

**Planning Committee 7th May 2024
Report of the Head of Planning**

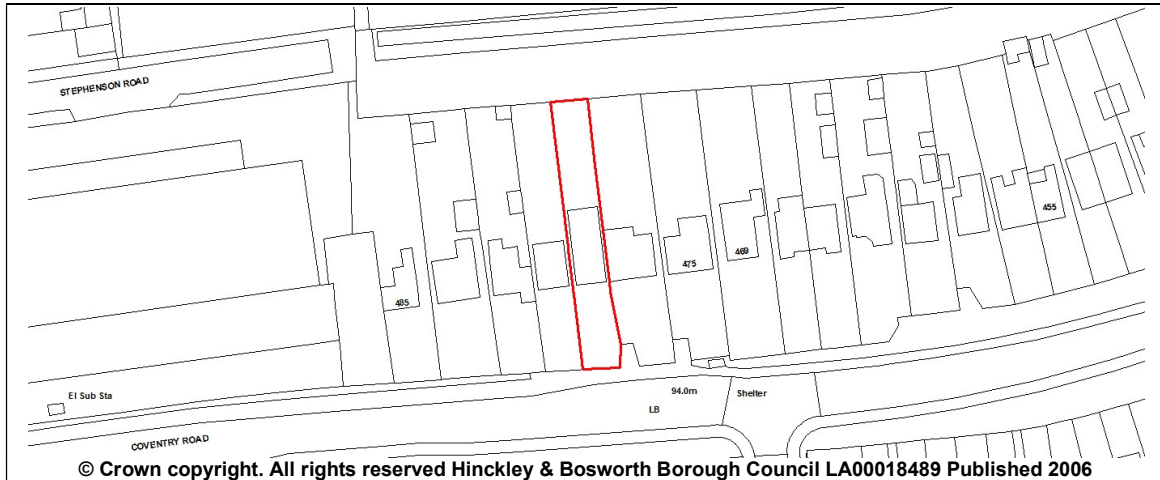
**Planning Ref: 24/00263/CONDIT
Applicant: Mr Dilawar Alshibahie
Ward: Hinckley Clarendon**



**Hinckley & Bosworth
Borough Council**

Site: 477A Coventry Road Hinckley Leicestershire LE10 0NF

**Proposal: Variation of condition 2 (approved plans) of Planning application
15/00678/REM (part retrospective).**



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 amendment to the approved plans and elevations for a replacement dwelling the details for which were approved by application 15/00678/REM. The amendments include a front porch and canopy, air source heat pump, single roof lantern, new door and window to the side elevation, new outbuilding and an increase in the height of the dwelling. The application is partly retrospective in that the main dwelling has been completed but no work has commenced regarding the outbuilding.
- 2.2. The front porch and canopy measure 2.41 metres in depth, with a width of 2.6 metres and 3.7 metres respectively. Both have a matching eaves and ridge height of 2.3 metres and 3.5 metres. The porch has a dual pitched roof while the canopy has a mono pitched roof form. The porch and canopy are constructed with brickwork with a small strip cream render, black glazed uPVC front door and eternity roof tile. The amendments include a new air source heat pump to the rear of the property, insertion of a single lantern to the rear projection instead of two roof lights, new door and window to the west elevation of the dwelling. Internal alterations to the second floor to increase the floorspace otherwise lost to the originally approved lower eaves has resulted in the increase in height of the dwelling.

- 2.3. A new outbuilding proposed at the rear of the site, measures 6.4 metres in width and 4.9 metres in depth to create a living area and kitchen. It is built with bricks, white uPVC bifold door and window and eternit roof tiles. It has a maximum height of 3.7 metres and an eaves height of 2.5 metres.
- 2.4. Planning condition 7 of the original application 15/00678/REM removed Permitted Development Rights for the provision of works under Part 1 Schedule 2 of the Town and Country Planning Act 1990.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley and in a residential area. It is a designed two storey detached house on a fairly large plot of land with a dual hipped roof form and is set back from the public highway. The dwelling has a low level boundary wall to the front and hardstanding paving. The dwellinghouse is not listed and not within a conservation area.
- 3.2. The surrounding street is characterized by large detached properties with a mix of brick and render external materials. They have similar roof designs and are all set back from the public highway.

