

Delegated Report

Planning Ref: 23/00752/FUL
Applicant: Mr S Westacott
Ward: Ratby, Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Rear Of 75 Main Street Thornton

Proposal: Construction of a detached dwelling with associated parking, solar panels and other works

1. Recommendations

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

2. Planning application description

- 2.1. This application seeks planning permission for the erection of a three-bedroom, part two storey, part single storey dwelling to the rear of 75 Main Street, Thornton.
- 2.2. The proposed dwelling would have a footprint of 65 square metres being approximately 5m wide by 13m in length. It would have a gable front and rear elevations at two-storey and single-storey levels. The rear (north-east) elevation would be prominently glazed, and the 'front' of the house would be the east elevation. The proposed materials would be red facing brickwork, concrete roof tiles and solar panels, with upvc windows and doors.
- 2.3. The design of the proposed dwelling has been amended during the determination process to reduce its scale and massing and overall design in an attempt to overcome concerns expressed by the LPA.

3. Description of the site and surrounding area

- 3.1. The site is located to the rear of 75 Main Street with an access strip to the side (east) of No. 75. The site is bounded by open countryside to the rear, 63 Main Street to the west, and the garden of 79 Main Street to the east. The section of Main Street within which the site is located consists of a mix of dwellings of various ages, sizes, and heights, designs, and finishes, including a backland plot neighbouring to the west (No. 63). The site sits within a long and narrow plot measuring approximately 85m in length and is rural in nature with paddocks to the north and appears to have been used as a paddock in the past. The proposed dwelling would lie to the rear of the existing dwelling and outbuildings at a distance of approximately 1.2m.

4. Relevant planning history

95/00561/FUL

- Erection of animal shelter
- Permission
- 17.08.1995

20/01313/FUL

- Erection of a three bedroomed detached dwelling
- Refused
- 12.02.2021

22/00525/FUL

- Construction of a three-bedroom dwelling with parking and associated works
- Refused
- 17.01.2023

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. 5 letters of objection have been received regarding:

- Development set back from the building line of Main Street
- Dangerous and unsafe access
- Insufficient visibility splays to ensure highway safety
- Uncharacteristic development for the linear village
- Increase traffic and parking issues already present
- Encroaches beyond the current boundaries of development in the village
- Application site is not domestic curtilage
- Over densification of the plot, insufficient amenity space
- Harm to neighbouring and occupier amenity

6. Consultation

6.1. No objections received from:

- LCC Highways
- HBBC Drainage
- HBBC Waste (subject to a condition)
- National Forest Company

6.2. Bagworth and Thornton Parish Council object to the application on the grounds that the access is not fit for purpose and dangerous due to restricted visibility onto Main Street.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- 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 (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage and Pollution
- Planning Balance

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. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough 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.

- 8.6. The Bagworth, Thornton and Stanton Neighbourhood Plan (2019-2036) is at Regulation 14 Stage and therefore has little weight in the planning balance due to its early stage of development.
- 8.7. Objections were received relating to the proposal site not being within the residential curtilage of No. 75 Main Street and is therefore not acceptable in principle. The application site is within the settlement boundary of Thornton, therefore whether the site is established as residential curtilage is not material in this case.
- 8.8. Given the location of the site within the settlement boundary of Thornton, a sustainable location, the proposal would be in accordance with adopted strategic planning policies and the principle of development is acceptable. There is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF. Therefore, the principle of the development is acceptable subject to all other material considerations.

Design and impact upon the character of the area

- 8.9. 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.
- 8.10. The grain of development along Main Street is mainly linear with dwellings being either set directly adjacent to the highway or set back slightly. There are some examples of backland development in the vicinity, but these are not necessarily considered to represent good design that the LPA would seek to replicate on other sites. The Good Design Guide 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. Each application is ultimately dealt with on its individual merits, and this has been expressed to the applicant and agent.
- 8.11. Objections have been received regarding the application affecting the intrinsic value and character of the countryside and the proposal not respecting the character of the site and its surroundings. The application site is within the settlement boundary and therefore Policy DM4 of the SADMP does not apply. An assessment of the impact upon the character of the site and wider area is made below.
- 8.12. The proposed dwelling would take a rectangular plan form, constructed in facing brick, and upvc windows, with a large glazed north east elevation. The dwelling is effectively split into two parts, with the southwestern element at two-storey and the northeast section single storey, echoing the gradual stepping down of the existing dwelling and outbuildings on the site.
- 8.13. The two storey section measures 6.7m at the ridge, 3.9m at the eaves, whilst the single storey section measures 5.4m at the ridge and 2.6m at the eaves. The 5m width and 13m length of the dwelling creates a narrow rectangular plan form, somewhat resembling the existing outbuildings on the site. The dwelling would be orientated so that the 'front' elevation and entrance is on the south eastern elevation.

- 8.14. It is acknowledged that the siting, designs, sizes, and heights of neighbouring dwellings vary. However, officers consider that the proposed design, by virtue of its scale, siting and overall relationship with the existing dwelling, would appear incongruous and result in overdevelopment of the site to the detriment to the character and appearance of the area.
- 8.15. Additionally, it is acknowledged that the settlement has a predominantly linear grain with some examples of backland development, such as neighbouring No. 63, which are not necessarily examples of good design. The LPA considers that the development of neighbouring No. 63 should not set a precedent for similar backland development as it cannot be easily replicated on neighbouring sites without causing harm to the character of the site and wider area. The proposed dwelling would create a cramped and contrived spatial relationship with the host dwelling (No. 75), displacing its main rear garden area to the west side of the dwelling, resulting in an unusual relationship between No. 75 and the resultant main usable garden area given the size of the existing dwelling and outbuildings. It is therefore considered that the proposal fails to enhance the character of the area in terms of its layout and would cause harm to the amenity of the existing dwelling, thus conflicting with SADMP Policy DM10.
- 8.16. During the determination process, Officers attempted to work with the applicant to resolve the aforementioned design issues, one suggestion being that the dwelling could take the form of a smaller single storey outbuilding design maintaining its rectangular plan form, thus improving the design relationship with the existing site. Although amendments to the scale and design were made, they were not considered to be sufficient to resolve the design issues outlined above.
- 8.17. Notwithstanding the points raised above, visibility of the dwelling from the street would be limited to glimpses from the access track when facing north east, and would not be a prominent element within the street scene. However, the dwelling would be visible from the rear gardens of neighbouring dwellings which could be partially alleviated through additional screening.
- 8.18. In summary, by virtue of the siting, layout, and scale of the proposed dwelling, it is considered that the proposed development would result in harm to the character and appearance of the site and surrounding area resulting in a cramped and contrived development. It is therefore considered that the development within the site would not complement or enhance the character of the area, contrary to Policy DM10 of the SADMP.

Impact upon residential and occupier amenity

- 8.19. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments and neighbouring residents would not be adversely affected by development proposals. Objections have been received relating to harm to neighbouring and occupier amenity.
- 8.20. The nearest dwelling would be no. 63 Main Street which would be 5.5m to the south east of the boundary with no. 63 and 6.8m from the proposed north west elevation of the dwelling. This proposed elevation would have four roof lights facing this neighbouring dwelling which would serve a bathroom and study on the first floor and kitchen/lounge area on the ground floor. These roof lights could be either obscurely glazed or a suitable minimum cill height to eliminate loss of privacy/overlooking.
- 8.21. There are no potential amenity concerns relating to No. 79 to the south east as there are no proposed first floor windows on this elevation, only four roof lights. The siting of the proposed dwelling is not considered to have an impact on this dwelling or rear

garden area as it is set back from the boundary and would be screened by boundary treatments.

- 8.22. The proposed site area and location of the dwelling would create an irregular relationship in terms of garden space, with the resultant garden of No. 79 now limited to the area to the north west of the dwelling and outbuilding. The proposed dwelling would have a parking area to the rear with a narrow, long garden area which would far exceed the 80sqm requirement of the design guide.
- 8.23. Given the relationship of the application site to other surrounding residential properties, it is considered that residential development on this site would not have an unacceptably adverse impact upon the residential amenity of neighbouring dwellings, it is anticipated that separation distances as set out in the Good Design Guide could be achieved according with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.
- 8.25. LCC Highways do not object to the application refer to their standing advice (2011).
- 8.26. Objections have been received regarding the access being dangerous and unsafe, insufficient visibility splays being provided on Main Street and increase to the existing traffic and parking issues. The proposal would be for one dwelling and therefore it is not considered that it would create significant additional traffic or add to the existing parking issues.
- 8.27. Main Street is a classified C road subject to a 30mph speed limit. The red line plan provided indicates the track to which the new dwelling would be accessed from to be in the ownership of no. 75 Main Street, Thornton. The only new part of the access would be off the unadopted road into the site and the parking/turning facilities.
- 8.28. It is acknowledged that the 2.4m by 25m visibility splay along Main Street cannot probably be achieved however as this is an existing access changes cannot be enforced through this application. The proposed access off the unadopted road would be 3 metres in width. There are no changes proposed to the unadopted road in terms of surfacing and increased width.
- 8.29. The applicant has indicated that adequate parking and turning will be provided to enable vehicles to exit the proposed access in a forward gear can be achieved within the redline area of the site.
- 8.30. Therefore, although the existing access is not in accordance with highways design guide standards, due to the minor scale of development it is not considered that the proposal would create a severe adverse impact to highway safety and therefore the proposal complies with policies DM17 and DM18 of the SADMP.

Drainage and Pollution

- 8.31. Policy DM7 of the adopted SADMP seeks to ensure that adverse impacts from pollution and/or flooding will be prevented.
- 8.32. HBBC Pollution and Drainage have no objections to the application. A note to applicant is provided by HBBC Drainage regarding the management of surface water. Therefore, it is considered that the application complies with DM7 in this regard.

Planning Balance

- 8.33. The site is located within the settlement boundary of Thornton where new residential development is sustainable subject to all other material considerations. The proposed residential development would therefore comply with Policy 7 of the Core Strategy.
- 8.34. At present the site forms garden/paddock land to the rear of no. 75 Main Street. The siting of the proposed dwelling would create backland development within the area which would have a cramped and contrived spatial relationship with No. 75 Main Street and would therefore be contrary to DM10 of the SADMP and the aims of the adopted Good Design Guide as it would have a detrimental impact upon the character of the area.
- 8.35. The Council cannot demonstrate the deliverable supply of housing sites as required by the Framework, and therefore the provisions of paragraph 11d of the Framework apply where permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.
- 8.36. In terms of benefits, the dwelling would make a minor contribution towards the supply of housing in an area of ongoing under supply. There would also be social and economic benefits arising from the construction period and future spend of occupants giving support to local services and facilities, however both benefits are limited owing to the scale of development.
- 8.37. Overall, due to the conflict with Policy DM10 of the SADMP in terms of impact upon the character of the area due to the incongruous and contrived form of development, it is considered on balance that the harm would significantly and demonstrably outweigh the social and economic benefits of the proposal in this instance, and the application should be refused.

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. Recommendation

- 11.1 **Refuse planning permission** for the reasons at the end of this report.

11.2 **Reasons**

1. By virtue of its siting, layout, and scale, the proposal would result in an incongruous and contrived form of backland development and would detract from the character of the application site and the surrounding area, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and the objectives of the adopted Good Design Guide (2020).