

Delegated Report

Planning Ref: 23/01002/REM
Applicant: Mr and Mrs Ward
Ward: Ratby, Bagworth and Thornton



Hinckley & Bosworth
Borough Council

Site: Ben Venuto, Thornton Lane, Markfield

Proposal: Approval of reserved matters (appearance and landscaping) relating to outline planning permission 23/00630/OUT for a new dwellinghouse

1. Recommendations

- 1.1. **Grant approval of reserved matters** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks the approval of reserved matters (appearance and landscaping) of outline planning permission 23/00630/OUT for the residential development of one dwelling.
- 2.2. The scheme proposes one, one-and-a-half storey detached dwelling with attached double garage. Internally there are three bedrooms proposed. Materials indicated on the drawings show concrete roof tiles and a combination of buff, blue and red brick elevations with beige render.
- 2.3. The dwelling would be sited in the garden of Ben Venuto with a new separate access from Thornton Lane. The dwelling would be set centrally within the plot, set back from Ben Venuto but in line with The Cove bungalow to the north east. Parking is provided to the front of the dwelling and within an attached garage.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located 800m southwest of the settlement boundary of Markfield, measuring approximately 0.7 acres (105m long, 25m wide). The application site also falls outside of the Markfield Parish Boundary and therefore outside the Markfield Neighbourhood Plan Boundary. The site forms part of a ribbon of linear development along Thornton Lane. The site is bound by residential development on all sides apart from the southeast which is open countryside.
- 3.2. The wider site ownership (excluding the application site) comprises of the two-storey, detached, five-bedroom dwelling known as Ben Venuto, which is on the western side of the plot. The site is accessed via Thornton Lane. According to the approved plans of application 05/00356/FUL, Ben Venuto externally measures 16.5m in width x 15m in depth, with a total footprint of 190.1sqm. The existing dwelling has a maximum roof ridge height of 8.8m, and an eaves height of 2.6m on the principal elevation. The residential property is approximately 15m set back from the highway.
- 3.3. Thornton Lane is an adopted, classified 'C' road that is subject to a 40mph speed limit. The street scene is verdant in nature, lined with trees and hedgerows making a significant contribution to the rural character of the area. The properties along Thornton Lane vary in size and design, but they are generally characterised as large, detached dwellings, which are within large plots that are well-screened by mature vegetation.

4. Relevant Planning History

23/00630/OUT

- Outline Application for the construction of a new custom build dwelling, all matters reserved except for scale, layout and access (resubmission of 23/00170/OUT)
- Permitted
- 06.09.2023

23/00170/OUT

- Outline application for the construction of a new dwellinghouse
- Refused
- 17.04.2023

17/01119/FUL

- Erection of detached dwelling
- Refused
- 22.12.2017
- Appeal dismissed- APP/K2420/W/18/3197114
- 14.08.2018

15/00717/FUL

- Erection of two detached dwellings
- Permitted
- 14.03.2016

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 representations have been received.

6. Consultation

- 6.1. The following Consultees have no objections some subject to conditions:
- LCC Highways
 - Ratby Parish Council
 - HBBC Environmental Services
 - Markfield Parish Council

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 16: Housing Density, Mix and Design
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - 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) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Self-Build and Custom Housebuilding Act 2015

7.4. Other relevant guidance

- Good Design Guide (2020)
- Highway Design Guide
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other Matters

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development and confirm that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.5. The proposal is located outside the settlement boundary of Markfield, which is identified as a Key Rural Centre in the adopted Core Strategy. The principle of development for one dwelling has been established by the extant outline planning permission reference 23/00630/OUT. The proposal would therefore be acceptable in terms of general strategic planning principles subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.6. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

- 8.7. The application site currently comprises the garden serving Ben Venuto, a two-storey detached dwelling. The site itself currently contains an outbuilding/shed which is understood to be removed as part of this development. The surrounding residential development is mixed in terms of scale and design.
- 8.8. It is considered that the proposal provides satisfactory space for the new dwelling which would be of appropriate size to complement neighbouring properties and would not appear cramped and contrived. The site layout plan shows that a new dwelling would provide adequate amenity and parking areas.
- 8.9. The proposed dwelling has been designed as a one-and-a-half storey/dormer bungalow style, with a semi-hipped roof and prominent gable projection. The use of an off-white render, red brick and red plain roof tiles is consistent with the neighbouring buildings and the wider street scene. The front gable with the vertical window and flat roof porch gives the building a more contemporary appearance but is not considered to be out of keeping with the street scene which contains a mix of styles. The pale colour of the buff brick and render reflects the cream stone of Charnwood House and Forest House and creates a harmonious relationship. Overall, the design, materials and general appearance of the dwelling is considered to be acceptable.
- 8.10. The proposed hard landscaping comprises of bridle block paving and golden pea gravel driveways which is considered to be a high-quality permeable material which complements the site and surrounding area appropriately. Boundary treatments would include new metal gates at the access point, with 1.8m timber fencing to subdivide the site from Ben Venuto. Again, this is considered appropriate and would complement the area visually.
- 8.11. In terms of soft landscaping, the retention of the existing access means that the hedgerow fronting Thornton Lane is retained, providing a good level of visual screening from the road which is synonymous with the wider street scene. The hedgerow between the site and The Cove bungalow is to be cut back but the majority will be retained, with all trees on site being retained. There would be some loss of grassed garden area as part of the development and hardstanding to the front and rear of the dwelling, however most of the existing garden area is to be retained and undeveloped.
- 8.12. In summary, it is considered that by virtue of the design, materials, and appropriate soft and hard landscaping, the proposed development would create a harmonious addition to the area and would not appear out of character with the surrounding area. The development would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.14. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable, and safe internal and external environment.
- 8.15. The dwelling is to be sited 15m to the north of Ben Venuto and 13.5m south of The Cove and would retain and enhance boundary treatments around the dwelling. The

design, siting, and relationship with the immediate neighbouring dwellings means that the development would not result in any loss of light or overshadowing impacts to either adjacent property. There are no principle windows on the side elevation facing The Cove, and only roof lights face Ben Venuto to the south west.

- 8.16. The proposed subdivision of the existing garden would retain adequate private amenity space to serve the occupiers of the existing dwelling and the future occupiers of proposed dwelling.
- 8.17. By virtue of the size of the plot and its relationship to neighbouring dwellings, (including the scale and layout of the dwelling and the position of any windows), the erection of one new dwelling would not cause any significant adverse overbearing impacts and together with satisfactory boundary treatments would be able to protect the privacy and amenity of neighbouring properties and future occupiers of the site from any significant loss of privacy from overlooking. The proposal would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.19. Access was a matter for consideration at the outline stage of the application and the details submitted with the outline application were considered acceptable with the proposed access arrangement sufficient to serve the development.
- 8.20. The submitted site layout plan indicates that appropriate off-street parking spaces and turning areas can be provided within the site to serve the dwelling and also to allow vehicles to manoeuvre and leave the site in a forward gear.
- 8.21. Subject to the imposition of conditions as part of the outline permission, which would be reasonable and necessary to ensure safe access, the proposed scheme would not result in any significant adverse impacts on highway or pedestrian safety and would therefore be in accordance with Policies DM17 and DM18 of the SADMP.

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 principle of development has been established through the outline permission 23/00630/OUT. By virtue of the proposed appearance and landscaping, the development would not result in any significant harm to the character or appearance of the surrounding area and would not result in any significant adverse impacts on the amenities of neighbouring properties or highway or pedestrian safety. The proposal would therefore be in accordance with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP and the proposal is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant approval of reserved matters subject to:

- Planning conditions outlined at the end of this report.

11.2. 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:

Proposed Site Plan – Job No. 22/114, Drawing No. 05

Proposed Plans, Elevations, and Materials – Job No. 22/114, Drawing no. 04b.

Site Location Plan – Job No. 22/114, Drawing No. 01

All received by the Local Planning Authority on 13th October 2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. The materials to be used on the external elevations of the dwelling hereby approved shall accord with the approved plan - Proposed Plans, Elevations, and Materials – Job No. 22/114, Drawing no. 04b.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The schedule of hard and soft landscaping works (including boundary treatments) for the site shall be carried out in full accordance with the approved plan - Proposed Site Plan – Job No. 22/114, Drawing No. 05. The approved landscaping scheme shall be maintained for a period of five years from the date of this permission. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2023).

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 or call 01455 238141.