4. Relevant planning history

14/00458/OUT – Erection of one dwelling (all matters reserved) – Approved February 2015.

15/00678/REM – Erection of one dwelling following granted of planning permission 14/00458/OUT – Approved September 2015.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Five comments objecting to the application have been received as a result of the public consultation. Issues raised include:
 - Proposal not compliance with HBBC planning policy.
 - Loss of privacy and light to neighbouring properties
 - Noise from air source heat pump
 - Large outbuilding causing overdevelopment.
 - Impact to trees at the back of the property
 - Risk of flooding as the site has clay soil.
 - *Officer comment: Environment Agency flood risk mapping indicates that the site is in Flood Zone 1 which is the area of lowest risk and that there are no surface water flooding risks*
 - Not adhering to proper method of waste disposal
 - Overcrowding and use of outbuilding as living space
 - Use of outbuilding for partying
 - Anti-social behaviour
 - Parking at random places

The last five comments are not considered to be material planning considerations to this application.

- 5.3. The application was called in to Committee decision by ward member Councillor Pendlebury on the basis that the proposal is harmful to the character of the area and to neighbouring residential amenity.

6. Consultation

- 6.1. HBBC Environmental Services - Drainage does not have any objection.
6.2. HBBC Environmental Services - Pollution have no comment.

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 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. Domestic properties within urban 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 parking provision

Design and impact upon the character of the area

- 8.2. 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. It requires front extension not to go beyond 2 metres and not to cover more than 50% of the front elevation. It should not result in the loss of existing parking spaces where it would impact on the streetscene and car parking provision.
- 8.3. The front porch and canopy measure 2.41 metres in depth, a width of 2.6 metres and 3.7 metres respectively. Both have a matching eaves and ridge height of 2.31 metres and 3.5 metres. The dwelling is well away from the public highway and therefore the front porch does not detract from the street character. The porch extends forward more than 2 metres and beyond the existing building line, however

it is clearly subordinate to the main dwelling. The porch has a dual pitched roof while the canopy has a mono pitched roof form which complies with other roof designs along the street. The porch and canopy are constructed with brickwork, a small strip render, black glazed uPVC windows and door and eternity roof tile. The street character has a variety of external material and therefore the proposed materials are not harmful to the street scene.

- 8.4 The air source heat pump is within the curtilage of the dwelling to the rear of the property, approximately 1 metre from the boundary fence and falls under permitted development rights. The new side door, new roof lantern to the single storey at the rear of the property are minor operations and can also be done under permitted development rights. These are minor alteration and are not visible to the street scene. They do not impact on the visual character of the street.
- 8.5 The existing height of the dwelling is 8.8 metres at ridge and 5.5 metres at eaves. The proposed height increase of the dwelling over what was approved under application 15/00678/REM is approximately 1 metre. The height of dwellings on the street scene are similar with the proposed site being noticeably the tallest. The increase in height does not comply with the character of the street. It is considered that had the applicant sought to increase the height of the dwelling to accommodate a full third floor of accommodation at reserved matters stage then officers would have resisted the increase in height.
- 8.6 The application raises the question though of whether the finished dwelling is so harmful to the street scene that permission should be refused and then if enforcement action should be taken to lower the height of the dwelling.
- 8.7 It is notable that the dwelling has been built and occupied for some time and is on a busy road but that there are no records of any complaint being made regarding the size of the dwelling. On balance, it is considered that the effect on the character of the area is not so great that a reduction in the height of the building is required. This takes into account the dual hipped roof form and the variety of building heights on this particular stretch of Coventry Road.
- 8.8 The proposed outbuilding is located to the bottom of the site, approximately 16 metres from the main dwelling. It measures 6.4 metres in width and a depth of 4.9 metres to create a living area and kitchen, incidental to the main dwelling. It is built with bricks, white uPVC bifold door and window and eternit roof tile. It has a maximum height of 3.7 metres and eaves height of 2.5 metres. It does not cover more than 50% of the curtilage of the dwelling. It is not viewable from the street scene and has no significant adverse impact on the wider street scene.
- 8.9 With the exception of the height of the dwelling all other differences between the dwelling approved under application 15/00678/REM and what has been subsequently built in addition to the proposed outbuilding are considered to be acceptable with regard to their impacts upon the character and appearance of the area.

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 front porch and canopy are set forward of the building line. The dwelling adjoins 477 Coventry to the east and 479 Coventry Road to the west. On the east boundary is a hedge that separates 477 and 477A Coventry Road. There is also a separation distance of approximately 0.6 metres to the west boundary and 0.5 metres the east boundary. Due to the single storey scale of the front extension, there is no

significant impact on adjacent properties. There is no loss of light, loss of privacy or overlooking as a result of the front extension.

- 8.12 The air source heat pump, new side door, new roof lantern to the single storey are located to the rear of the property. HBBC Environmental Services has assessed the application and has no comment to make. While the dwelling has higher eaves and ridge than the neighbouring properties it is considered that there is no significant overbearing or overshadowing impact on neighbouring properties as there are good separation distances between the dwelling and neighbouring properties.
- 8.13 The proposed rear outbuilding is 16 metres from the main building, approximately 0.6 metres from both side and rear boundaries. It has appropriate height, no side facing windows and is more than 20 metres away from the rear of 479 Coventry Road. It does not cover more than 50% of the curtilage of the dwelling and is not considered as overdevelopment. Subject to conditions the proposed outbuilding is considered to have no significant adverse impact on adjoining properties.
- 8.14 By virtue of the siting, scale and design of the extension, the proposal does not result in any significant adverse overbearing or overshadowing impacts or any significant loss of privacy to the neighbouring occupiers from any direct overlooking. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 The proposal does not increase the number of bedrooms in the dwelling. Moreover, the dwelling has a large hardstanding driveway to the front of the property which has the capacity to hold at least 4 cars. This level of provision remains adequate to serve the existing/resulting dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal is therefore in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance.

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 proposed amendments to the existing dwelling located within the urban settlement boundary of Hinckley 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. The amendments to the approved scheme, with the exception of the building's height, are considered acceptable. Both the dwelling as built and the proposed outbuilding are considered acceptable with regard to their impacts on neighbours. Adequate private amenity space and off-street parking spaces are retained within the site. On balance it is considered that the dwelling is not so harmful to the character and appearance of the area that the reduction in the height of the building is required. Therefore the application 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 outbuilding 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: Site Location Plan Drawing Number 55206 (01) 001, Proposed Block Plan Drawing Number 55206 (20) 002C, Proposed Floor Plan Drawing Number 55206 (20) 101B, Proposed Elevations Drawing Number 55206 (20)102B, Proposed Outbuilding Drawing Number 55206(20)201B, received by the local planning authority on 20 March 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 outbuilding hereby permitted shall match the corresponding materials on 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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that order with or without modification) the dwelling hereby approved shall not be enlarged, improved or altered without planning permission for such development having first been granted by the Local Planning Authority.

Reason: To protect the character and appearance of the area and the amenity of neighbouring residents in accordance with Policy DM10 of the Site allocations and Development Management Policies Supplementary Planning Document (2016).

5. The outbuilding hereby permitted shall only be used as ancillary domestic accommodation to the main dwelling currently known as 477A Coventry Road, Hinckley and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation or used for any commercial purposes.

Reason: To ensure the outbuilding hereby permitted is not occupied as an independent unit of accommodation which may have additional impact in accordance with Policy DM10 of the adopted Site Allocations and Development Management DPD (2016).