

Delegated Report

Planning Ref: 24/00468/CONDIT
Applicant: Mr and Mrs Anderson and Davies
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Sketchley Hill House, Rugby Road, Burbage, Hinckley

Proposal: Variation of condition 2 (approved plans) on planning permission 22/00236/FUL. Amendment to Plot 1

1. Recommendations

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

2. Planning Application Description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.
- 2.2. In this case, planning permission for application 22/00236/FUL granted full planning permission for the erection of 3 dwellings on land to the rear of Sketchley Hill House. Changes are now sought to all three dwellings with each the subject of a separate application for variations to the approved plans. Work has already commenced on site following the discharge of pre-commencement conditions relating to application 22/00236/FUL.
- 2.3. Plot 1 is located on the western boundary of the site. It remains much as previously sited and comes no closer to the western boundary. The roof remains as originally approved and is no higher. Revised plans have been received to address concerns regarding overlooking and loss of privacy. The alterations sought are as follows:
- The dwelling extends 1.5m closer to the northern boundary but at ground floor level only – the two storey element remains the same distance from this boundary as originally approved
 - The dwelling extends 1.1m closer to the south where it would be located at least 11 metres from the access road. The garden reduces in size but it still provides over 120 square metres of private garden area
 - The projecting gable extends 0.55m to the east and closer to the garage. The upper floor windows are 7.7m from the eastern boundary of the site
 - A small two storey flat roofed bay is provided to the main gable to the south of the main entrance
 - The number of obscure glazed windows on the rear elevation is reduced from four to two
 - The main window to the master bedroom is shifted from the eastern elevation to the southern elevation
 - The kitchen is shifted from the north to the south
 - Windows on the northern elevation at ground floor change from the main kitchen window to a boot room window, an office window and a stained glass hall window
 - The overall design of the dwelling is less contemporary and more traditional that originally approved

- Four skylights are provided to the rear elevation. These are all either obscure glazed or set at least 1.7 metres above floor level
- Chimneys are proposed to the north and south elevations of the dwelling
- Materials are specified as red brick, dark grey concrete roof tiles, dark grey fascias, soffits, window frames, doors frames and rainwater goods, sandstone to the projecting bays and reconstituted stone headers, cills, window surrounds and banding and an oak-framed porch. A condition is attached regarding materials

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Burbage and on the north side of Rugby Road to the rear of Sketchley Hill House, which is a large two storey dwelling with a parking area, driveway and extensive gardens and an approximate site area of 0.52 hectares. The site is surrounded by residential development on all sides.
- 3.2. Rugby Road is characterised by a range of dwellings of different sizes, types and styles. Dwellings are predominantly traditional though. To the immediate south of the site are bungalows, and to the north, west and east dwellings are two storey.
- 3.3. Historic mapping shows that the site had its own access on to Rugby Road adjacent to but separate from the access to Sketchley Hill House. The site contained several fruit trees, and the likelihood is that it was an orchard with its own access separate from the curtilage of Sketchley Hill House. Four of the trees on the site are protected by Tree Preservation Order. In addition there are several non-protected trees. The site is bounded by hedges in addition to fencing in parts on each boundary.
- 3.4. As a result of the discharge of Condition 4 of planning permission 22/00236/FUL, which related to surface water drainage, a gravity solution has been approved which has resulted in the ground floor level of all three houses being raised above the existing ground levels by up to 1m in the case of each of the three plots.

4. Relevant Planning History

24/00281/DISCON – Application to discharge Condition 4 (Surface water drainage scheme) on planning permission 22/00236/FUL. Discharged May 2024

23/00794/DISCON – Application to discharge Conditions 3 (Materials), 4 (Drainage), 12 (Waste and Recycling) attached to planning permission 22/00236/FUL. Part discharged with regard to conditions 3 and 12 only December 2023

23/00236/FUL – Erection of 3no dwellings with vehicle access improvements, associated parking, amenity space and refuse/recycling facilities. Approved October 2022

14/01189/OUT – Erection of nine dwellings and associated roads and car parking, following demolition of existing property (outline – access, layout and siting). Approved December 2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of 28 neighbouring dwellings. In addition the application has been advertised by means of a site notice.
- 5.2. No formal responses have been received to this neighbour notification. Complaints have been received though regarding the increased height and massing, overbearing impact and resulting loss of privacy issues of the dwelling on Plot 2. These considerations have been taken into account with regard to this plot and as stated above have resulted in reductions in the height and massing of the proposed dwelling.

6. Consultation

- 6.1. Burbage Parish Council – no objections
- 6.2. LCC Highways – no comments to make (the access arrangements remain unaltered)
- 6.3. HBBC Waste Services – no additional comments to add (previously a condition was requested – this is repeated)
- 6.4. HBBC Environmental Services – no objection
- 6.5. HBBC Drainage – no objections

7. Policy

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - 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. Burbage Neighbourhood Plan (2020)
- Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 4: Parking
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (Dec 2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Burbage Village Design Statement (2006)
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide
 - National Design Guide (2019)

8. Appraisal

- 8.1. The principle of development, siting and design of the proposed extensions and alterations have already been established through the earlier grant of the extant planning permission 22/00236/FUL on the site. As this application only involves minor alterations to the size and detailed design of the approved dwelling the key issue in respect of this application is therefore:

- Design and Impact upon the Character of the Area
- Impact upon Residential Amenity
- Other Issues
- Conditions

Design and Impact upon the Character of the Area

- 8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

- 8.3 The overall design is altered from a more contemporary dwelling to one that is more traditional. The increase in footprint is not significant and has been limited to the ground floor or to two storey elements that have no impact on any neighbours and the height of the building has been reduced from the originally submitted plans so that is now exactly the same as that of the approved dwelling. The material are revised but the dwelling is located on a backland plot where there is little visibility from any public vantage point.

- 8.4 Given the scope and scale of the alterations proposed to plot 1, the application is not considered to result in a significant adverse impact to the character of the surrounding area in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.5 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.6 Policy DM10 states that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.7 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances to provide and protect acceptable levels of amenity.
- 8.8 The proposed alterations are minor in nature and given the ground floor level that has been approved under the discharge of condition 4 of the originally approved scheme care has been taken to require that this revised design has a roof height that is no greater than originally approved it is considered that the proposal has no greater impact on neighbouring residents than the scheme that has already been approved. The ground floor would extend closer to the northern boundary but remains no higher than the adjacent garage for the scheme which is sited much

closer to the common boundary. The window arrangement is varied but has no detrimental impact on any neighbouring property.

- 8.9 The increase in the height of that part of the dwelling closest to the northern boundary is seen against the backdrop of the greater mass and bulk of the dwelling which is unchanged. In addition the neighbouring property most affected has a large shed in the rear corner of their garden which mitigates the impact of the increased mass to a small degree. The new skylight is positioned sufficiently high in the sloping ceiling to prevent overlooking or loss of privacy to gardens to the north and the interrelationship with the new forward facing skylight is no worse than already existing under the previously approved plans with regard to the relationship between other windows.

Other Issues

- 8.10 There have been no legislative or policy changes that affect the consideration of the application.

Conditions

- 8.11 Planning permission 22/00236/FUL is subject to 17 conditions. They are assessed as follows:
- C1 – Time limit – update required as development has not commenced
 - C2 – Approved plans – updated condition required
 - C3 – Materials – the site is of limited public visibility and the proposed materials are acceptable so a compliance condition is attached
 - C4 – Surface water drainage scheme – this has been discharged under application 24/00281/DISCON. A compliance condition is required
 - C5 – Hours of working – this condition is required
 - C6 – No burning of materials – this condition is required
 - C7 – Access surfacing – this condition is required
 - C8 – Visibility splays – this condition is required
 - C9 – Pedestrian visibility splays - this condition is required
 - C10 – PD rights gates etc – this condition is required
 - C11 – Provision of parking spaces – this condition is required
 - C12 – Tree replacement – this condition is required with improved wording in the interests of precision
 - C13 – PD rights extensions – this condition is required as the site is small in comparison to the size of the dwellings and further development is considered to result in overdevelopment of the site
 - C14 – Tree fencing – this condition is required
 - C15 – Arboricultural method statement – this condition is required
 - C16 – Height of roof lights and obscure glazing – this condition is required
 - C17 – Waste and recycling provision – this condition has been discharged under application 23/00794/DISCON. A compliance condition is required
- 8.12 All the conditions remain reasonable and necessary to ensure satisfactory development of the site. One additional condition regarding the skylights is considered to be necessary.

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 proposed development is considered to be compliant with Policies DM1, DM10, DM17 and DM18 of the SADMP, Policy 1 of the adopted Core Strategy and relevant National Policy as it:
 - Does not have an adverse impact upon the character and appearance of the area.
 - Does not have a significant adverse impact upon the amenity of neighbours and provides future occupiers with adequate amenity.
 - Does not affect the sufficient provision of off-street vehicle parking.
- 10.2. Taking National and Local Planning Policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to amended conditions. No additional conditions are considered necessary.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
 - Planning conditions detailed below

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before 24 October 2025.

Reason: To comply with the timescale of planning permission 22/00236/FUL and 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 plans, as follows:
Proposed Ground Floor Plan 100 Rev F - received by the Local Planning Authority on 25 September 2024

Proposed First Floor Plan 101 Rev H - received by the Local Planning Authority on 25 September 2024

Proposed Elevations 102 Rev H - received by the Local Planning Authority on 25 September 2024

Proposed Block Plan 107 Rev A - received by the Local Planning Authority on 14 May 2024

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

3. The materials to be used on the external elevations and roof of the dwelling hereby approved shall be as specified on page 13 of the submitted Design and Access Statement.

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

4. The dwelling hereby approved shall be implemented in accordance with the surface water drainage scheme approved under application 24/00281/DISCON which shall be completed in full prior to occupation of the dwelling.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

5. Construction work of the development, hereby permitted, shall not take place other than between the hours of 08:00 hrs and 19:00 hrs on weekdays and 09:00 hrs and 14:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. During the site preparation and construction phase no burning of materials shall take place.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of five metres, for a distance of at least five metres behind the highway boundary which shall be surfaced in a bound material with a 7.3 metre dropped crossing. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays 43 metres by 2.4 metres have been provided at

the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

9. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

10. The development hereby permitted shall not be occupied until such time as any existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of six metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be first used until such time as the designated parking spaces measuring at least 2.4 metres by 5.5 metres have been implemented. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

12. Prior to the occupation of the dwelling hereby approved, details of trees, including their location, species, size and future maintenance, to replace trees selected for removal under the Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22, on file 22/00236/FUL, shall be submitted to and approved in writing by the Local Planning Authority. The trees shall be semi-mature in size unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of five years from the date of planting. During this period any trees which die or are damaged, removed, or are seriously diseased shall be replaced by trees of the same size and species as those originally planted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that replacement trees are planted on site in the interests of protecting the amenity of the area in accordance with Policy DM6 of the adopted

Site Allocations and Development Management Policies Development Plan Document (2016).

13. Notwithstanding the provisions of Article 3, Schedule 2 Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no extensions to any dwelling or buildings incidental to the enjoyment of any dwelling (except for those approved by this permission) shall be undertaken or constructed unless planning permission has first been granted by the Local Planning Authority.

Reason: The removal of permitted development rights is warranted in this instance due to the size of the dwellings and 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).

14. All trees on the site shown to be retained on the site shall be surrounded by protective fencing in accordance with the Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22 on planning application file 22/00236/FUL at all times during construction.

Reason: To ensure that trees on or adjacent to the site are to be retained and adequately protected in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2021).

15. Further to Condition 6 the access road shall be constructed in accordance with the Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22 on planning application file 22/00236/FUL.

Reason: To ensure that trees adjacent to the access road are to be retained and adequately protected in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2021).

16. All roof lights hereby approved shall be either a minimum of 1.7m above the floor level beneath the window in the respective rooms or shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and be non-openable. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. The dwelling hereby approved shall be implemented and thereafter occupied in full compliance with the details for waste and recycling storage of containers and collection across the site which have been approved under application 23/00794/DISCON.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016).

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.