

Delegated Report

Planning Ref: 24/01127/FUL

Applicant: Mrs Mandy Lockley

Ward: Burbage Sketchley & Stretton

Site: Manor Cottage, Sketchley Old Village, Burbage

Proposal: Change of use from a games room to a residential flat



Hinckley & Bosworth
Borough Council

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The planning application proposes the change of use from an existing games room, which is located above an existing detached garage, to a residential flat. The flat is proposed to be a separate one bedroom residential unit, not ancillary to the main dwelling.

3. Description of the site and surrounding area

- 3.1. The site is located to the rear of Manor Cottage, Sketchley Old Village. The road consists of a mix of dwellings, consisting predominantly of brickwork. The development site which is subject to this application is located to the rear and is accessed through an access road located between two dwellings. This access is used by existing residents for vehicular parking. The site is not visible from Sketchley Old Village.

4. Relevant planning history

91/01162/4

Erection of garages and stores

Refused

25.02.1992

99/00961/FUL

Erection of a detached garage block and games room

Planning Permission

01.03.200

01/00133/FUL

Erection of a detached garage block and games room (amended scheme)

Refused

14/00455/HOU

Extensions and alterations to dwelling

Planning

Permission

30.07.2014

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.

- 5.2. One objection has been received. The objection relates to:

- The previous actions of HBBC has led to unauthorised developments and lack of consultation of previous approvals.

- The rear Velux windows create lack of privacy issues – if these were removed there would be no objection.

6. Consultation

- 6.1. HBBC Pollution: No objections.
- 6.2. HBBC Drainage: No objections.
- 6.3. Burbage Parish Council: Objection received, the development will be overbearing and overlooking into 4 Sketchley Hall Gardens.
- 6.4. LCC Highways: Standing advice.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. Burbage Neighbourhood Plan (BNP) (2021)

- Policy 2: Design and Layout

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Biodiversity Net Gain
- Planning Balance

Assessment against strategic planning policies

- 8.2. The 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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.

- 8.3. The development site is located within the settlement boundary and is therefore considered a sustainable location as per Policy DM1 of the SADMP.
- 8.4. The proposal is for the erection of a single detached dwelling. It is acknowledged that the Council cannot currently evidence a 5 year housing land supply and therefore consideration of this will be addressed within the planning balance section of this report, comparing any identified harm against housing need.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. Policy 2 of the BNP states that development should respect its surroundings and retain existing features where possible.
- 8.7. The existing building consists of garages serving Manor Cottage and a neighbouring property and a first floor element which consists of an open plan games room which has various existing cupboard space for storage. The proposal seeks to convert the first floor element to a residential flat, with one bathroom, and additional storage space at ground floor level. The proposal does not propose to amend any of the external appearance to the existing building. The building is also not highly visible from the streetscene or public vantage points and as such the proposal is considered to have no detrimental impacts on the character of the area.
- 8.8. The proposal is therefore in accordance with Policy DM10 of the SADMP and Policy 2 of the BNP.

Impact upon neighbouring residential amenity

- 8.9. 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.
- 8.10. The proposal is for the change of use of the existing games room to a residential flat. The proposal does not include any external works and as such the proposal would not create any significant impacts on neighbouring amenity in terms of loss of light, overshadowing or overbearing impacts, due to the existing structure.
- 8.11. Both the Parish Council and a neighbouring objector have raised concerns relating to overlooking and loss of privacy impacts from the proposed change of use to a residential flat. The site currently has two rear Velux windows which create the perception of overlooking into the neighbouring properties. The floor level within the first floor, which serves as a games room and is proposed to be converted to a residential flat is not proposed to change, and following a site visit, it was made clear that due to the orientation and positioning of the rear windows that no further detrimental impacts on neighbouring amenity in terms of loss of privacy and overlooking impacts will be experienced. The photograph included below further supports this. The additional windows on the Southern elevation facing the neighbouring properties shall be obscure glazed to ensure no detrimental impacts of overlooking. A condition was considered requiring the rooflights to be obscure glazed and non-opening, however owing to the height of the rooflights and distance to neighbouring properties this is not judged to be necessary in this case.



- 8.12. In addition to neighbouring amenity, the amenity of future occupiers of the flat has been considered as part of this proposal and the development complies with nationally prescribed space standards.
- 8.13. HBBC Environmental Health have been consulted as part of this proposal given the location of the proposed flat sitting atop of an existing garage - no objections or concerns were raised. It is also considered that the development site meets the National Space Standards.
- 8.14. As such the proposal is considered acceptable and in accordance with Policy DM10 of the SADMP.
- 8.15. Considering the relationship with neighbouring properties it is considered necessary to remove permitted development rights to ensure the LPA can assess any further extensions or alterations to the property.

Impact upon highway safety

- 8.16. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.
- 8.17. Leicestershire County Council were consulted as part of this application and have confirmed that they have no objections to the proposal. The site is not considered to cause detrimental impacts to highway safety and sufficient car parking is afforded to the proposed one bedroom flat and also sufficient parking is afforded to the existing host dwelling, as such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. Biodiversity Net Gain

- 9.1 Policy DM6 seeks to ensure that on site features are retained or included which safeguard and enhance biodiversity. The proposal due to having no external works is considered to be exempt from mandatory BNG.

10. **Planning Balance**

- 10.1 Currently the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.2 No detrimental impacts have been identified as a result of the proposal and as such the proposal is considered acceptable, the benefits although limited owing to the scale of the development clearly outweigh harm.

11. **Other Matters**

- 11.1 Concerns have been raised about the public consultation for the application. Letters have been issued to all properties immediately adjoining the site and a site notice was displayed which is acceptable publication for this type of application.

12. **Equality implications**

- 12.1 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.
- 12.2 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.
- 12.3 There are no known equality implications arising directly from this development.
- 12.4 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).

13. **Conclusion**

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP and Policy 2 of the BNP.

14. **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, as follows:

Site Location Plan
Proposed Plans & Elevations - 2609-2b

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. The windows to the ground and first floor of the southern side elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the windows 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).

4. Prior to first occupation of the hereby approved residential flat, two (2) parking spaces shall be afforded to the hereby approved unit. The parking spaces shall thereafter remain in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2024) and Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E (inclusive) 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).

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 collection point for domestic refuse and recycling waste is from the adopted highway boundary. Please ensure there is adequate space on the property to store the waste containers, up to three bins per property, preferably in rear gardens.