

Delegated Report

Planning Ref: 24/00384/FUL
Applicant: Mr Fox
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 44 Newbold Road, Desford, Leicester

Proposal: Demolition of existing workshop and garages, erection of a detached dwelling and alterations to existing retained garage

1. Recommendations

- 1.1. **Grant planning permission** subject to
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. The proposal seeks full planning permission for the demolition of the existing workshop and garages, the erection of a detached dwelling, and alterations to the existing retained garage.
- 2.2. The proposed detached dwelling would be two-storeys in height, with a traditional pitched roof, with a two-storey rear extension and balcony on the first floor. The external materials would be off-white render on the front elevation and facing brickwork to all other elevations, with mock slate roof tiles. Architectural details include a timber entrance porch, ground floor bay window, brick window cills, and an eaves dentil course. The front elevation features a traditional design, whilst the fenestration details to the rear are contemporary.
- 2.3. The proposed dwelling would measure 4.9m at the eaves, 7.5m at the ridge, 7.4m in width and 13.5m in total length.
- 2.4. Following the initial submission, Officers requested amendments to the design of the proposed dwelling to ensure that it would be in keeping with the prevailing design of the street scene in order to comply with Policy DM10 of the Site Allocations and Development Management Policies DPD (SADMP) and Policy H7 of the Desford Neighbourhood Plan (DNP).

3. Description of the Site and Surrounding Area

- 3.1. The application site contains a detached two storey dwelling with a hipped roof, white rendered external finish and central feature stone cladding. To the west of the dwelling is a single storey flat roof double garage, and to the rear of this is a workshop (formerly a shop), also with a flat roof which is slightly taller. To the rear is a large garden measuring approximately 40m in length by 20m in width. Pedestrian and vehicular access to the site is gained from Newbold Road which forms the southern boundary of the application site, with a dropped kerb across the width of the plot. There is a low boundary wall fronting the dwelling, which is proposed to be removed as part of this application.
- 3.2. The site lies within the defined settlement for Desford in a predominantly residential area. The site lies immediately to the west of the Desford Conservation Area boundary and is adjacent to the grade II listed building Malthouse Cottages which date back to the 15th century but are now in use as a single dwelling.
- 3.3. The application site fronts onto Newbold Road and sits at a slightly lower level than the dwellings opposite, with a part hardstanding and part lawned front garden with

space for approximately three parked vehicles (including garage space). The surrounding area has a range of housing types which predominantly feature traditional style and designs facing the road.

4. Relevant Planning History

92/00451/4	Change of use of shop to domestic garage	Permission	23/06/1992
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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 and a notice was displayed in the local press.

5.2. No letters of representation have been received.

6. Consultation

6.1. Desford Parish Council – Objection – although the proposed plan shows adequate parking for three cars in front of the two properties, there is only space for two vehicles in front of No. 44, and three for the proposed dwelling. Request for adequate off-road parking for 6 cars in this already heavily congested section of Newbold Road.

6.2. No objections have been received from:

HBBC Environmental Services (condition added regarding Air Source Heat Pump)

HBBC Conservation Officer

HBBC Drainage

LCC Highways

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Desford Neighbourhood Plan (May 2021)

- Policy H1: Settlement Boundary
- Policy H5: Housing Mix
- Policy H6: Windfall Site Development
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy ENV5: Local Heritage Assets
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Desford Conservation Area Appraisal

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. Paragraph 2 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. Paragraph 12 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 adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Desford Neighbourhood Plan (2021).

8.4. Policy 8 of the Core Strategy seeks to support housing development within the Desford settlement boundary to deliver a minimum of 110 new dwellings. The site is in a sustainable location within the settlement boundary of Desford where there is generally a presumption in favour of such development.

8.5. Policy H5 of the DNP refers to housing mix and refers to a preference of 1-, 2- and 3-bedroom dwellings, however this is more specifically targeted at larger housing developments, not windfall developments such as this.

8.6. Policy H6: Windfall Site Development of the DNP states;

Small residential development proposals on infill and redevelopment sites will be supported, subject to proposals being well designed and meeting the relevant requirements set out in other policies in this Plan and Borough wide planning policies and where such development:

a) Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up areas of the Parish or where the site is closely surrounded by existing buildings;

b) Is within the Settlement Boundary;

c) Respects the character of each settlement in order to maintain its distinctive character and enhance it where possible;

d) Retains and enhances, where possible, existing important natural boundaries such as trees, hedges and streams;

e) Does not reduce garden space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the existing and future occupiers of the dwelling(s);

f) Does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with HBBC advice and Planning Guidance.

8.7. The proposed development is considered to accord with the criteria of this policy.

8.8. In addition, the site is within walking distance from a range of services and facilities within the village centre along with a bus service to Leicester. Therefore, the principle of residential development on the site would be acceptable in terms of adopted strategic planning policies, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

8.9. Policy DM10 in the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.10. Policy 8 in the Core Strategy requires new development to respect the character and appearance of the Desford Conservation Area by incorporating locally distinctive features of the conservation area into the development.

8.11. Policy H7 of the DNP states that all new development proposals of commercial one or more houses will need to satisfy the following design principles:

a) New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;

b) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more;

c) All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials. However, contemporary and innovative design and materials will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Roof and wall construction that follows technical best practice recommendations for integral bird nest boxes and bat breeding and roosting sites will be supported;

d) Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges preserved whenever possible;

e) Where possible, enclosure of plots should be of native hedging, wooden fencing, or brick/stone wall with ground-level gaps that maintain connectivity of habitat for hedgehogs;

f) Development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, such as high levels of thermal efficiency, water butts, photovoltaic cells and ground heat source pumps as appropriate; ensuring running costs are manageable;

g) Security lighting should be operated by intruder switching, not on constantly. Maximum light spillage onto bat foraging corridors should be 1lux;

h) Development should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; ensure appropriate provision for the storage of waste, recyclable materials and rain water for use in gardens. The Drainage Hierarchy (Planning Practice Guidance Paragraph 80) should be applied to ensure that where possible, surface water is directed towards infiltration or watercourses before considering the use of the sewerage system;

i) Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting;

j) Properties, where appropriate, should have built-in facilities for wildlife, for example, bee bricks and swift boxes.

- 8.12. The proposed new dwelling would be built on land currently used for a garage and workshop. It is considered that the current appearance of this part of the site and street scene is unattractive due to the poor appearance and uncharacteristic design of these buildings. Therefore, the introduction of a well-designed dwelling in this location would result in a minor improvement to the character of the street scene.
- 8.13. The proposed dwelling would be of a scale proportionate to that of the neighbouring dwellings within the street scene, with a design which assimilates well with the prevailing traditional characteristics of the street scene. The material choices and architectural features are appropriate in this context, and the dwelling is considered to be well designed overall.
- 8.14. Although some hard and soft landscaping has been lost to the front of the dwelling, it is not considered that the existing landscaping was contributing greatly to the character of the area. The proposal does feature a side boundary hedgerow and some planting, which is acceptable. The lawned area has been removed to make way for off-street parking space which, whilst regrettable, is required in order to attempt to comply with DNP Policy H7 in terms of parking space.
- 8.15. Overall, it is considered that the proposal would not cause harm to the character and appearance of the area and would assimilate well within the street scene. As such the proposal is considered to be in accordance with Policy 8 of the Core Strategy, Policies DM10 of the SADMP, and Policy H7 of the DNP.

Impact upon heritage assets

- 8.16. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of a designated heritage asset when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.17. Policy DM11 of the adopted SADMP seeks to protect, conserve and enhance the historic environment. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the heritage asset and its setting, the impact of the proposal on the significance of the asset and its setting, how the benefits of the proposal will outweigh any harm caused.
- 8.18. The existing property 44 Newbold Road is a detached mid-20th century dwelling of no particular historic or architectural interest. Properties from a similar age extend further westwards along Newbold Road. These dwellings contrast from the smaller scale and higher density built form of a traditional character and appearance contained within the conservation area immediately to the east of the application

site. The application site makes no direct contribution to the significance of the conservation area or the adjacent listed building. Due the typical mid-20th century form and appearance of 44 Newbold Road, it is considered at best to be neutral presence within the immediate setting of these two heritage assets. It is possible that due to the poor appearance and uncharacteristic design of the garages to the side of the 44 Newbold Road that these structures could be considered to be a minor negative presence within the setting of the conservation and the listed building.

- 8.19. The proposal seeks to demolish the workshop and garages to the side of 44 Newbold Road and erect a detached dwelling. The proposed siting, scale, form, architectural detailing and construction materials of the proposed dwelling would reflect and respect the prevailing character of built form of adjacent dwellings and the extended built form of Newbold Road further to the west. The removal of the garages could be considered to result in a very minor enhancement to the character of the setting of the conservation area and listed building. Overall, there would be no adverse impacts upon the significance of the Desford Conservation Area and the listed building Malthouse Cottages resulting from this proposal which is sited within their immediate setting. As a result, the proposal would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.20. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.21. The proposed dwelling would achieve adequate separation from both neighbouring boundaries to the east and west and would therefore not lead to any overbearing or over dominant impacts. The proposed 1.8m fencing around the perimeter of the plot would also protect neighbouring amenity and is a suitable boundary treatment for this location.
- 8.22. The proposed dwelling would comply with the 45-degree rule and would therefore not result in any overbearing or over dominant impacts. The windows on side elevations facing neighbouring dwellings either serve bathrooms and have been conditioned to be obscurely glazed or serve a hallway, which is considered acceptable.
- 8.23. There is a balcony proposed on the rear elevation which would project 0.9m from the rear elevation, measuring 2.4m in width. The balcony is sited 2m from the boundary to the east (No. 44) and 5.2m from the boundary to the west (No. 46). Due to the size and siting of the balcony, it is not considered that it would result in any unacceptable overlooking/loss of privacy impacts to neighbouring dwellings.
- 8.24. The existing rear garden has been split equally between No. 44 and the proposed dwelling, both measuring approximately 10m in width and 40m in length, which is more than adequate for dwellings of this size.
- 8.25. In order to ensure that neighbouring amenity is protected in future, a condition has been recommended to remove permitted development rights for extensions to the dwelling so that they can be appropriately assessed by the LPA if proposed.
- 8.26. Based on the above the proposal would not cause harm to the residential amenities of neighbouring properties by virtue of overlooking, loss of privacy and loss of daylight. As such, the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.27. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision. Policy H7 of the DNP states that a minimum of three parking spaces for dwellings of four bedrooms or more should be provided for new housing developments of one dwelling or more.
- 8.28. The proposal involves the subdivision of the plot to create a new 4-bed dwellings, resulting in two 4-bed dwellings in total. The existing property has at least three off-street parking spaces.
- 8.29. Whilst the submitted plans demonstrate that both dwellings will provide three off-street parking spaces, the spaces to the front of 44 Newbold Road (the existing dwelling) appear to be inadequate and could in practice only have enough space for two cars parked horizontally, and would therefore have some minor conflict with Policy H7 of the DNP. The proposed dwelling provides sufficient space for three vehicles.
- 8.30. Desford Parish Council has expressed concern about the insufficient spaces provided for six vehicles (total) and the associated congestion along Newbold Road.
- 8.31. The Highway Authority have no objections to the proposal and refer to standing advice, and it is noted that Newbold Road has unrestricted parking opposite the site. Although the existing dwelling could lose one off-street parking space, Officers acknowledge the location of the site which is approximately 0.5km to the centre of Desford, and is therefore walkable to a range of services and facilities, including buses into Leicester. Therefore, on balance, it is considered that the proposal would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP, despite some minor conflict with Policy H7 of the DNP.

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 and Planning Balance

- 10.1. The site lies within the defined settlement boundary of Desford. By virtue of the appropriate scale, siting, mass, and design, the proposal would not significantly alter the character of the street scene and would result in a minor improvement to the character of the area when compared to the existing situation. Furthermore, the proposal would not cause any harm to the setting of the neighbouring listed building.
- 10.2. Due to the Borough's lack of a 5-year housing land supply, paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, the development largely complies with the Development Plan, and the benefits of the development clearly and demonstrably outweigh any limited harm identified.
- 10.3. In summary, the proposal would not have any significant adverse impacts upon residential amenity, or on vehicular or pedestrian safety. Whilst there is some identified conflict with Policy H7 of the DNP in terms of parking provision, it is considered that the specific characteristics of the site and proposal would not result in significant harm in terms of parking provision or road congestion. It is considered that the proposed development would be in accordance with Policies DM10, DM11, DM12, DM17 and DM18 of the SADMP and would be in broad accordance with the Policies of the Desford Neighbourhood Plan. Therefore, the proposal 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 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 - Dwg. no. AVD-808-NRD-PL01
- Proposed Site Plan - Dwg. no. AVD-808-NRD-PL02 Rev. C
- Proposed Plans and Elevations - Dwg. no. AVD-808-NRD-PL03 Rev. C

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

4. No development above foundation level of the proposed dwelling hereby approved shall commence until full details of the finished floor levels have been provided, of the ground floor of the proposed dwelling in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site with the finished floor levels of the proposed dwelling. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between the buildings along Newbold Road in accordance with Policies DM10 of the SADMP (2016).

5. No development above foundation level shall commence until details of the specification (including noise levels) of the air source heat pump have been submitted to and approved by the Local Planning Authority. This will include measurements of the distance between the Air Source heat pump and the boundary fence and nearest window of the neighbouring property.

Reason: To ensure that the development does not lead to unacceptable levels of noise in the interests of neighbouring amenity, in accordance with Policy DM10 of the SADMP (2016).

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-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 safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Notwithstanding the approved plans, all windows serving bathrooms, WCs and en-suites shall be fitted with obscure glazing to a minimum level of 3 on the Pilkington Scale. The windows shall be permanently maintained as such thereafter.

Reason: To help safeguard the privacy and amenity of occupiers and neighbours in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall take place above foundation level until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The landscaping scheme shall include the provision of trees. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. 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 Policy 21 of the Core Strategy and Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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 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 soakaway will be subject to the approval of the Building Control Surveyor.
3. Any proposed 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).