



Appeal Decision

Site visit made on 23 September 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/K2420/W/25/3367497

Land adjacent to 29 Elizabeth Road, Hinckley, Leicestershire LE10 0QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Roux against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref is 25/00080/FUL.
 - The development proposed is a new build detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the local area;
 - ii) Whether suitable living conditions would be provided for future occupiers of the proposed dwelling; and
 - iii) The effect on the living conditions of neighbours.

Reasons

Character and appearance

3. The appeal site is an overgrown piece of land, enclosed by fencing and fronting onto Elizabeth Road between the side of a bungalow at No 29 and the rear garden of a chalet bungalow at 62 Middlefield Lane. The proposal is to build a detached 3 bedroom chalet bungalow, to take up almost the full depth of the site, with parking next to a projecting gable at the front and a side garden next to No 62.
4. This proposal follows on from a previous outline application for a dwelling, which was dismissed on appeal in 2020¹. I have had regard to the conclusions of that Inspector, but assess this case on its own merits in light of the current situation. 2 key differences here are the design details now proposed and the position regarding the Council's supply of deliverable housing sites.
5. The local area is suburban in nature, with a reasonably spacious character created by the set back of the bungalows and houses from the street and the spaces between buildings. The appeal site forms part of a significant gap originally formed by the rear gardens of 2 properties and now partially infilled by the house at No 29.

¹ APP/K2420/W/19/3239130

6. Although the proposed building would be modest in scale, with a similar design to nearby bungalows, it would tightly infill this undeveloped space and sit forward of the neighbouring buildings. The visual impact would be somewhat intensified by the need for a high fence at the front of the side garden, to provide privacy in the dwelling's only significant outdoor space. The overall effect would be cramped overdevelopment of this uncharacteristically small plot, detracting from the spaciousness of the local area.
7. I recognise that the existing frontage fencing already closes down views to some extent, but the combination of the proposed building and fencing would intensify this effect. I also take into account the possibility that the site might remain vacant and overgrown if a permission is not granted for a dwelling. This would detract from local character somewhat, but would at least have the merit of the site remaining predominantly open.
8. I conclude that the proposal would unduly harm local character and appearance. It therefore conflicts with policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (DMP) and Section 12 of the National Planning Policy Framework (the Framework), which aim to secure high quality design that complements or enhances the character of the surrounding area.

Living conditions of future occupiers

9. The Council's main concern here is about the quality (not the quantity) of the outdoor garden space for the proposed dwelling. The side garden would be far enough away from the nearest first floor window, at 62 Middlefield Lane, that it would not be unacceptably overlooked. As above, people using the side garden would have adequate privacy so long as a high fence was erected along the frontage to screen views from the street. The garden space would also have a reasonably open, sunny outlook.
10. The Council also refers to main windows of the proposed bungalow facing the rear of 62 Middlefield Lane. The separation distance between the first floor rear window at No 62 and the proposed ground floor windows would be slightly less than the 21m separation stated in the Council's Good Design Guide Supplementary Planning Document (SPD). There is only one upper floor rear window at No 62, however, and the distance between appears to me to be satisfactory for the purposes of privacy, in the circumstances of this case.
11. I conclude that the proposal would provide suitable living conditions for future occupiers. It accords in this respect with DMP policy DM10 and Framework paragraph 135(f), which aim to ensure a high standard of amenity for future users.

Living conditions of neighbours

12. One of the side walls of the proposed building would sit only a few metres away from 2 side windows at 29 Elizabeth Road, much less than the 8m separation recommended in the SPD. The new gable wall would be a highly dominant and intrusive feature in views from those windows. No information has been supplied to confirm or dispute that these windows at No 29 serve habitable rooms, so I have to assume that at least one of them does.

13. The proposal would in other respects be acceptable in regard to this issue. The other side wall and rear walls would be far enough away from the other neighbouring properties to protect outlook, light and privacy. Likewise, the proposed dormer window to the front would be well separated from the properties on the other side of Elizabeth Road, avoiding harm to privacy.
14. I conclude, however, that the proposal would seriously harm the living conditions of neighbours at No 29, due to loss of outlook. The proposal conflicts in this respect with DMP policy DM10 and Framework paragraph 135(f), which aim to ensure that developments do not have a significant adverse effect on the privacy and amenity of nearby residents.

Other matters

15. I note that the County Highway Authority recommends a requirement for visibility splays to serve the access/car parking. From my observations on site, it appears to me that a splay to the east might have to cross land at 29 Elizabeth Road which is not owned by the appellant. This matter could potentially have been dealt with by a negatively worded, 'Grampian' style condition if permission was granted.
16. A 10% increase in biodiversity value would be required if permission was granted. This could also be dealt with by condition(s) including the statutory biodiversity net gain condition.

Planning balance and conclusion

17. The proposal would make efficient use of an existing vacant site to provide a minor increase in the number of housing units available in the District. The Council advises that it is reviewing its supply of deliverable housing sites in response to the latest revisions to the Framework, but accepts that it will not likely be able to demonstrate the required 5 year supply. It therefore agrees that the 'tilted balance' set out in Framework paragraph 11(d) and Footnote 8 applies, meaning that the most important development plan policies for determining this appeal are considered to be out of date.
18. Having regard, however, to the Framework's strong emphasis on development adding to the overall quality of the area and providing a high standard of amenity, I find that my concerns regarding the impact on local character and neighbours' living conditions are sufficiently compelling for me to conclude that the combined adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. DMP policy DM10 is consistent with the Framework in these respects. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR