



Appeal Decision

Site visit made on 8 July 2026

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2026

Appeal Ref: 6008411

Regent Court, Regent Street, Hinckley, Leicestershire, LE10 0AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chawda against Hinckley & Bosworth Borough Council.
 - The application Ref is 25/01085/FUL.
 - The development proposed is change of use from a garage (sui generis) to a residential flat (C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find it describes the proposal more concisely than that on the application form.

Main Issue

3. The main issues are the impact of the proposal upon residential amenity of future occupants with regard to outlook, overlooking, loss of privacy, overshadowing, natural light, sense of enclosure and noise from (from the adjoining commercial properties).

Reasons

4. The appeal site is a single storey mono-pitched 3 bay garage building to the rear of Regent Court, accessed from Regent Street or via Blockley's Yard within Hinckley's town centre as well as falling within the Hinckley Town Centre Conservation Area (CA). The appeal site consists of a building constructed of brick work, block work with a tile lean-to roof with the proposal seeking to change the use to a one-bedroom flat. The Council's refusal reasons are specific to the impact of the proposal upon the residential amenity of future occupants. No other reasons for refusal were identified, including any impact upon the CA as a designated heritage asset, and I have no reason to conclude differently. The appeal will therefore focus upon the appeal proposal in the context of the main issue identified above.
5. The appeal site is a backland site accessed via an archway and adjoining a commercial premises consisting of commercial town centre uses including retail and/or showroom uses and a tattoo studio. The front elevation of the building is directly opposite, and therefore facing, a two-storey building comprising of the rear blank elevation of the commercial uses (fronting onto Regent Court). There is a flat at first floor level which would share the entrance archway, with an entrance door at first floor accessed via an exposed staircase leading up to it. There is a separation

- distance of in the region of 5 metres between the front elevation of the appeal site building and the two-storey building opposite.
6. The first-floor flat opposite (5A Regent Court) has windows to the facing elevation. The windows and doors in question are obscurely glazed which would limit any perceived impact in terms of overlooking and loss of privacy for future occupants of the proposal and its associated garden. There would be some intervisibility as a result of comings and goings from 5A Regent Court, including utilisation of the exposed staircase, but I do not consider this general activity and relationship to be sufficient to warrant refusal given the generally expected visual interaction and relationships of residential units, and units, within a town centre location. I do not find, therefore, that the separation distance between the proposed and existing flats would result in unacceptable overlooking or loss of privacy for future occupants.
 7. The nature of the backland site, enclosed by two storey buildings directly to the east and south, would result in some sense of enclosure due to the appeal site's positioning. The appellant has submitted a sunlight and daylight assessment which is based on a computer simulation, and which concludes that the proposed development would provide good internal daylight and sunlight performance with all habitable rooms meeting expectations for new build developments. Based upon the evidence before me the proposal would provide appropriate levels of internal daylight and sunlight within habitable rooms. The application is not supported, specifically, by an assessment with regard to potential overshadowing with sunlight levels and overshadowing being different concepts albeit closely related.
 8. Notwithstanding the acknowledged daylight and sunlight report, I have concern based upon the submissions before me that the future occupiers of the proposal could still be subject to unacceptable levels of overshadowing and, in turn, a sense of enclosure and restricted outlook. A separation distance in the region of 5 metres between the front elevation of the appeal site building and the two-storey building opposite would fall below the guidance within the Good Design Guide 2020 which requires principal windows to habitable rooms to maintain a separation distance of at least 8 metres from a blank, single storey elevation and 14 metres from a two-storey property. The separation distance, in the region of 5 metres, is therefore notably below this guidance which seeks to achieve appropriate standards of outlook for future occupants.
 9. Whilst a proposed development may demonstrate compliance with accepted standards for daylight and natural illumination, this should not be conflated with the separate planning consideration of outlook. Daylight assessments primarily consider the quantity of natural light available within habitable rooms, whereas outlook relates to the quality of the visual environment experienced by future occupiers, including openness, enclosure and the perception of space. In this case, the proposal's single-aspect design means that the principal habitable rooms would rely exclusively on elevations facing built form in close proximity. Consequently, notwithstanding that adequate levels of daylight may be achieved, future occupants would experience a constrained outlook characterised by a sense of enclosure and limited visual amenity due to the siting and layout.
 10. It is therefore important that the acceptability of daylight performance is not relied upon as evidence that the proposal also provides an appropriate standard of outlook, as these are distinct considerations which should be assessed independently. It is noted that every application needs to be assessed on its own

merits but the guidance, aimed at backland sites, is clear in its objective to result in appropriate levels of amenity for existing and future occupiers in all regards.

11. The appellant has submitted, as part of the appeal, a noise impact assessment. Sound surveys are stated to have been carried out with the report ultimately concluding that the impact of noise from activity in the vicinity would not prejudice the amenities of any future occupants subject to appropriate sound insulation and specifications as set out within that report. Had the proposal been acceptable in all other regards, such measures could reasonably have been secured by condition attached to any planning permission granted.
12. The proposal would be contrary to Site Allocations and Development Management Policies Development Plan Document 2016 Policy DM10 which requires the amenity of occupiers of the proposed development to not be adversely affected by activities in the vicinity of the site, paragraph 135 of the Framework which seeks to ensure a high standard of amenity for existing and future users and the guidance within the council's Good Design Guide which seeks to achieve an appropriate standard of amenity through the development of backland sites with particular regard to separation distances.
13. The Council's delegated report sets out that it is unlikely the Council would be able to demonstrate a 5-Year Housing Land Supply once the revised position is published. On this basis the proposal would fall to be considered in the context of a tilted balance in line with paragraph 11(d) of the National Planning Policy Framework 2024 (the Framework) which requires planning permission to be granted unless 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
14. In the context of a planning balance, therefore, it is acknowledged that the proposal would contribute a single residential dwelling in a sustainable location utilising a previously developed site. I attribute modest weight to what would, ultimately, be a contribution of a 1-bedroom dwelling in the context of overall housing supply but, nonetheless, it is a benefit. There would also be short term economic benefits associate with the construction works as well as ongoing benefits, albeit limited, as to an occupant living within the location and utilising surrounding services which would attract modest weight.
15. The proposal would, however, for the reasons outlined above, result in a notably sub-standard unit of accommodation with unacceptable impacts with regard to the amenity of future occupiers with regard to outlook and sense of enclosure as a result of surrounding development and the separation distances in question. I find that the proposal would, therefore, result in a poor standard of accommodation which would fail to create a place with a high standard of amenity for future users. On balance, therefore the adverse impacts of granting permission of granting permission for a single unit with substandard levels of amenity for future occupiers would significantly and demonstrably outweigh the limited benefit of the unit.

Other Matters

16. The appellant has made comment regarding a lack of contact from the Council during the determination period; however, this is outside the scope of this appeal

which is not accompanied by an application for costs. The applicant also makes reference to email correspondence, attached to their statement of case, but this relates to a different application (22/00710/FUL) for which I have no further information such as plans, only the appellant's commentary. I have considered the proposals before me on their own merits at the point of determination. It is acknowledged that there are no objections, however, a lack of objection is a neutral consideration.

17. The Council's second refusal reason refers to Policy DM7 which relates to preventing pollution and flooding. Based upon the evidence before me I do not find that the proposal would cause noise or general impact of the nature which this policy seeks to avoid ((d) and therefore find the application of Policy DM7 to be limited in the context of the main issues for this proposal within this appeal.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR