

## Delegated Report

**Planning Ref: 23/00521/FUL**  
**Applicant: Mr Bill Angus**  
**Ward: Ambien**



Hinckley & Bosworth  
Borough Council

**Site: Cottage Farm Barr Lane Higham On The Hill**

**Proposal: Proposed conversion and extension of existing garage to new dwelling, new pergola and boundary with associated access, parking, landscaping and solar panel**

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### **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 planning application seeks full planning permission for the conversion and extension of an existing garage into a new, 'L'-shaped, three-bedroom dwelling at Cottage Farm, Barr Lane, Higham on the Hill. The extension is to the east of the existing triple garage and connects it to the existing double garage to the southeast.
- 2.2. To facilitate this development, a width of 3.8m is demolished from the existing garage to allow for access to the Applicant's stables and pastures, and structure is increased in massing to a two-storey development. A new pergola, boundary treatment, and associated access, parking, landscaping is also provided within this development. 12 solar panels are incorporated into the rear elevation of the western single storey element of the scheme, and a further 12 solar panels are provided on the eastern side elevation of the two-storey aspect of the development.
- 2.3. In total, the scheme externally measures 21.7m in width x 20.2m in depth, with a total footprint of 225sqm. This extension externally measures 6.5m in width x 12.1m in depth, with a total footprint of 72.7sqm.
- 2.4. The development utilises a variety of pitched roofs, and at its highest, the scheme has a gable-fronted roof on the principal elevation of the scheme with a ridge height of 8.5m, and an eaves height of 4.7m. In front of this roof on the principal elevation is an additional gable-fronted pitched roof, which accommodates the landing area on the first floor, has a ridge height of 7.6m, and an eaves height of 4.7m. Adjacent to these two roofs is a gable-ended roof that has a ridge height of 6.9m, and an eaves height of 4.3m. To the north of this roof is a further gable-ended roof that has a ridge height of 5.2m, and an eaves height of 2.6m.
- 2.5. An oak framed porch is attached to the eastern side elevation of the property, which has a pitched roof with a ridge height of 3.8m, and an eaves height of 2.3m. There is also a single storey link between the main property and the existing double garage, now lounge, which has a flat roof with a maximum height of 2.8m. The existing double garage has a pitched roof with a ridge height of 5m, and an eaves height of 2.8m.
- 2.6. The scheme is constructed with red brick and grey slate roof tiles to match the existing outbuildings. Cedral Lap cement fibreboard cladding in Dark Grey C15 is also utilised on the single storey lounge element of the development and on aspects of the first-floor front and rear elevations of the main dwelling.

- 2.7. Following concerns raised by the Planning Officer, the development reduced its ridge height from 9m to 8.5m and increased the size of roof light within the family bathroom on the first floor.

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

- 3.1. The 0.49ha application site at Cottage Farm, Barr Lane, Higham on the Hill comprises of one existing residential dwelling and a couple of existing residential outbuildings that are constructed with red brick and grey slate tile roofs. Based on plans from extant planning permission, 15/00354/HOU, Cottage Farm externally measures 18.2m in width x 16m in depth, with a total footprint of 230.1sqm. The property utilises a hipped roof that has a ridge height of 8.4m, and an eaves height of 5.3m. On its principal elevation the dwelling also has a protruding, two-storey, gable-fronted roof structure, and a single storey gable-ended roof structure that have a ridge height of 7.4m and 6.4m, and an eaves height of 5.3m, and 2.8m respectively.
- 3.2. The residential property features two vehicular accesses on to Barr Lane, and a separate vehicular access to the east of the site for the residential outbuildings. Barr Lane is an adopted, but unclassified, road that is subject to a 30mph speed limit.
- 3.3. The application site is located 694m southeast of the identified settlement boundary of Higham on the Hill in the open countryside. The application site is wholly surrounded by open countryside, but there are four further residential dwellings to the east of the site, an agricultural barn to the north of the site, and a farm to the east of the site. The Hijaz Manor is nearly 500m to the east of the site. The closest residential dwelling is 36m east of the existing garage outbuilding.
- 3.4. The existing garage externally measures 19.2m in width x 6.4m in depth, with a total footprint of 123sqm. The garage is single storey in massing, and it utilises a pitched roof that has a roof ridge height of 5.1m, and an eaves height of 2.5m. There is also an additional double garage with an open frontage that externally measures 7.6m in width x 6.1m in depth, with a total footprint of 46.9sqm. The additional structure has a pitched roof that has a ridge height of 3.3m, and an eaves height of 2m.
- 3.5. A previous outline planning application, 22/00097/OUT, for the replacement of existing residential outbuildings at Cottage Farm, Barr Lane, Higham on the Hill was refused because the scheme resulted in unsustainable residential development that would harm the intrinsic value, open character, and landscape character of the countryside as well as the residential amenity of the future occupiers of the development.

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

#### **4.1 22/00097/OUT**

- Replacement of outbuildings associated with a dwelling house, with one new detached dwelling house and associated vehicle storage (Outline Application – All Matters Reserved)
- Refused
- 23.09.2022

#### **4.2 15/00354/HOU**

- Erection of conservatory to rear of dwelling
- Permitted
- 14.05.2015

- 4.3 **98/00469/FUL**
- Erection of stables
  - Permitted
  - 18.08.1998
- 4.4 **94/00381/FUL**
- Extension to dwelling
  - Permitted
  - 17.06.1994
- 4.5 **91/00283/4**
- Extension to dwelling
  - Permitted
  - 16.04.1991
- 4.6 **86/00103/4**
- Extension to form lounge and two bedrooms and change of use from agricultural land to residential
  - Permitted
  - 25.03.1986
- 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.
- 6. Consultation**
- 6.1 There have been no objections from the following consultants:
- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
  - HBBC's Environmental Services' Pollution Officer
  - HBBC's Waste Management Officer
  - Local Highway Authority (LHA) (subject to conditions)
- 6.2 No further responses have been received.
- 7. Policy**
- 7.1 Core Strategy (2009)
- N/A
- 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 DM10: Development and Design
  - Policy DM14: Replacement Dwellings in the Rural Area
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)

- 7.4 Other relevant guidance
- Good Design Guide (2020)
  - Leicestershire Highway Design Guide (LHDG) (2022)
  - Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

- 8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

### *Principle of Development*

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6. Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, “Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”

- 8.7. Paragraph 80 of the NPPF sets a general presumption against new isolated dwellings in the countryside to protect its intrinsic value, beauty, open character, and landscape character. The exception to this stance is where:
- (a) There is an essential need for housing a rural worker.
  - (b) The development represents the optimal viable use of a heritage asset.
  - (c) The scheme re-uses a redundant or disused building that enhances the immediate setting.
  - (d) The development includes the subdivision of an existing residential building.
  - (e) The design is of exceptional quality in that it is truly outstanding and reflects the highest standards in architecture.
- 8.8 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 8.9 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.10 The development involves the change of use and extension of an existing rural building in accordance with Paragraph 80 of the NPPF, and Policy DM4 of the SADMP. Therefore, in accordance with Paragraph 13.6 of the SADMP, all proposals which relate to the re-use of redundant buildings in the countryside must have specific regard to Policy DM15 of the SADMP.
- 8.11 Within Policy DM15, Paragraph 14.56 of the SADMP highlights that a significant number of agricultural and other buildings already exist outside of the identified settlement boundaries within the Borough. Further development in the rural area and outside of defined settlement boundaries is highly restricted as prescribed through the provisions of Policy DM4 of the SADMP. The re-use or redevelopment of rural buildings can make the best possible use of existing buildings and reduce the demand for new buildings, which protects agricultural land and the wider countryside.
- 8.12 In accordance with Paragraph 14.59 of the SADMP, proposals will be judged on their own merits, with consideration firstly given to their impact on the intrinsic value, beauty and open character of the countryside, the nature of the proposed use and the level of activity related to the proposal.
- 8.13 Therefore, the development is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

## *Housing Land Supply*

- 8.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.10 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.11 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.12 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.13 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.14 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.15 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.16 The development is for one single residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.17 Whilst the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's

failure to deliver a five-year supply of land for housing, it is considered that moderate weight should be given to the provision of the proposed dwelling.

*Design and Impact upon the Character of the Area*

- 8.18 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.19 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
  - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
  - iii.) It does not create or exacerbate ribbon development.
  - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
  - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.20 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.21 The scheme increases the overall footprint of buildings on the site by 55.1sqm which is less than a third of the existing footprint of the residential outbuildings. In addition, the proposal only protrudes 0.8m further to the east and the side elevation of the existing double garage, and 2.1m beyond the principal elevation of the larger outbuilding. Therefore, the increased footprint of the scheme is considered to be acceptable and proportionate to the size, scale, and footprint of the original buildings in these site-specific circumstances.
- 8.22 However, the development increases the roof ridge height of the largest outbuilding by 3.4m, which is over double its existing scale and volume. Nevertheless, only a width of 2.5m of this structure exceeds the 7m ridge height of the gable-ended roof structure, which consists of 9.7m of the principal elevation, and a further 7.5m of this elevation reduces in scale to 5.3m.
- 8.23 Moreover, the scheme is adjacent to the two-storey host dwelling, Cottage Farm, to the west, and the one-and-a-half-storey neighbouring dwelling, The Wyches, to the east. Based on the approved plans from planning permission 14/00251/REM, The Wyches utilises a hipped roof with a ridge height of 7.7m. It also noted that the property has an ancillary car port that has a pitched roof that has a ridge height of 6.6m.
- 8.24 To summarise, whilst the highest aspect of the proposal is not proportionate to the scale of the original buildings, by virtue of the design of the rest of the scheme, and the properties of a similar scale, the development is considered, on balance, to be of an acceptable scale and massing and to sufficiently preserve the character of the surrounding area in these site-specific circumstances.
- 8.25 In addition, whilst the development introduces cement fibreboard cladding on the principal elevation, which is a new material to the character of the area, its partial

use on the first floor of the development is not considered to have a significant adverse impact on the character of the site or the surrounding area.

