

**Planning Committee 25 April 2017  
Report of the Head of Planning and Development**



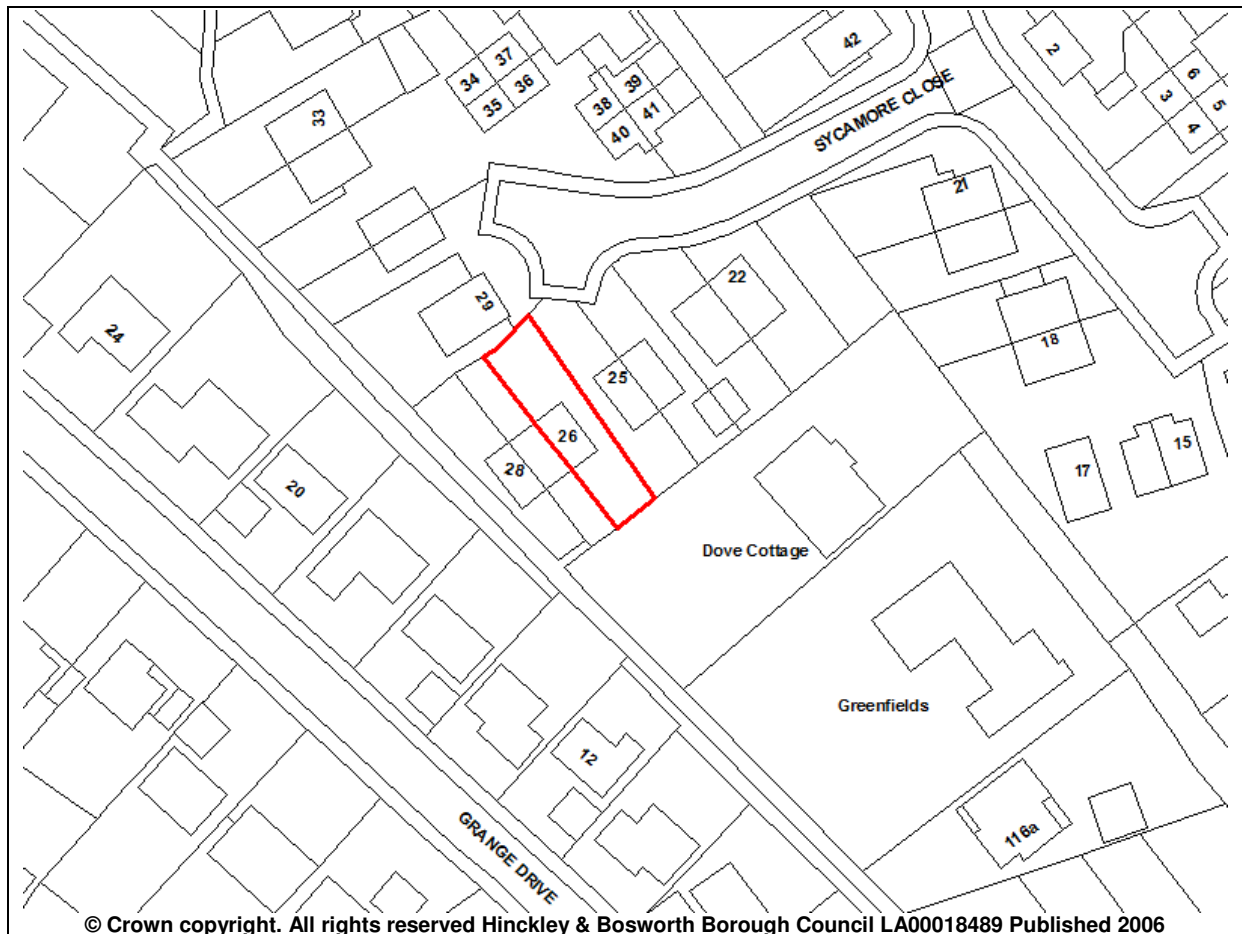
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**Planning Ref:** 17/00053/HOU  
**Applicant:** Mr Ryan Farmer  
**Ward:** Burbage Sketchley & Stretton

**Site:** 26 Sycamore Close Burbage

**Proposal:** Single storey rear extension (retrospective)



**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 and Development be given powers to determine the final detail of planning conditions.

1.3. The application was deferred from the Committee of the 28 March as Members were 'minded to refuse' the application due to concerns that the development would be overbearing on the neighbouring property, no. 27 Sycamore Close.

## **2. Planning Application Description**

- 2.1. This is a retrospective application for the erection of a single storey rear extension which projects out approximately 5.5m from the rear of the original dwelling. It measures approximately 2.2m to eaves height and it has a dual pitched roof which measures approximately 3.3m to ridge height. The walls are constructed from concrete blocks and are to be rendered white. There are uPVC French doors to the rear (south east) elevation. The rainwater goods are connected into the existing mains drainage and the applicant has applied for Building Regulations approval.

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

- 3.1. The subject property is a two storey end terrace dwelling located within the settlement boundary of Burbage. The property is situated at the end of a cul-de-sac and the surrounding properties are all residential, with a mix of semi-detached and detached two storey dwellings.

## **4. Relevant Planning History**

- 4.1. None relevant.

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. Five letters of objection have been received with the following issues raised:

- 1) Overbearing and shadowing effect on rear of no. 27 Sycamore Close
- 2) Materials for the walls not matching those on the original property
- 3) Loss of garden area at application property
- 4) Scale of extension in relation to the original property
- 5) Rainwater goods overhanging property boundary with no. 27 Sycamore Close
- 6) Maintenance of render on elevation facing no. 27 Sycamore Close and maintenance of boundary fence
- 7) Impact on property value of no. 27 Sycamore Close
- 8) Setting a precedent for rear extensions in Sycamore Close
- 9) The application is retrospective

## **6. Consultation**

- 6.1. Burbage Parish Council has no objection to the extension itself but is unhappy that the application is retrospective.

## **7. Policy**

- 7.1. Core Strategy

- Policy 4 – Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- 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
- Other issues

#### 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 the determination of planning applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) DPD (2016).
- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals which accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.4. The application site is located within the settlement boundary for Burbage, which is a local centre and so 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.
- 8.6. The extension is to the rear of the property but it also extends to the side (north east) by approximately one metre. It is therefore marginally visible from the public highway but it is screened by a timber gate and fence. As it is single storey it appears subordinate to the original property. The grey concrete roof tiles match the original property but the walls are constructed of concrete blocks which are to be rendered white. Whilst render would not match the original property there are other examples of extensions incorporating white rendered walls elsewhere in the street at nos. 24 and 29.
- 8.7. The extension replaces a conservatory which was the same height but had a steeper pitch and which had a solid wall set the same distance off the boundary from no. 27 Sycamore Close; the neighbouring property to the west. The extension projects out approximately 5.5 metres from the rear wall of the original property, which is approximately 2.4 metres further than the previous conservatory.
- 8.8. The extension has no adverse impact on the character of the area as viewed from the public highway. Whilst the extension projects out further to the rear it still leaves an amenity area of approximately 29m<sup>2</sup> which is considered acceptable. In addition, the extension still appears subordinate to the original property and the materials are in keeping with the existing properties in the street. The extension is therefore considered to be in accordance with Policy DM10 in relation to its impact on the existing property and character of the surrounding area.

#### Impact upon neighbouring residential amenity

- 8.9. In terms of impact on neighbouring amenity, Policy DM10 of the SADMP states that proposals should not adversely affect the occupants of the neighbouring properties.
- 8.10. The extension is single storey and has no windows overlooking either no. 27 or no. 25 Sycamore Close. Objections received in connection with to the application consider the extension to be overbearing on no. 27 Sycamore Close, resulting in an overshadowing effect and loss of daylight to the only ground floor window on the rear elevation, which serves an open plan living/kitchen/dining area. The window is approximately 0.6 metres from the boundary fence and 0.8 m from the side elevation of the extension. The height of the boundary fence is approximately 1.8

metres and the eaves of the extension are therefore only slightly higher, which was also the case for the solid wall of the conservatory which this extension replaces. Furthermore, the pitch of the roof on the extension is shallower than the pitch of the roof of the previous conservatory; therefore slightly reduces the impact in terms of overshadowing effect and loss of light to the neighbouring property.

- 8.11. Given the above, it is considered that any loss of light to the rear of no. 27 is comparable to that resulting from the existing boundary fence and the previous conservatory wall. With regard to shadowing effect, the gardens of no. 26 and no. 27 face south east and so there is little sunlight lost to the rear of no. 27 throughout the day. It is considered that there would be no adverse impact on no. 25 as the extension is approximately 1 metre from the boundary with no.25 and approximately 3.5 metres from the gable wall of no. 25. Furthermore, there is a 1.8 metre boundary fence between the two properties.
- 8.12. The shadowing effect and loss of daylight to no. 27 Sycamore Close is not considered to be significantly adverse. However, following concerns raised by the Planning Committee additional mitigation measures are proposed in the form of an increase in the height of the boundary fence in order to screen the extension when viewed from the garden of no. 27 Sycamore Close. As the overbearing effect can be mitigated by condition, the extension is considered to be in accordance with Policy DM10 of the SADMP in relation to the impact on the amenity of neighbouring properties.

#### Other issues

- 8.13. Concerns have been raised that the rainwater goods overhang the property boundary and in relation to the future maintenance of the render on the extension, but these are not material planning considerations and therefore cannot be considered in the determination of the planning application. It has been confirmed following a site visit that the rainwater goods do not overhang the property boundary and so a trellis could be erected as is proposed to screen the extension from no. 27.
- 8.14. Concerns have also been raised in relation to the impact of the extension on the market value of no. 27 Sycamore Close but again this is not a material planning consideration.
- 8.15. Objectors have also raised concerns that granting planning permission for this extension will set a precedent in Sycamore Close for similar extensions. Each planning application is determined on its own merits and granting permission for this extension to no. 26 does not guarantee approval for similar extensions to other properties in the street.
- 8.16. The concerns raised in relation to the application being retrospective are also not a material planning consideration. Retrospective applications are a permitted means of regularising unauthorised development and they must be determined on their own merits as if the development had not yet occurred.

### **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.

10. There are no known equality implications arising directly from this development.

### **Conclusion**

10.1. The extension does not have an adverse impact on the character of the streetscape. The extension by virtue of the fact that it replaces an existing extension and has a low eaves line, with a roof that pitches away from the neighbouring properties is also not considered to result in an adverse affect on the amenity of the adjoining properties.

10.2. The application has previously been considered by the Planning Committee on 28 March. Changes were sought to mitigate any overbearing impact on the neighbouring property, no. 27 Sycamore Close, and it is considered that the erection of a trellis on the boundary fence would mitigate the overbearing effect. Related to this, clarification was sought as to whether the rainwater goods overhung the property boundary and it is confirmed by Officers that there is no overhang. The application is therefore considered to be in accordance with Policy DM10 of the SADMP and it 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. That the Head of Planning and Development be given delegated 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: Application Form, Site Location Plan #00183168-E1FFF0 (scale 1:1250), Block Plan #00183166-4475DD (scale 1:200), Proposed Elevations (scale 1:100) and Existing and Proposed Floorplan received by the Local Planning Authority on 16 January 2017.

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

2. Within three months of the date of this permission details of an enlarged boundary treatment along the boundary with no.27 Sycamore Close shall be submitted to and approved in writing by the local planning authority. Once approved the work shall be carried out within three months of the date of this permission and retained as such in perpetuity.

**Reason:** To ensure that the amenity of surrounding residents is not adversely affected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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