

Delegated Report

Planning Ref: 23/01197/FUL

Applicant: Mr Dev Patel

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 84 Mount Road, Hinckley

Proposal: Side, rear and roof extension to existing dwelling to create 3 bedrooms and 2no. 2 bedrooms dwellings

1. Recommendations

1.1. Refuse planning permission for the following reason:

1. The development is considered to be unacceptable in terms of overall design, it would result in detrimental impacts to the visual amenity of the area due to the cramped nature of the dwellings, the rear amenity space design and the car parking layout to the site frontage, it is considered that the proposal is not in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Hinckley and Bosworth Good Design Guide (2020) and the overarching principles of the National Planning Policy Framework (2023).

2. Planning application description

- 2.1. The proposal seeks a side, rear and roof extension to the existing detached two storey dwelling, to create 3 bedrooms and the addition of two 2 bedroom dwellings. The proposal would create a terraced appearance.

3. Description of the site and surrounding area

The development site is a two storey detached dwelling finished in white render and it has a tiled roof. The surrounding properties on the southern side of Mount Road are a mix of two storey detached and two storey terraced properties finished in a mix of brick and render. On the opposite side of Mount Road are the Maples medical practice and Hinckley and District hospital. Mount Road slopes from east to west and on the application site the rear garden is slightly lower than the dwelling.

4. Relevant planning history

17/00680/HOU

First floor side extension and single storey rear extension.
Planning permission
31.08.2017

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 3 objection letters have been received, and a locally elected member also raised concerns regarding the application and noted that if the application was to be recommended for approval that this would be called-in before the planning committee. The objections are in relation to:
 - Parking layout results in overlapping of vehicles onto neighbouring plots.
 - No rear access for the two new plots.
 - Concerns over traffic on Mount Road

- Overlooking and loss of privacy concerns.

6. Consultation

6.1. Responses:

- LCC Highways: No objections.
- HBBC Drainage: No objections, subject to condition.
- HBBC Waste Management: No objections.
- HBBC ES Pollution: No objection.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. 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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Planning balance

Principle of development

Paragraph 2 of the National Planning Policy Framework (NPPF) July 2023) states 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 consideration in determining applications. Paragraph 12 of the NPPF confirms 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.

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (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.

- 8.3. 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, permission should not usually be granted unless other material

considerations indicate otherwise.

- 8.4. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.5. 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.
- 8.6. Policy 1 of the adopted Core Strategy is supportive of housing within Hinckley to support its role as a sub-regional centre, the policy allocates land for the development of a minimum of 1120 new dwellings. The development is located within the settlement boundary of Hinckley, in a sustainable location. As such, there is a presumption in favour of sustainable development in accordance with Policy DM1 of the SADMP, and Policy 1 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.

Design and impact upon the character of the area

- 8.7. Policy DM10(c), (d) of the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings.
- 8.8. Paragraph 131 of the NPPF states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...”
- 8.9. Paragraph 135 of the NPPF states “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;...”
- 8.10. Paragraph 139 of the NPPF states “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”.
- 8.11. HBBC’s Good Design Guide provides detailed guidance, in this case Chapter 4 ‘New Residential Development’ is most relevant, including the section on ‘Infill sites’.

- 8.12. The development site is a two storey detached dwelling located on Mount Road, Hinckley. The proposal seeks to extend to the side and rear to create 2no. two bedroom dwellings. It is acknowledged that under planning permission 17/00680/HOU, a similar scale side extension was approved and also a single storey rear extension, although the design differed noting this did not propose two separate dwellings
- 8.13. The proposal to include 2no. dwellings within this plot, connected to the existing dwelling, creating a terraced appearance would not be considered acceptable in design terms. The plot appears overdeveloped, and visually cramped. The previous approval for a similar size extension did not have this degree of negative visual impact given that the design was a natural extension of the existing single detached dwelling.
- 8.14. The HBBC Good Design Guide is clear that for infill sites, "building plots should be of similar size and shape to the context, allowing sufficient space between buildings. Build development should be of similar footprint, plot position and layout to the wider context, allowing sufficient space between buildings and not adversely impacting upon the prevailing grain of development." The Good Design Guide goes on to state "Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the streetscene. Wherever possible, development should respect building lines." Whilst the proposal does reflect the building line of the existing development and it is noted that there smaller terraced properties further to the north of Mount Road, the proposed dwellings would not be of a similar footprint, scale or mass than the prevailing character of the area. Notwithstanding the previously approved extensions (which do not appear to have been implemented) the proposed width of the development would result in no space between the proposed dwelling and the neighbouring dwelling on the northern side of the dwelling, at present this open space is an important characteristic of the immediate area and the space between the dwellings is judged to add to the sub-urban character and openness of this specific area on Mount Road. As above the resulting overall appearance is one of a cramped and overdeveloped appearance.
- 8.15. It was raised with the applicant within the application process that there were design concerns regarding access to the rear gardens of the two proposed terrace dwellings, including access to bin storage, amended plans were submitted. The amended plans reduced the rear garden amenity space for future occupiers of the proposed dwellings to 60sqm which is noted as the general guideline size for a two bedroom property within the Good Design Guide (2019). However, the Good Design Guide does note that this could vary dependent upon design. The Guide also confirms that delivering well designed internal and external amenity space is critical to quality of life of residents, as it provides the setting for day to day home life. It is considered that the rear garden amenity space is not of acceptable design and does not respect to wider context of rear amenity spaces and layouts whilst also restricting rear access externally.
- 8.16. Furthermore, due to the lack of rear access it has been proposed that the bin storage shall be situated to the site frontage which is also considered to be of poor design. It is noted that the amended plans have removed the grassed rear gardens and have proposed they are fully paved – the justification for this was to remove the need for rear access or the need for a brown garden waste bin. This is not considered acceptable, as any future occupiers may require a brown waste bin, which would then be required to be stored either within the car parking space to the site frontage or to the rear which under the current design has no access other than