- 8.26 By virtue of its design, scale, and use of external materials the proposal sufficiently respects the character of the surrounding area in accordance with Policies DM4, and DM10 of the SADMP, and the Good Design Guide.

*Impact upon Residential Amenity*

- 8.27 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.28 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.29 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.14 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, "An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design."
- 8.15 The closest residential dwelling is 36m east of the existing garage outbuilding, and therefore it not considered the development results in any significant harm to the residential amenity of the occupiers of the eastern neighbouring property.
- 8.16 There are no windows on the western side of the property, with the exception of the bi-fold doors on the ground floor of the proposed lounge, which is beyond the rear elevation of, and 19.7m east of the existing dwelling. Therefore, it is not considered that the scheme results in any overlooking or loss of privacy impacts to Cottage Farm. In addition, the development is 5.1m east of the host dwelling, and 4.3m set back from the rear elevation of Cottage Farm. As a result, the scheme does not result in any overbearing or loss of light impacts to the host dwelling.
- 8.17 The host dwelling does not contravene the 45-degree rule of any of the habitable rooms within the development, and consequently it is considered that the scheme does not result in any overlooking, loss of privacy, loss of light or an any overbearing impacts to the future occupiers of the development.
- 8.30 To comply with the Good Design Guide, three-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.31 It is considered that the proposal provides sufficient private outdoor amenity space to support the residential amenity of the future occupiers of the dwelling.

- 8.32 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

*Impact upon Parking Provision and Highway Safety*

- 8.33 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.34 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, “The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”
- 8.35 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.36 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.37 The development proposes no alterations to the existing access on to Barr Lane. The Local Highway Authority consider the existing access to be suitable for development.
- 8.38 The Proposed Site Layout demonstrates that there is sufficient parking and turning facilities for three vehicles, which are in accordance with Paragraph 3.151 of Part 3 of the Leicestershire Highway Design (LHDG) (Quantum of Parking), and Paragraph 3.165 of Part 3 of the LHDG (Parking Dimensions).
- 8.39 Given the above, while the location is not a sustainable one and the proposal does not comply with part b) of Policy DM17 the development is not considered to create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

*Planning Balance*

- 8.40 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.41 While the location is not a sustainable one and the proposal does not comply with part b) of Policy DM17 of the SADMP the development represents the re-use of a rural building, which is acceptable in principle in accordance with Policy DM4 of the SADMP, and Paragraph 80 of the NPPF. By virtue of its design, scale, and use of external materials the proposal respects the character of the surrounding area and safeguards the residential amenity of the future occupants of the scheme and neighbouring dwellings.
- 8.42 In addition, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.43 To summarise, it is considered that the benefits of the scheme outweigh any harm caused by this development, and therefore the proposal is acceptable and broadly in accordance with Policies DM1, DM4, DM10, DM17, and DM18 of the SADMP, the National Planning Policy Framework, and the Good Design Guide.

## **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 development is considered to be compliant with the relevant national and local policy as it:
- Is an appropriate scale and design.

- Does not have an adverse impact upon the character and appearance of the area.
- Retains over 80sqm of rear amenity space.
- Does not have a significant adverse impact upon the amenity of neighbours.
- Does not have a significant adverse impact upon highway safety.
- Provides sufficient vehicle parking spaces for off-street parking.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate 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 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 received by the Local Planning Authority as follows:
  - Existing Floor Plans and Elevations 22 05 01 A (submitted: 11.07.2023)
  - Existing and Proposed Site Layouts 22 05 PL05 A (submitted: 11.07.2023)
  - Proposed Elevations (22-05-PL03-B) (submitted: 14.07.2023)
  - Proposed Floor Plans (22-05-PL-02-B) (submitted: 14.07.2023)
  - Site Location Plan – Drg No. 22-05-PL01-A (submitted: 26.05.2023)

**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 proposed red brick and grey roof tile materials to be used on the external elevations of the proposed development shall match the corresponding materials 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. The cement fibreboard cladding to be used on the external elevations of the proposed development shall be Cedral Lap in Dark Grey C15 as agreed with the Applicant.

**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).

5. 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 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

**Reason:** To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with the Proposed Site Layout within the Existing and Proposed Site Layouts 22 05 PL05 A (submitted: 11.07.2023). Thereafter the onsite parking (and turning) provision shall be kept available for such use in perpetuity.

**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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

a. **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.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.