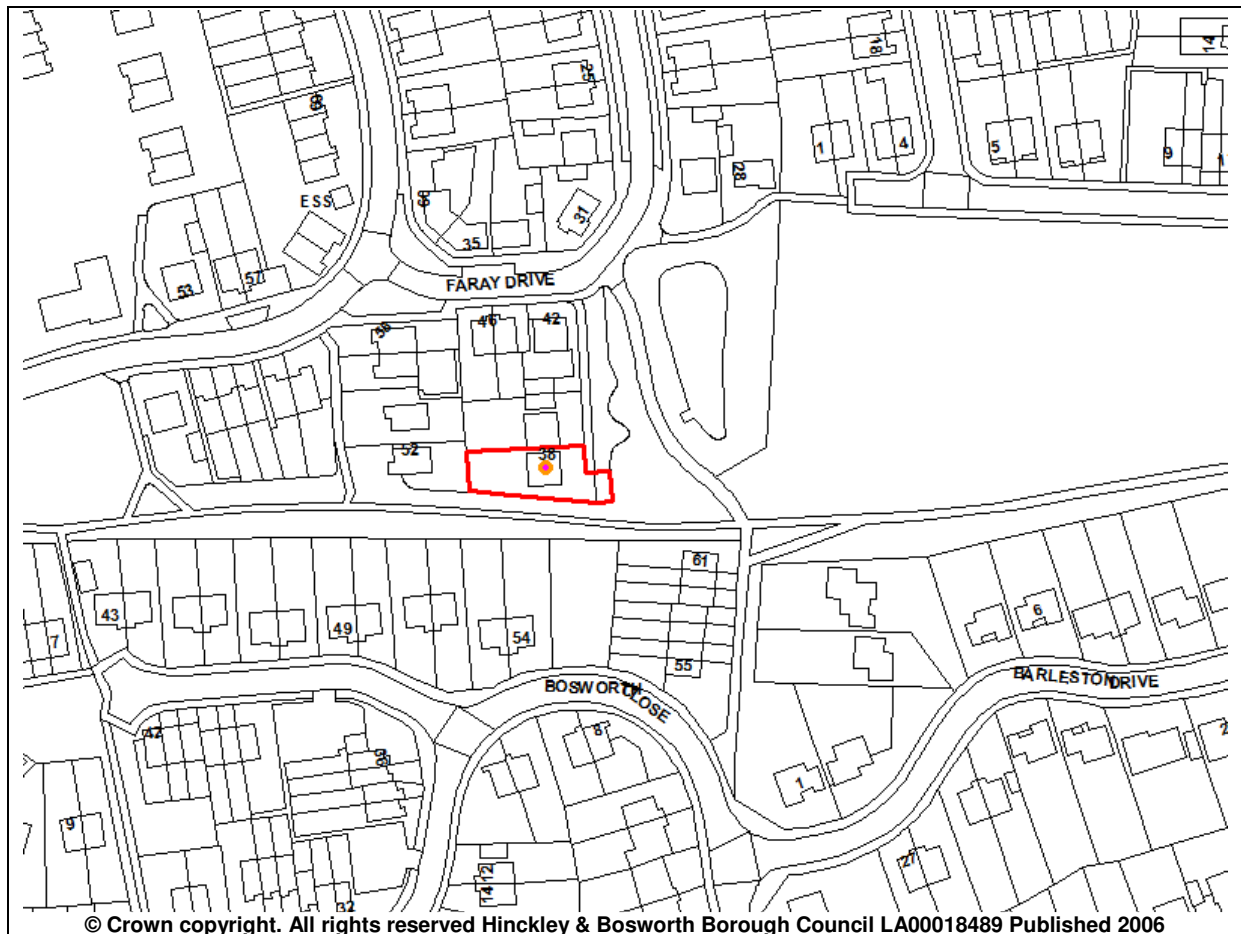
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 16/00636/HOU  
Applicant: Mr & Mrs Mark Hull  
Ward: Hinckley Clarendon

Site: 38 Faray Drive Hinckley

Proposal: Two storey rear extension



**1. Recommendations**

**1.1. Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

**2. Planning Application Description**

- 2.1. This application seeks full planning permission for a two storey rear extension at 38 Faray Drive. The proposal would result in the addition of one bedroom resulting in a 4 bedroomed detached property.
- 2.2. This application was originally considered at Planning Committee on 11 October 2016 where Members resolved to defer consideration to allow a site visit to take place. The application was subsequently reported to Planning Committee on 8 November 2016 and was deferred to allow officers to seek to negotiate amended plans to modify the design of the roof and reduce the impact on adjacent local

residents. As a result, amended plans have been received introducing a hipped roof to the rear gable elevation.

### **3. Description of the Site and Surrounding Area**

3.1. The application property is a two storey detached dwelling located in a residential estate adjacent similarly designed two-storey detached properties. The application site is located within the settlement boundary of Hinckley.

3.2. The application site is the last dwelling on the row of properties projecting away from Faray Drive. The property is set off the boundary with no. 40 Faray Drive by approximately 1.3 metres. To the south is a wide open space with a footpath and the rear gardens of the properties on Bosworth Close are situated approximately 11 metres away. To the front is a large open space.

### **4. Relevant Planning History**

None relevant.

### **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. 10 letters of representation were received from seven different addresses raising the following concerns:-

- 1) Impact upon privacy
- 2) Loss of light
- 3) Overbearing
- 4) Out of character with existing properties
- 5) Impact upon noise
- 6) Potential impact from the loft
- 7) Impact upon parking
- 8) Loss of view
- 9) Loss of neighbouring property values
- 10) Setting of a precedent within the area

5.3. Additional consultation took place as a result of the amended plans. During the consultation, three letters of representation were received from three different addresses raising the same concerns as previously as well as the following:-

- 1) Use of technical guidance and making planning decisions
- 2) Potential impact from the loft

### **6. Consultation**

6.1. No comments received from West Clarendon Neighbourhood Forum.

### **7. Policy**

7.1. Core Strategy

- None Relevant

7.2. Site Allocations and Development Management Policies DPD

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway

#### Assessment against strategic planning policies

8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that it is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD and the Core Strategy (2009).

8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that development proposals that accord with the development plan should be approved without delay unless materials considerations indicate otherwise.

8.4. The proposal is located within the settlement boundary for Hinckley, which is a sub regional centre and the principle of a house extension is considered acceptable, subject to all other material planning considerations being acceptable.

#### Impact upon the character of the area

8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is contended that the development proposed by this application would meet the aims and requirements of the above for the reasons given below.

8.6. The proposed two storey extension would be set down from the existing roofline by approximately 0.5 metres and would match the pitched roof of the existing dwelling. The proposal would have a step back nature and would therefore not appear dominant or out of character with the host dwelling and would appear subordinate and subservient to the main dwelling. The proposed materials would match the existing and the proposed window detailing would be similar to the existing.

8.7. The application dwelling is a two storey detached property located adjacent to similarly designed two storey detached properties. The proposed two storey rear extension would project approximately 3.3 metres from the existing rear elevation with a width of approximately 5.68 metres whilst the section closest to no 40 Faray Drive would project out by approximately 2 metres with a width of approximately 1.6 metres. The proposal would extend the width of the dwelling with a hipped elevation at first floor and a mono pitch roof at ground floor. The proposal would not be visible from the street scene of Faray Drive. It would be visible from the footpath to the south of the property and the rear gardens of Kinross Way. It is not considered that this would be detrimental to the character of the area due to the subordinate design of the extension. Therefore the proposal would not have any significant adverse impact upon the character of the street scene or the area.

- 8.8. Three velux roof lights are proposed to the front of the property, which could be installed under permitted development rights, and an additional two velux windows are proposed to either side of the roof to the rear extension. The proposed roof lights would not unduly change the character of the dwelling or the surrounding area and are considered acceptable.
- 8.9. Concerns have arisen regarding the impact the proposal would have on the nine properties located in the immediate area. However due to the subordinate nature, minor projection and step back of the extension, the proposal would not impact upon the character of the street scene, host dwelling or the character of the nine properties located in the immediate area.
- 8.10. Overall the proposal is considered to complement the character of the existing dwelling and street scene in accordance with Policy DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12. No. 40 Faray Drive is a two storey detached property located on the boundary with the application property with a large single storey rear conservatory.
- 8.13. The application property is set level with no. 40 but is set off the common boundary by approximately 1.27 metres. The proposed extension would project approximately 2 metres from the existing rear elevation with a step in of approximately 1.6 metres to the gable elevation which projects 3.3 metres from the existing rear elevation.
- 8.14. Therefore due to the set off distance from the boundary, the step in of 2 metres at first floor level and the mix of dual pitched hipped roof and mono pitched roof, the proposal would not have any significant adverse impact upon the residential amenity of no. 40 in respect of loss of light or overbearing impacts.
- 8.15. Further to this, a new window is located on the side elevation facing towards no. 40 but as a result of amended plans, the window has been moved to the centre of the side elevation to address potential privacy impacts.
- 8.16. The one window proposed on the rear elevation would be a high level window and the other would be obscure glazed and top hung. There would therefore be no significant adverse impact upon residential amenity in respect of loss of privacy to no. 40. The velux window to this side elevation will be conditioned to have a cil height of 1.7m to address any significant privacy or overlooking impact to the rear garden of no. 40.
- 8.17. No. 52 Kinross Way is a two storey detached property located to the rear of the application property.
- 8.18. The proposed extension would be set approximately 8.85 metres from the rear boundary of no. 52 Kinross Way and would be set approximately 17 metres from the rear elevation of no. 52.
- 8.19. The proposed extension would be set far enough from no. 52 so as to not impact significantly with regard to loss of light or overbearing impacts. The proposed rear elevation would also have a high level window serving bedroom 1 and would not therefore result in any overlooking impacts to no. 52.

- 8.20. The proposed bathroom window would be obscure glazed and top hung only to prevent any impacts upon privacy, with a condition attached to protect impacts from overlooking.
- 8.21. The proposed amendments which incorporate a hipped roof to the extension of the property would help alleviate any overbearing impacts to the adjacent properties to the side and to the rear of the application site.
- 8.22. As a result of the siting and design of the proposal, and the location of adjacent properties, there would be no significant adverse impact upon the residential amenity of any adjacent properties.
- 8.23. Taking all of the above into account it is considered that the proposal complies with Policy DM10 of the SADMP.

#### Impact upon Highway Safety

- 8.24. Policy DM18 of the SADMP state that proposals should provide an appropriate level of parking provision. Leicestershire County Council's 6Cs Design Guide states that dwellings with four or more bedrooms should provide three off street parking spaces.
- 8.25. The proposal would result in one additional bedroom. The property has three off street parking spaces, including a detached garage and would result in an acceptable parking provision in accordance with Policy DM18 of the SADMP and the 6C's Design Guide.

#### Other Issues

- 8.26. Concerns have arisen regarding the impact the proposal would have on neighbouring property values and the loss of view from neighbouring properties. However these are not material planning considerations.
- 8.27. Concerns have also arisen regarding the proposal setting a precedent within the area. However each application is determined on a case by case basis and it is not considered that this proposal will create an issue of precedent.
- 8.28. Concerns have also arisen regarding the use of the technical document – Supplementary Planning Guidance (SPG) on House Extensions.
- 8.29. The SADMP was adopted mid July and the Local Plan document (2001) was fully replaced. As a result of the adoption of the SADMP, the SPG on House Extensions was removed as it was based on the superseded documents in the Local Plan (2001).
- 8.30. However Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and proposals should not adversely affect the occupiers of the neighbouring properties.

### **9. Equality Implications**

- 9.1. Section 149 of the Equalities 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.

## 10. Conclusion

10.1. The proposal is located within the settlement boundary for Hinckley and there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

10.2. The proposal would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not significantly affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy DM1, DM10 and DM18 of the SADMP and is 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. **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 51 of 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: Proposed Extension to the rear of the detached house drg. no. 1305/REV-C (scale 1:100 and 1:50) and Proposed Block Plan drg. no. 1305/BP (scale 1:500) received by the Local Planning Authority on 10 November 2016.

**Reason:** To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. As shown on approved plan, Proposed Extension to the rear of the detached house (Drawing Number: 1305/REV-C), the high level window shown within the proposed rear elevation shall be constructed a minimum of 1.7 metres above the floor of the room within which the window is installed.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. As shown on approved plan, Proposed Extension to the rear of the detached house (Drawing Number: 1305/REV-C), the roof light window within the Proposed north facing elevation shall be constructed a minimum of 1.7 metres above the floor of the room which the window is installed.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

6. The bathroom window to the rear elevation shall be fitted with obscure glazing to level 3 of the Pilkington Scale or above and shall be top hung only and shall thereafter be permanently retained in this approved form.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.