through the proposed dwelling. The Good Design Guide is clear that “The integration of modern standard bin and cycle storage plays a significant role in the streetscene and as such is a critical aspect of the delivery of well-designed places. The storage of the council's three wheelie bins should therefore be a key design consideration from the outset, designed to be functional, convenient and visually pleasing. They can provide an opportunity for definition of external boundaries including planting where appropriate, or designed to be integral to the building itself. Their location should be convenient for both occupants and refuse collection purposes; and considered with a view to minimising the potential for impact on views / light levels / smell on windows and internal space.” Whilst the bin storage is in a convenient location for refuse collection, they would be highly visible within the street scene and located in front of sole, habitable windows of the proposed dwelling and adjacent to the boundary and habitable front windows of the neighbouring dwelling.

- 8.17. The proposed design of the car parking layout is not considered to be acceptable. Initially the layout proposed two car parking spaces per dwelling to the site frontage, between the proposed dwellings and Mount Road. The layout however includes an overlapping of vehicle parking to the front of the neighbouring dwelling. Whilst this was raised with the applicant as a point of concern, it was dismissed as the applicant does not necessarily have a personal issue with this layout. However, when considering the amenity of future occupiers, this parking layout is not considered to be acceptable.
- 8.18. Overall it is considered that the proposal is not acceptable in terms of its overall design and that the scale, layout and overall design does not complement the existing/neighbouring buildings. The proposal is therefore considered not to be in accordance with Policy DM10 of the SADMP.
- Impact upon neighbouring residential amenity
- 8.19. 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. It also confirms that the amenity of future occupiers should not be impacted by activities within the vicinity of the site.
- 8.20. It is considered that the proposed development would not provide a high quality rear amenity garden space for the two proposed dwellings, as discussed within the design section of this report.
- 8.21. The proposed design of the car parking layout is not considered to be acceptable. Initially the layout proposed two car parking spaces per dwelling to the site frontage, between the proposed dwellings and Mount Road. The layout however includes an overlapping of vehicle parking to the front of the neighbouring dwelling. Whilst this was raised with the applicant as a point of concern, it was dismissed as the applicant does not necessarily have a personal issue with this layout. However, when considering the amenity of future occupiers, this parking layout is not considered to be acceptable.
- 8.22. One letter of objection received raised concerns regarding overlooking and loss of privacy issues. This included concerns of overlooking from the proposed rear elevation of plot 1, including the Juliet balcony. The balcony would be erected as to not cause overlooking into the neighbouring plots Velux windows and the existing rear elevation first floor window is currently in situ and as such the development

would not cause further detrimental impacts. When considering the proposed development and its relationship with neighbouring residents, it is considered that it would not lead to significant detrimental impacts on residential amenity. This is when considering the existing dwelling, the existing boundary treatments and the distance between the proposed dwellings and the houses to the rear which all accord with the guidance contained within the Good Design Guide. It is therefore considered that the proposal in accordance with Policy DM10 of the SADMP when considering impacts upon neighbouring residential amenity, however, it is not in accordance when considering the impacts upon future occupiers of the dwellings, and is therefore not considered in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.23. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.24. Following a consultation with Leicestershire County Council Highways, no objections were received and it was considered that the proposal would not have a detrimental impact on highway safety and it was noted that there was a sufficient number of parking spaces available to serve each property, in line with the Leicestershire Highway Design Guide – subject to condition.
- 8.25. It can therefore be considered that the proposal is in accordance with Policy DM18 of the SADMP and the principles of the Good Design Guide (2019).

Planning balance

- 8.26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.27. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the 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. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits.
- 8.28. In terms of benefits, the two dwellings would make a contribution towards the supply of housing in the Borough. 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. As construction benefits would be short term and the proposal adds only two dwellings to local supply, these benefits can be given limited weight. There are no known environmental benefits from the proposed development.
- 8.29. Notwithstanding the above benefits, it is considered that the introduction of the proposed dwellings would conflict with Policy DM10 of the SADMP, causing harm to the visual amenity of the area through introducing two dwellings within the plot. This introduction would cause detrimental impacts to the visual amenity of the area due

to the cramped design and would also cause an incongruous rear amenity space design which does not follow the form of neighbouring plots. When assessed against the policies set out within the NPPF and SADMP, it is considered that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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

10.1 **Refuse planning permission for the following reasons**

11. Reasons

2. The development is considered to be unacceptable in terms of overall design, it would result in detrimental impacts to the visual amenity of the area due to the cramped nature of the dwellings, the rear amenity space design and the car parking layout to the site frontage, it is considered that the proposal is not in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Hinckley and Bosworth Good Design Guide (2020) and the overarching principles of the National Planning Policy Framework (2023).