

Delegated Report

Planning Ref: 23/00731/FUL
Applicant: Ms Reena Karavadra
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 71 Chitterman Way Markfield Leicestershire

Proposal: Proposed dwellinghouse with associated amenity space and parking

1. Recommendations

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

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a two-storey, semi-detached, two-bedroom dwellinghouse with associated amenity space and parking at 71 Chitterman Way, Markfield. The development is located to the side of, and to the south of, 71 Chitterman Way, and vehicular parking to the development is accessed via Linford Crescent.
- 2.2. The dwelling externally measures 5.1m in width x 8.1m in depth, with a total footprint of 39.2sqm. The scheme is constructed in brick and concrete roof tiles to match the existing dwelling.
- 2.3. The property features a gable-ended pitched roof that has a ridge height of 7.9m, and an eaves height of 4.8m. The scheme also incorporates a second gable-ended pitched roof for 1.1m of the property that has a ridge height of 7.3m, and an eaves height to match the main roof. A small gable-fronted pitched roof is featured in the centre of the principal elevation that has a ridge height of 5.8m, and a mono-pitch porch roof that has a maximum height of 3.1m, and an eaves height of 2.4m.
- 2.4. As part of this development, the existing garage is also demolished.

3. Description of the Site and the Surrounding Area

- 3.1. The 223sqm application site is located in the centre of Markfield, which is classified as a Key Rural Centre relating to Leicester within the adopted Core Strategy (2009). The application site is also within the identified boundaries of Charnwood Forest and the National Forest. Chitterman Way is an adopted, but unclassified, public highway that is subject to a 30mph speed limit.
- 3.2. The surrounding area is wholly residential in character and residential properties surround the site. However, there is an area of open green space to the western front elevation of the site, and Markfield Medical Centre is visible to the south of the site.
- 3.3. 71 Chitterman Way is a two-storey property at the end of a terrace of houses. The property is constructed with a brick finish and utilises a dual pitched roof that has a small gable in the centre of the roof, and a mono-pitch canopy porch on the front elevation. The two attached adjacent properties are very similar in character, but the wider street scene consist of a variety of sizes, scales, designs, styles, and layouts.

- 3.4. Pre-application advise was sought via 23/10064/PREHMO for a new semi-detached, two-bedroom property within this application site. The pre-application response stated that the design of the proposal design was not supported, and further consideration was required for the protection of neighbouring residential amenity and highway safety.

4. Relevant Planning History

- 4.1 N/A.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2 No responses have been received.

6. Consultation

- 6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Markfield Parish Council

- 6.2 The Local Highway Authority have referred to standing advice.

- 6.3 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 21: National Forest
- Policy 22: Charnwood Forest

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 Markfield Neighbourhood Plan 2020 – 2039 (MNP) (2021):

- Policy M8: Electric Vehicle Charging Points
- Policy M10: Design
- Policy M15: Housing Provision
- Policy M17: Infill Housing Development

- 7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Housing land supply
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set 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 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.
- 8.5 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.
- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Policy 7 of the adopted Core Strategy states that the Council will support housing development within the settlement boundaries of Key Rural Centres. Furthermore, Policy 8 of the adopted Core Strategy requires land to be allocated for the development of 80 dwellings within Markfield.

- 8.8 Policy M15 of the Markfield Neighbourhood Plan (MNP) requires a minimum of 334 new dwellings to be provided within the Key Rural Centre between 2020 and 2039. Furthermore, Policy M17 of the MNP states that housing development proposals will be supported within the settlement boundary of Markfield.
- 8.9 The development is located within the identified settlement boundary of Markfield. As such, there is a presumption in favour of sustainable development in accordance with Policies M15 and M17 of the MNP, Policy DM1 of the SADMP, and Policies 7 and 8 of the adopted Core Strategy. Therefore, the proposal is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.11 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.12 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.13 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.14 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
- 8.15 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.

- 8.16 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.17 The development is for a single residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.18 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Design and Impact upon the Character of the Area

- 8.19 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.20 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.21 Policy M10 of the MNP requires development to be in keeping with the scale, form, and character of its surroundings.
- 8.22 The design of the development utilises similar features to the existing adjacent and adjoined terraced houses, 65, 69, and 71 Chitterman Way. For example, the scheme incorporates a small gable-fronted pitched roof and a mono-pitched porch roof on its principal elevation like these existing dwellings. Furthermore, the property utilises similar materials to that of 65, 69, and 71 Chitterman Way.
- 8.23 The scale, massing, volume, and height of the proposal is also in keeping with the character of the adjacent and attached terraced properties, and the development respects the existing building lines of these properties to the north of the application site.
- 8.24 Therefore, by virtue of its siting, scale, massing, volume, height, design, location, and proposed use of materials, the scheme is considered to be in keeping with the established rhythm and character of the existing adjacent and attached terraced properties. Therefore, the development is considered to preserve the character of the surrounding area in accordance with Policy M10 of the MNP, Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.25 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

- 8.26 Policy DM10(a) and (b) of the SADMP states 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, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.27 Policy M10 of the MNP states that the amenity of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air, quality, noise, and light pollution.
- 8.28 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.29 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m.
- 8.30 However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”* Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.31 The scheme does not protrude any further to the front, or to the rear than the attached residential properties to the north, such as 71 Chitterman Way. Therefore, the scheme is not considered to result in any loss of light or any overbearing impact on these dwellings to the north. As the dwelling is attached to 71 Chitterman Way, there are no windows on this northern elevation, and therefore the scheme does not result in any overlooking or loss of privacy to these neighbouring dwellings.
- 8.32 By virtue of their distance from the development, and the siting of 9, 11, and 15 Linford Crescent, the scheme is not considered to result in any adverse impacts to their residential amenity, nor the amenity of the future occupants of the scheme.
- 8.33 The southern two-storey side elevation of the scheme is over 24m north of the rear elevations of 1, 3, 5, and 7 Linford Crescent. This is over 10m above the requirements of the Good Design Guide. Furthermore, given the existing blank southern side elevation of 71 Chitterman Way, this is not considered to result in any significant overbearing impacts to the residential amenity of the properties to the south of the application site along Linford Crescent. Although there is a window on the first floor of this southern side elevation, this is not a principal habitable window. Nevertheless, to prevent any loss of privacy or overlooking impacts to the southern neighbouring dwellings, this window is obscured, which is secured via planning condition.
- 8.34 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.

- 8.35 Proposals for two-bedroom, two-storey dwellings should provide a minimum of 79sqm of floor space and 2sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.36 The scheme provides 58.5sqm of floor space and 1.7sqm of in-built storage for the dwelling. Therefore, the scheme does not comply with any of the requirements of the THS.
- 8.37 However, it is acknowledged that the Technical Housing Standards are afforded limited weight in terms of the NPPF. Furthermore, the development is in keeping with the size and scale of the adjacent terraced properties. Therefore, in these site-specific circumstances, this is not considered to result in a significant adverse impact upon the residential amenity of the future occupants of the scheme.
- 8.38 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.39 Both bedrooms are in accordance with Paragraphs 10(c) and 10(e) of the THS, but only Bedroom 1 is in accordance with Paragraph 10(d) of the THS.
- 8.40 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.41 The proposal provides private outdoor amenity space with a depth of 9.4m for both the new and the existing dwelling, which results in a total area of 37.7sqm for the new dwelling, and 34.9sqm for 71 Chitterman Way. Whilst this exceeds the depth requirements of private outdoor amenity space, this provision is almost under half the area that is required by the Good Design Guide.
- 8.42 In spite of this, it is acknowledged that the area of the private outdoor amenity space serving 63, 65, 67, and 69 Chitterman Way is also significantly lower than the requirements of the Good Design Guide.
- 8.43 Furthermore, there is open green space to the front of the property, an area of open green space 50m to the north of the application site, and Mayflower Play Park is 220m south of the dwelling.
- 8.44 By virtue of these factors and the fact that there have been no objections to the scheme, the proposal does not result in any adverse impacts to the residential amenity of neighbouring properties or the future occupants of the development. Therefore, the proposal is considered to be in accordance with Policy M10 of the MNP, Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.45 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 8.46 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, “The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”
- 8.47 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.48 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.49 Policy M8 of the MNP requires every new dwelling with an associated dedicated car parking space within its curtilage to include ducting to facilitate the future installation of a vehicle charge point.
- 8.50 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires one off-street vehicle parking spaces for dwelling in town centres and other locations where services can be easily reached by walking, cycling or public transport. Two off-street vehicle parking spaces are required where dwellings in urban areas have poor access to services and public transport or have a capacity of three-bedrooms.
- 8.51 Given the transport sustainability of the application site, and the provision of a bus stop adjacent to the front of the site, one space for each dwelling is considered to be acceptable, in accordance with the LHDG.
- 8.52 Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.53 However, the dimensions of the two off-street parking spaces do not accommodate the additional width required if bounded by a wall on both sides. Moreover, due to the circumstances of the site, there does not appear to be any opportunity to increase the dimensions of the parking spaces without causing further loss of private outdoor amenity space to the detriment of the future occupants of the scheme. Given the sustainable location of the site, which is in close proximity to public transport routes, and the provision of two parking spaces, the provision of two parking spaces, albeit slightly substandard in width, is considered to be better than the lack of any off-street parking provision at all.
- 8.54 In light of the above, the provision of one new dwelling in this location is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

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 received by the Local Planning Authority as follows:

- Existing Floor Plans and Elevations 71CW-SLP(2) (submitted: 30.10.2023)
- Proposed Plan and Elevation (submitted: 02.08.2023)
- Site Location Plan Rev 3 (submitted: 10.11.2023)

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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D, and 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 protect the character of the surrounding area and 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).

4. The materials to be used on the external elevations of the proposed development shall match the corresponding materials of the existing dwelling, 71 Chitterman Way, Markfield.

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).

5. The development hereby permitted shall not be first used until such time as the 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 by, 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 support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

6. The window on the first floor of southern side elevations of the development that is utilised within the landing of the scheme shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. 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).

a. **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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.