

Delegated Report

Planning Ref: 25/00008/HOU

Applicant: Mr David Halliday

Ward: Burbage St Catherine's and Lash Hill



Hinckley & Bosworth
Borough Council

Site: Merton House, Grove Road, Burbage, Hinckley, Leicestershire

Proposal: Erection of single storey garden building, including associated works

1. Recommendations

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

2. Planning application description

- 2.1. This application seeks planning permission for the erection of a single storey garden room at the back of the rear garden of the above dwelling. The garden room would sit to the rear of an existing smaller garden room that is used as a bar and store. The proposed building would be used as a games room and would also contain storage, a toilet and an under cover seating area.
- 2.2. The proposed building has maximum dimensions of 14.1m by 6.1m with an eaves height of 2.5m and a maximum ridge height of 3.85m. The external walls are a minimum of 0.57m from the three neighbouring common boundaries. The drawings also show a hot tub and hard landscaping, neither of which require permission.
- 2.3. The application has been amended to reduce the impact of the scheme on the neighbour to the west.

3. Description of the site and surrounding area

- 3.1. The existing detached dwelling lies within the built-up area of Burbage and is bordered on all sides by other dwellings. It is set within large grounds and has a double garage and large hardstanding to the front and a long rear garden of approximately 55 metres. The dwellings to the north have rear gardens approximately 18m in depth and the neighbouring property to the east has a similarly large garden as the application site. To the west though are two bungalows that front Twycross Road and that back on to the applicant's garden with a depth of just 5.3 metres. In addition the dwelling most affected by the proposal is approximately 0.3m lower than the applicant's garden. The boundary separating these properties is currently planted with a mature hedge that exceeds 2m in height.
- 3.2. Planting within the applicant's garden would be removed to facilitate the works.
- 3.3. The dwelling is not listed and does not lie within a conservation area.

4. Relevant planning history

- 4.1. There is no relevant planning history

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Those responding to the initial application have also been notified of the revised plans
- 5.2. Four responses have been received which all object to the proposals and that relate to the effect of the proposals on 79 Twycross Road with regard to noise, drainage,

surface water, loss of privacy and the overbearing impact on the use of the small rear garden area.

6. Consultation

- 6.1. Burbage Parish Council - No objections to the proposal.
- 6.2. HBBC Drainage – Rainwater should be positively drained into a suitable water butt, soakaway or domestic drainage system and not be permitted to discharge directly onto the site or neighbouring properties.

Officer comment – The agent has confirmed that rainwater will drain to a soakaway in accordance with the Building Regulations

- 6.3. HBBC Environmental Services – If any external plant is provided then details should be submitted.

Officer comment – the application does not include any external plant

7. Policy

- 7.1. Burbage Neighbourhood Plan (BNDP) 2015-2026 (2021)
 - Policy 2: Design and Layout
- 7.2. Core Strategy (2009)
 - No relevant policies
- 7.3. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - HBBC Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide (2025)

8. Appraisal

- 8.1. Alterations to domestic properties within settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Design and impact upon the character of the area

- 8.2 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. Policy 2 of the BNP requires new development to respect its surroundings, follow the existing pattern of development where appropriate and retain existing important natural features on the site, such as trees and hedgerows.
- 8.3 The proposal provides additional ancillary domestic buildings to the rear of the applicant's long rear garden and the originally proposed two addition separate buildings have been reduced to a single additional building located further from the common boundary with 79 Twycross Road. The proposed building is single storey with a pitched roof and is screened from the closest public realm on Twycross Road by the existing 2 metre high hedging on the common boundary. As such the proposal is not seen from the public realm and does not result in any change to the character of the site of surrounding area.
- 8.4 The scheme is considered to complement the character of the surrounding area. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and Policy 2 of the BNP.

Impact upon neighbouring residential amenity

- 8.5 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.6 Objections to the proposal have been received and the proposal has been amended as a result of these neighbour concerns.
- 8.7 The private rear garden to 79 Twycross Road is comparatively shallow but is screened by mature hedging on the common boundary. Small trees within the applicant's garden which are appreciably higher than the hedging would be removed. The proposals having been revised would not have any significant detrimental effect on the amenity of the occupier of 79 Twycross Road or on the amenity of the occupiers of any other neighbouring property. Other matters would be covered by the Building Regulations or by Environmental Services regarding noise.
- 8.8 The Council's Environmental Officer and Drainage Officer do not object to the proposals.
- 8.9 As such the proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.10 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.11 The proposal does not increase the number of bedrooms and would therefore be in accordance with Policy DM18 of the adopted SADMP and Policy H7 of the DNP.

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 proposal is for a single storey ancillary domestic outbuilding within the applicant's rear garden. The proposal respects and complements the character and appearance of the site and surrounding area and has no significant detrimental effect on the amenity of any neighbouring residents. The proposal generates no increased parking demand.
- 10.2. Therefore the proposal would comply with Policies DM1, DM10, DM17 and DM18 of the SADMP (2016). Therefore this application is recommended for approval. As the subject to the conditions below.

11. Recommendation

Grant planning permission subject

- 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 be carried out in accordance with the following approved plans:

Revised Plans and Elevations 24/96 07 Rev B received 4 April 2025
Site Location Plan 24/96 06 received 6 January 2025

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) and Policy 2 of the Burbage Neighbourhood Plan (2021).

3. The materials to be used on the external elevations of the proposed outbuilding hereby approved shall be as specified in the submitted application forms received 6 January 2025.

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) and Policy 2 of the Burbage Neighbourhood Plan (2021).