

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990



Hinckley & Bosworth
Borough Council

**STATEMENT OF CASE ON BEHALF OF THE LOCAL PLANNING
AUTHORITY**

PLANNING APPEAL BY CW PROPERTY LETTINGS LTD

**AGAINST THE REFUSAL OF PLANNING PERMISSION FOR PROPOSED
ERECTION OF TWO DWELLINGS**

AT:

LAND ADJACENT TO 10 WOLSEY DRIVE, RATBY, LEICESTERSHIRE

HINCKLEY AND BOSWORTH BOROUGH COUNCIL REFERENCE: 24/00118/FUL

**THE PLANNING INSPECTORATE REFERENCE:
APP/K2420/W/24/3344038**

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1.0 SECTION 1: INTRODUCTION

- 1.1 This statement outlines Hinckley and Bosworth Borough Council's statement of case in relation to the appeal against the refusal of full planning permission for the erection of two dwellings at Land adjacent to 10 Wolsey Drive, Ratby, Leicestershire.
- 1.2 The application was refused by Hinckley and Bosworth Borough Council under delegated authority on 28th March 2024. This statement is in full support of the decision of Hinckley and Bosworth Borough Council to refuse planning permission.
- 1.3 Please see Appendix 1 (the Officer Report) for the site description, application description, site history, relevant policies and the Council's case, all of which have already been set out in the Officer Report and shall not be repeated here for brevity.

2.0 SECTION 2: COMMENTS ON THE APPELLANT'S GROUNDS OF APPEAL

- 2.1 In preparing this statement the Council have reviewed the Appellant's Statement of Case (SoC). The following section comments specifically on this, expanding upon the Council's full case contained in Appendix 1.
- 2.2 The Appellant's Statement of Case (SoC) refers to the varied character of housing development across the immediate area, reflecting different periods of development in the last 50 years.
- 2.3 The Local Planning Authority (LPA) does not dispute that there is a varied character, design, scale, and massing of housing development in the wider area.
- 2.4 Notwithstanding this, Wolsey Drive consists entirely of single storey detached dwellings, and whilst individual designs vary within the street scene, there is a prevalent building line of development which characterises the street scene.
- 2.5 The proposed dwellings would be detached two-storey dwellings, designed in a traditional style with pitched roofs, measuring approximately 7m in width, with a 5.2m eaves height and 7.9m in ridge height. The dwellings would be built in brick, with concrete tiled roofs, featuring small front gardens and rear gardens with 7m depth and 10m width. The proposed parking arrangement would feature two tandem spaces to the side of each dwelling. The Council's Good Design Guide recommends a minimum garden length of 7m and a minimum garden area of 80sqm for a 3- bedroom house. Whilst there is a slight shortfall in this case with both dwellings providing 70 sqm of garden, space, it is considered acceptable on balance as there is also approximately 10sqm of outdoor amenity space in the proposed front gardens.
- 2.6 The LPA previously approved an application for an infill dwelling on the site (application reference 22/00035/FUL). The dwelling is a bungalow design with an eaves height of 2.7m on the front elevation, and a maximum ridge height of 6.6m. The rear elevation features a gable extension which allows for additional second floor accommodation. Appendix 3 is a proposed street scene which demonstrates how the approved dwelling would sit comfortably within the street scene.
- 2.7 The Appellant's SoC goes on to reference the Council's Good Design Guide (GDG), which provides specific guidance for infill development. On page 37, the guidance states that:

“Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene. Wherever possible, development should respect building lines.”

- 2.8 Once more, it is acknowledged that dwellings of a similar scale and design are present in the vicinity of the site, however, the proposed dwellings would be viewed in the context of the neighbouring dwellings on the street scene within Wolsey Drive where they are located and not in the context of other streets near the site.
- 2.9 The scale and form of the proposed dwellings would be entirely at odds with the street scene of Wolsey Drive, where all existing dwellings are single storey. The introduction of two, two-storey dwellings within the street scene, with eaves and ridge heights significantly taller than the rest of the dwellings on the street, would appear incongruous and out of keeping with the scale, massing, and prevailing roof line of Wolsey Drive.
- 2.10 The LPA therefore maintains that by virtue of the siting, scale, massing, and design of the proposed dwellings, the proposal would fail to complement the character of the street scene and pattern of development on Wolsey Drive and would appear incongruous and out of keeping with the prevailing design of the area, resulting in unacceptable harm to the character and appearance of the area. The adverse impact on the character of the area would be contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD.

3.0 SECTION 3: CONCLUSION

- 3.1 As set out fully in the Officer Report (Appendix 1), whilst it is noted that the proposal could generate some limited employment and minor social benefits, the proposal does not create a significant amount of economic growth due to the scale of the proposal, and the associated social benefits would be minor. The dwellings would contribute to housing numbers within the Borough, however, given the limited number of dwellings and limited shortfall in housing supply this is attributed only limited positive weight.
- 3.2 The proposed dwellings would fail to complement the character of the street scene and pattern of development on Wolsey Drive and would appear incongruous and out of keeping with the prevailing design of the area, resulting in unacceptable harm to the character and appearance of the area. Whilst a small-scale development, considering the great emphasis placed on establishing good design this is attributed moderate negative weight. Extant approval 22/00035/FUL provides evidence that a suitable development is achievable on this site, making efficient use of a windfall, infill site.
- 3.3 The adverse impacts in this case do therefore significantly and demonstrably outweigh the limited benefits and the proposed scheme would therefore conflict with Policy DM10 the adopted SADMP, the overarching design principles in section 12 of the NPPF, and advice in the adopted Good Design Guide, and is therefore recommended for refusal.
- 3.4 It is respectfully suggested that there are no other material planning considerations or other evidence provided within the Appellant's SoC or other submitted information that would provide any development plan policy justification for the development or to indicate that the appeal should not be determined in accordance with the development plan for the area. However, should the Inspector be minded to allow the appeal then it is requested that consideration be given to the imposition of the conditions suggested within Section 4 of this statement.

4.0 SECTION 4: SUGGESTED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with 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 application details, as follows:
 - i. Site Location Plan (Received by the LPA on 05/02/2024)
 - ii. Proposed Ground Floor Plan (Received by the LPA on 05/02/2024)
 - iii. Proposed First Floor Plan and Elevations (Received by the LPA on 05/02/2024)

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. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed buildings shall be 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 external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Ground Floor Plan have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may do so in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (2023).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 28 metres to the southwest of the site, and 2.4 metres by 43 metres to the northeast of the site have been provided at the site

accesses. 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 (2023).

7. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the accesses, 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 (2023).

8. The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023)

9. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

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 DPD (2016).

10. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs 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 the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has 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).