

Delegated Report

Planning Ref: 23/01028/FUL
Applicant: Mr John Marsh
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 12 The Common, Barwell

Proposal: Single storey detached bungalow with associated parking, vehicle and pedestrian access (Re-submission)

1. Recommendations

- 1.1. **Refuse planning permission** for the reasons set out at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for a new one bedroom detached bungalow with associated parking, vehicle and pedestrian access.
- 2.2. The proposed bungalow will be 9.3m wide and 5.3m deep. The roof is 5.1m at the ridge and 2.9m to the eaves.
- 2.3. The proposed bungalow will be finished with bricks, windows and roof tiles to match other buildings in the immediate vicinity.
- 2.4. Vehicular access would be via the existing drive and would be shared by 12 The Common and the proposed dwelling.
- 2.5. The application is a revised scheme following the refusal of a larger two-bed bungalow on the site in August 2023.

3. Description of the site and surrounding area

- 3.1. The site is currently part of the rear garden area to 12 The Common, Barwell. To the northwest lies a car garage, to the south west 14a The Common and to the south east 14 The Common.
- 3.2. The existing street scene has no distinguishable style, containing a mix of detached, semi-detached and terraced two storey houses and bungalows.

4. Relevant planning history

- 23/00185/FUL. Proposed single storey detached bungalow with associated parking, vehicle and pedestrian access – Refused August 2023.

5. Publicity

- 5.1. Neighbours were notified of the application and site notice was put up in the vicinity. One objection was received regarding overlooking, parking and highways safety concerns.

6. Consultation

- 7.1. No objections have been received from:
- HBBC Waste
 - HBBC Pollution
 - HBBC Drainage (advisory notes)
 - LCC Highways (recommended condition)
- 7.2. Barwell Parish Council have objected on the grounds of overdevelopment and residential amenity.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (GDG) (2019)
- National Design Guide (2019)

8. Appraisal

8.1. It is considered that the key issues in the determination of this application are:

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

Assessment against strategic planning policies

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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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.

8.3. 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. Policy 7 seeks to support key rural centres and ensure they can provide key services housing development within the settlement boundary will be supported. Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets 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.

8.4. Hinckley and Bosworth Borough Council are unable to demonstrate five years of deliverable housing. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) 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.

- 8.5. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

Design and impact on the character of the area

- 8.6. Policy DM10 of the adopted 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 area has no distinctive character. The Council's Good Design Guide (GDG) sets out that where an existing plot is proposed to be subdivided to create additional development in 'backland' locations it will require clear and convincing justification in relation to its context.
- 8.8. The GDG states that gardens are an important part of the quality of life afforded by a house. The proposed bungalow will have garden space to the front and side to provide private amenity space, which meets the minimum garden length set out in the GDG. The private garden area though would be just 7.6m from the first floor habitable room windows to the rear of 10 The Common.
- 8.9. The remaining rear garden at 12 The Common would be largely taken up to provide parking space for two vehicles. Due to this, the proposed rear garden at 12 The Common is not considered to provide sufficient suitable outdoor private amenity space for its future occupants.
- 8.10. It is considered that the overall effect of the proposal represents a significant overdevelopment of the site resulting in a cramped and uncharacteristic development that is at odds with the character of the surrounding area which is of modestly sized houses set within comparatively generous gardens.
- 8.11. Taking all the above issues into account it is considered that the proposal is a cramped overdevelopment of the site that is significantly uncharacteristic of the prevailing character of the surrounding area and would not provide sufficient outdoor amenity space, thus conflicting with SADMP Policy DM10.

Impact upon residential amenity

- 8.12. By virtue of the height and siting of the proposed bungalow it is considered that the dwelling would not have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties. Paragraph 130 f) requires that decisions should ensure that developments create places that have a high standard of amenity for future users.
- 8.13. For the reasons set out above it is considered that the proposal would fail to provide both future occupiers and the occupiers of 12 The Common with sufficient private amenity space thus failing to provide an adequate level of amenity for the occupiers of the two dwellings.

- 8.14. In light of the above and as set out above the proposal would fail to comply with Policy DM10 of the SADMP and the GDG.

Impact upon highway safety

- 8.15. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking. The Leicestershire Highways Design Guide states houses of 2 or more bedrooms should have at least two parking spaces.
- 8.16. The proposed plans provide off-street parking for two vehicles for the proposed dwellings and two spaces within the remaining garden area for 12 The Common. This level of provision is considered to be adequate to serve the proposed bungalow and to be in accordance with Policies DM17 and DM18 of the SADMP and the local highway authority 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.

10. Conclusion

- 10.1. The proposed development represents a cramped overdevelopment of the site. In addition the proposed outdoor amenity spaces would be compromised by vehicle parking. This would result in a significant lack of private, outdoor amenity space for future occupants of the proposed dwellings and occupants of 12 The Common. The proposed development is therefore contrary to Policy DM10 of the SADMP and the requirements of paragraph 130 of the NPPF.

11. Recommendation

Refuse planning permission for the following reasons:

- 11.1 Non-compliance with Policy DM10, due to a lack of private outdoor amenity space and the overdevelopment of the site that is significantly at odds with the character of the surrounding area.