

Planning Appeal – Full Statement of Case

Change of use from a garage (Sui Generis) to a Residential Flat (C3)

Regent Court, Regent Street, Hinckley Leicestershire

Planning Application Reference: 25/01085/FUL

Appeal Reference: APP/

Doc Ref. AVD-971-RCH-PA (REV -)

Prepared on behalf of the Appellant

Mr Chawda

1. Introduction.

On the 18th December 2026, Rugby Borough Planning Authority refused Planning permission for the Change of use from a garage (Sui Generis) to a Residential Flat (C3) at Regent Court, Regent Street, Hinckley Leicestershire

This Full Statement of Case represents the Appellants case for the Appeal.

The main use and purpose for the conversion was to provide residential dwelling.

2. Description of Proposal Site & Surrounding Area.

Site History

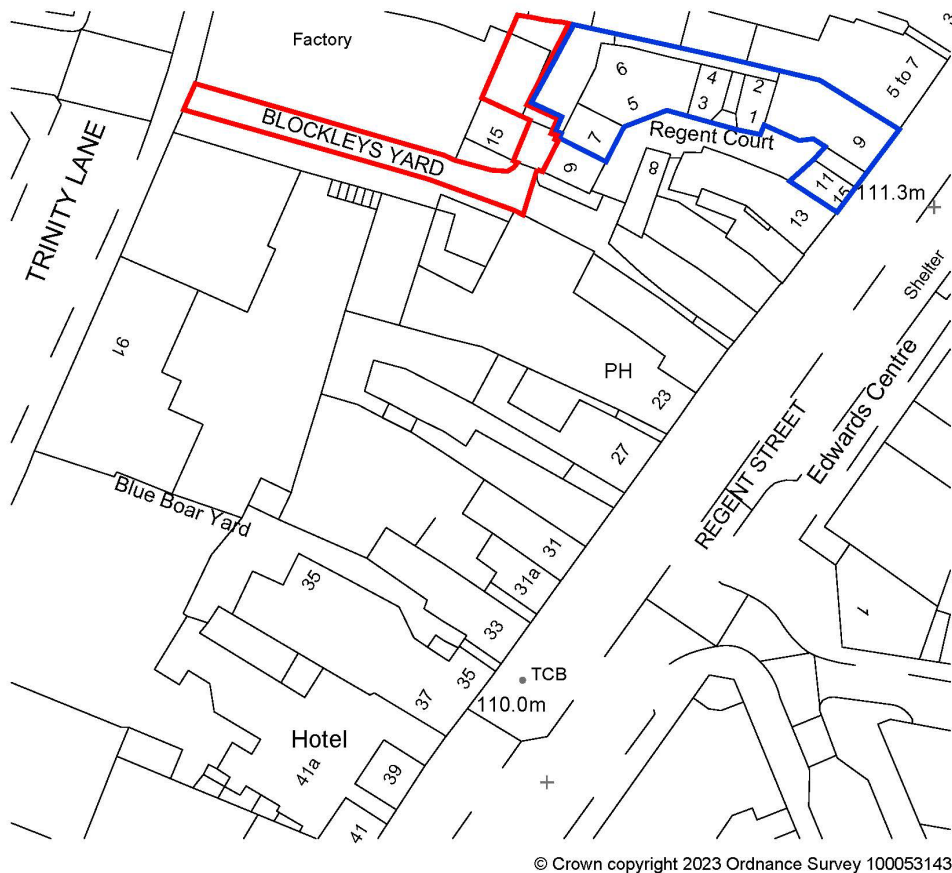


Fig 1. Location Plan

The site sits within Regent Court which can be accessed from Regent Street or via Blockleys Yard.

The existing building consists of 3 block garage which is being used as storage, which can be accessed via an existing arch off Blockleys Yard.

The application site is close to other Residential, retail and commercial business's with being central to Hinckley Town Centre.

The front elevation of the Garages fronts an existing 2 storey building which provides access to the Flat 5A Regent Court via at first floor level via an existing steel stairway leading up to the flat. There is an existing entrance door and 2 small existing windows that all have obscured glazing. The Garges adjoin with No. 15 Regent Court that also has access from the same courtyard.

There is no known specific date for when the garages were likely built but judging by the brickwork it may have been from the 1980's onwards.

The existing garages consist of brickwork, blockwork and a tiled lean-to roof.

Site Photographs



Fig 2. Existing Garages



Fig 3. Site Access (Internal view)



Fig 4. Site Access (Street view)



Fig 5. Site Access (Internal view)

3. Description of Proposal.

The Planning application seeks Change of use from a garage (Sui Generis) to a Residential Flat (C3)

4. Planning Policy.

The Planning Policy background set out as below:

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- 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

4.2. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- National Space Standards (2025)

4.3. Other relevant guidance:

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Housing Needs Study (2024)

5. The Case for the Appellant.

The Planning Application was refused on the 18th December 2025 for reasons as set out below;

(Reason) 1.

1. By virtue of the design, siting and layout of the proposed dwelling, the proposal

would result in a poor standard of accommodation for future occupants by

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means of insufficient outlook, overlooking, loss of privacy, overshadowing, loss of natural light and sense of enclosure. The proposed development is therefore in conflict with Policy DM10 of the SADMP, Paragraph 135 of the NPPF and the aims of the Council's Good Design Guide.

(Reason) 2.

2. Insufficient information has been provided by the applicant for the Local Planning Authority to adequately assess any potential adverse noise transfer from the adjoining commercial properties. The proposed development is therefore in conflict with Policies DM7 and DM10 of the SADMP, Paragraph 135 of the NPPF and the aims of the Council's Good Design Guide.

5.1 Each sub-reason shall be examined below:

Before the below reasons are examined the Agent or applicant there not contacted during the process to have the opportunity to resolve any of the issues outlined, even though the Planning refusal letter states:

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner.

The Planning Officer or validation team did not request a noise survey during the process as to be addressed in Reason 2, which could have been provided, if requested.

Reason 1:

In reason 1 it outlines that the proposal would result in a poor standard of accommodation with the following areas to be addressed:

1. Insufficient outlook

It was notated in the Planning Report:

That principal windows to habitable rooms to maintain a separation distance of at least 8m from a blank single storey elevation and 14m from a two-storey property. The existing 5m separation distance is therefore well below adopted standards. Therefore, the proposal would result in a poor standard of outlook for future occupants.

The outlook is not an issue when considering this is a Courtyard arrangement of buildings and the outlook is not directly onto any other residential windows at ground level that may impose any privacy issues.

The area would have been improved with landscaping designs to improve the outlook, and would have been dealt with by condition if permission was granted.

There are other first floor residential accommodations within Regent Courtyard and the outlook is of similar distances, which has not been considered by the Planning Officer as a comparison.

In 2022 a Planning application (Planning Ref. 22/00710/FUL) was submitted for a Two Storey rear extension to property and part change of use to class C1/Class C2, which would have meant extending and building over the existing garage block.

This application was withdrawn at the time and details of this are not important as part of this appeal case but what I would like to address as part of this appeal in support, the appellant did have email communication with a Planning Officer on the development of the opportunity of the development being considered for Residential (this email communication will be included as part of Annex A) and part of the email outlined:

Further to the above concerns, I can confirm both myself and my manager agree that a proposal of either a large one bedroom or two bedroom apartment would be suitable proposal, to be sited at first floor level. Secondly, I also agree with your suggestion to provide a residential apartment within the ground floor of the proposed development. Indeed, given the current climate/demand for retail units it may be a more viable proposal – in terms of encouraging occupation. Furthermore, a two storey development within the proposal site would create a “mews style” development. Therefore, notwithstanding submission of amended designs, I am most likely to support a revised application/development that contains only residential units as described above.

Regardless of whether the proposal is 1 storey or 2 storey, the distances would be the exact same between existing and proposed structures, and it wasn't considered to be an issue of outlooks at the time of writing.

It is fully appreciated that this was not a Planning application that was consulted on or approved but the Design standards are still the same at the time of submitting the Planning application for the conversion of the garages.

2. Overlooking and loss of privacy

It was noted in the Planning Report:

The first-floor flat opposite at 5A Regent Court has an exposed staircase leading to a partly glazed door, with windows to the facing elevation. Due to the insufficient separation distance between the proposed and existing flats, the proposal would result in overlooking and loss of privacy for future occupants of the proposed flat and its associated garden.

The Flat at No. 5A that acquired Planning Permission 10th March 2024 as per Planning Ref. 24/00028/FUL has one door and 2 windows at first floor level which all have obscured glazing, so, there is no direct overlooking from Flat 5A onto the proposed dwelling. The Flat at 5A is a 1 bedroom flat and the foot traffic is very minimal and there are no direct habitable windows overlooking the proposed site.



Fig 4. Flat 5A obscured windows and door



Fig 5. Flat 5A obscured door



Fig 6. Flat 5A obscured windows

3. overshadowing, loss of natural light and sense of enclosure

It was notated in the Planning Report:

Due to the single storey and backland nature of the application site, which is enclosed by two storey buildings directly to the east and south, future occupants of the proposed flat would be subjected to an adverse degree of overshadowing and loss of sunlight throughout the day and resulting in a poor standard of residential amenity. Similarly, the overall site context would result in overbearing impact and sense of enclosure for future occupants.

If requested during the Planning application process, then a Daylight report could have been submitted in support as evidence but unfortunately this wasn't requested. However, in support of the appeal a Daylight Survey was carried out by Sunlight Assessments UK and the results of this was no impact and as such the documents outlined in the overall scheme performance:

'Taken together, the SDA and SE results confirm that the proposed development provides good internal daylight and sunlight performance, with all habitable rooms comfortably meeting BRE expectations for new-build residential developments.'

The documents prepared by Sunlight Assessments UK shall be submitted as part of this Appeal Case.

Reason 2:

In reason 2 it outlines that the proposal would result in a poor standard of accommodation with the following areas to be addressed:

1. Insufficient information has been provided by the applicant for the Local Planning Authority to adequately assess any potential adverse noise transfer from the adjoining commercial properties.

It was notated in the Planning Report:

As the site immediately adjoins commercial uses, future occupants could be subjected to unacceptable levels of noise and disturbance. Insufficient details have been provided by the application regarding a noise assessment and any subsequent requirement for sound insulation if required.

Again, if requested during the Planning application process, then a Noise report could have been submitted in support as evidence but unfortunately this wasn't requested. However, in support of the appeal a Noise report was carried out by DAA Group and the results of this was no impact and as such the documents outlined in the conclusion:

'It is concluded that, the impact of noise will not prejudice the amenities of any future occupants'.

The documents prepared by DAA Group shall be submitted as part of this Appeal Case.

6. Consultee Responses:

As part of the Consultation Period there were no objections from consultees as outlined below

- HBBC Drainage – No objections
- HBBC Environmental Services Pollution – Concerns relating to noise transfer from the adjoining building
- HBBC Waste – No objection, subject to conditions
- LCC Ecology – No objection, subject to conditions
- LHA – No objections, subject to informative regrading PROW

7. Neighbour Objections:

None

8. Summary.

1 Bedroom dwelling proposed in a secure gated courtyard.

Highway – Evidence suggests there is no impact on the Public Highway

Design – suitably scaled, proportionate and in context to the surroundings.

Impact – Zero to neighbours.

Sustainability – no impact to Climate Change and Sustainable Design

Ecology – No impact

Location – No impact on the Conservation area, Heritage assets and listed Buildings, and not within flood plain and not within a Green Belt zone.

9. Conclusion.

The site should be considered on its own merits as a development opportunity that performs well against the sustainable development objectives identified NPPF and local policies.

The applicant has demonstrated that the proposed development has been informed by, and is sympathetic to, landscape character and quality, and that it will contribute to landscape enhancement and shows proper regard for the relationship of the site to its surrounding area.

It should be considered that the 1 bedroom dwelling that accords with the National Space Standards and making good use of existing buildings that offers minimal impact on the surrounding landscape should be considered in a positive manner.

The proposed ground-floor, single-bedroom dwelling occupies a highly accessible position within a secure, gated courtyard, in a prime location to Hinckley Town Centre. This location and layout render the unit suitable for a diverse range of prospective occupants, including single persons, married couples, and elderly individuals seeking a manageable retirement residence. Furthermore, the dwelling could be easily configured to meet the needs of a person with a disability, maybe a wheelchair user, for whom convenient and level access to the town centre would be of fundamental importance in supporting independent living

Adequate justification has been submitted to demonstrate that the proposal would not constitute inappropriate development and does not have significant adverse.

There are no objections raised by neighbours and other Consultees.

The councils' reasons for refusal are not justified, and the inspector is respectfully requested to allow this appeal and grant planning permission.

Annex A

Refer to Planning Email Referenced `Annex A – EMAIL` in support of Page 7 and this appeal case.