

Delegated Report

Planning Ref: 25/00260/CONDIT
Applicant: Mr and Mrs M Platnauer
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

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

Proposal: Variation of condition 2 of planning application 22/00236/FUL. Amendments to Plot 3. Internal alterations and associated fenestration and car parking redesign.

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. Variations to the permissions for plots 1 and 2 have already been approved.
- 2.3. Plot 3 is located in the south east corner of the site. It remains as previously sited with no increase in any of its external dimensions. The alterations sought are as follows:
- The internal single garage is changed to provide an enlarged kitchen space
 - Garage door replaced with glazing
 - A study window is provided at ground level facing the northern boundary at a distance of 2m but faces 2m high hedging and the back of a large shed
 - Living room windows brought down to floor level
 - Kitchen windows reduced in height to cater for increased kitchen storage
 - Additional toilet window at ground floor and dressing room window at first floor in north elevation that faces the gable of plot 2
 - New kitchen window and toilet window at ground floor level in the south elevation and a new skylight within the main roof at second floor level with adjusted skylights at first floor level
 - Roofspace above the main bedroom converted to provide a fifth bedroom
 - Bedroom window replaced with smaller bathroom window in east elevation
 - Three parking spaces are provided to the front of the dwelling

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 between 0.5m and 1m.

4. Relevant Planning History

24/00842/DISCON – Application to discharge Condition 13 (Replacement Trees) attached to planning permission 22/00236/FUL. Discharged October 2024

24/00468/CONDIT – Amendments to Plot 1. Approved October 2024

24/00444/CONDIT – Amendments to Plot 3. Withdrawn September 2024

24/00434/CONDIT – Amendments to Plot 2. Approved August 2024

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.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Burbage Parish Council – Objects to the application as the proposed parking arrangements are impractical and would likely lead to the use of the marked emergency turning area for the parking of cars, causing potential obstruction of emergency and other service vehicles.
- 6.2. LCC Highways – 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) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Burbage Village Design Statement (2006)
 - Good Design Guide (2020)
 - Leicestershire Highway Design Guide (2024)
 - 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 the alteration of the approved dwellings external elevations and parking arrangements, the key issue in respect of this application is therefore:
- Design and Impact upon the Character of the Area
 - Impact upon Residential Amenity
 - Parking
 - 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 remains as previously approved. The alterations to the elevations are not significant and they have no effect on the character and appearance of the site or surrounding area. The three required parking spaces are located in various positions across the site frontage and while they are not optimally located in terms of design or in terms of their impacts on existing and proposed trees they are not considered to be so oddly located that they have a detrimental effect on the character of the site and surrounding area.
- 8.4 Given the scope and scale of the alterations proposed to plot 3, the application is not considered to result in a significant adverse impact to the character of the surrounding area.

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 relate only to windows in terms of the effect on residential amenity. A condition is attached ensuring that where there is any possibility of overlooking as a result of new windows being provided or new habitable rooms being provided, as is the case for the fifth bedroom at second floor level which would overlook the private garden of plot 1 were measures not to be taken, measures are put in place to ensure that such windows are obscurely glazed.
- 8.9 Subject to the condition regarding obscure glazing it is considered that sufficient amenity will be provided for future occupiers and that the amenity of neighbours is protected in accordance with paragraph 135 of the NPPF and Policy DM10 of the SADMP respectively.

Parking

- 8.10 Policy DM18 requires that all new development provides sufficient parking. For a dwelling with four or more bedrooms three parking spaces should be provided. The proposals show that these spaces can be provided but one space conflicts with the landscaping and replacement tree planting proposals recently approved via the discharge of Condition 13 on planning permission 22/00236. Another further eats into the root protection area of one of the few retained trees on the site that are protected by Tree Preservation Order. It is considered though that conditions can be attached that address the concerns of the parish Council that the proposed parking is impractical and that ensure that the effect on the proposed and existing trees is minimised.

Other Issues

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

Conditions

- 8.12 Planning permission 22/00236/FUL is subject to 17 conditions. They are assessed as follows:
- C1 – Time limit – not required as development has commenced
 - C2 – Approved plans – updated condition required
 - C3 – Materials – while these have been discharged for all three plots under application 23/00794/FUL the submitted plans indicate that some materials may have altered. A standard condition requiring materials to be submitted 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 with revised wording regarding surfacing
 - C12 – Waste and recycling provision – this condition has been discharged under application 23/00794/DISCON. A compliance condition is required
 - C13 – Tree replacement – while this condition has been discharged under application 24/00842/DISCON the parking proposals clearly conflict with the approved scheme. Therefore the condition is required
 - C14 – 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
 - C15 – Tree fencing – this condition is required
 - C16 – Arboricultural method statement – this condition is required with additional wording in the interests of precision
 - C17 – Obscure glazing – this condition is required to ensure that the privacy of neighbours is not significantly affected. The wording is revised so that it relates to Plot 3
- 8.13 All the conditions remain reasonable and necessary to ensure satisfactory development of the site.
- 8.14 It is considered that no other additional conditions are required

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 acceptable 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Dwelling Plot 3 - Drg No. 4881/30 Rev A (received 14.03.25)

Site Block Plan - Drg No. 4881/001 Rev B (received 14.03.25)

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).

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

3. 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.

4. 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).

5. 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).

6. 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 and 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 (2024).

7. The dwelling hereby permitted shall not 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 (2024).

8. The dwelling hereby permitted shall not 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 (2024).

9. The dwelling 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 (2024).

10. The dwelling hereby permitted shall not be occupied until a scheme for the clear identification and demarcation of the parking spaces in materials that contrast from the emergency vehicle turning area and from the access road have been submitted to and approved in writing by the Local Planning Authority. The three parking spaces shall measure at least 2.4 metres by 5.5 metres with an additional 0.5 metres in width provided where the space is bordered by a fixed structure such as walls or fencing and shall be made available for use in accordance with the approved scheme prior to occupation of the dwelling. Thereafter the three parking spaces shall be so maintained and made available for their intended purpose 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 (2024).

11. 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).

12. Prior to the occupation of the dwelling hereby approved details of trees, including their location, species, size and future maintenance, to replace the trees selected for removal under Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22, on file 22/00236/FUL, and to replace the tree closest to the dwelling that has been killed during the construction phase and to replace any trees in the neighbouring gardens of 304 and 306 Rugby Road and the gardens of Lupin Close that back on to the access drive that have been damaged or killed as a result of the services trench that has been dug on the south side of the access drive, shall be submitted to and approved in writing by the Local Planning Authority. The replacement for any tree lost due to the construction phase shall be semi-mature in size and shall be maintained in accordance with the suppliers advice. The replacement trees on the site or access drive shall be planted in accordance with the approved details no later than in the next available planting

season (October to March) following occupation of the third dwelling on the wider site. The replacement trees outside of the site shall be planted within the next available planting season (October 2024 to March 2025) or, where the damage to the tree is not noticed until 2024, within the following planting (October 2024 to March 2026). The trees 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 seriously diseased shall be replaced by trees 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 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: 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 that are shown to be retained shall be surrounded by protective fencing in accordance with the Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22 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 (2024).

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 (2024).

17. The following windows shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale to a minimum height of 1.7m above the floor level beneath the window in the relevant room or, in the case of the skylight, shall be a minimum of 1.7m above the floor level beneath the window in the relevant room:

- Bedroom window in the west elevation at mezzanine/second floor level
- Toilet window in the north elevation at ground floor level
- Dressing room window in the north elevation at first floor level

- Toilet, bathroom and en-suite windows in the east elevation at first floor level
- Gallery skylight in the south elevation at mezzanine/second floor level
- Toilet window in the south elevation at ground floor level

Once so provided the window(s) 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).

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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk