

Delegated Report

Planning Reference 26/00270/FUL
Applicant Mr Jamie Towers
Ward Burbage, Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site 52 Greenmoor Road, Burbage

Proposal Demolition of the existing bungalow and replacement self-build dormer bungalow with a new dropped kerb

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

- 1.1. **Grant planning permission** subject to planning conditions detailed at the end of this Report, and a Unilateral Undertaking securing that the dwelling is built and occupied in accordance with the Self-Build and Custom Housebuilding Act 2015.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a replacement self-build dormer bungalow at 52 Greemoor Road, Burbage. The proposed design and appearance of the development would be identical to the scheme approved under householder application 25/01021/HOU, but the original property would now be demolished to facilitate the proposal.
- 2.2. A dropped kerb was originally proposed, which was removed from the development following concerns regarding the scheme's impact on the Common Lime Tree in front of the property.

3. Description of the Site and the Surrounding Area

- 3.1. The application site consists of a buff-brick two-bedroom bungalow to the west of, but within, Burbage on the western side of Greenmoor Road. The surrounding area is wholly residential in character and the properties immediately adjacent to the site on western side of Greenmoor Road are all bungalows, but the wider surrounding area along Greenmoor Road does not have a discernible unique character due to the variety of styles and designs of buildings.

4. Relevant Planning History

- 4.1 **25/01021/HOU** Permitted (determined: 13.02.2026)
First floor front, two-storey side and single storey rear extensions including rear dormers and increase in ridge height

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 One member of the public objected to the development due to harm to neighbouring residential amenity including overlooking concerns, and harm to the character of the surrounding area. No further responses have been received.

6. Consultation

- 6.1 Burbage Parish Council and the Council's Drainage Department did not object to the development proposals. The Council's Environmental Health Department and the County Council's Ecology Department did not object to the application, subject to planning conditions regarding site preparation and construction hours and biodiversity enhancements respectively. Leicestershire County Council as the Local Highway Authority referred to current standing advice.
- 6.2 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 4: Development in Burbage
- 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 Burbage Neighbourhood Plan 2015 – 2026 ('BNP') (2021):
- Policy 1: Settlement Boundary
 - Policy 2: Design and Layout
 - Policy 4: Parking
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework ('NPPF') (2024)
 - National Design Guide ('NDG') (2019)
 - Planning Practice Guidance ('PPG')
 - Levelling-Up and Regeneration Act ('LURA') (2023)
 - Self-Build and Custom Housebuilding Act (2015)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide ('LHDG') (2024)
- Nationally Described Space Standards ('NDSS') (2015)

8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Burbage. As a result, the development would be considered to be acceptable in principle, subject to the assessment of all other material considerations. The key issues in respect of this application would therefore be:

- Self-build and custom housebuilding
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Self-Build and Custom Housebuilding

8.2 The Applicant has stated that the scheme would represent a self-build and custom housebuilding development in accordance with the definition within the Self-Build and Custom Housebuilding Act 2015. To support this, the Applicant has submitted a signed Self and Custom-Build Evidence Form and a Unilateral Undertaking to legally secure the scheme's contribution to the Council's supply of self-build and custom housebuilding plots.

8.3 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area. Currently, the Council has supplied less suitable cumulative permissions than the cumulative required demand for self-build and custom house-build dwellings at the end of Base Period 10, which results in a shortfall of 17 self-build and custom housebuilding plots.

8.4 As the application would benefit from a mechanism to legally secure the development's contribution to the Council's shortfall in the supply of self-build and custom housebuilding plots, positive weight can be given to this benefit in the planning balance. Although the Local Planning Authority are not meeting their statutory duty to permit a sufficient number of self-build and custom house-build schemes, the current proposal would only provide one additional dwelling to this supply. As such, the benefits of this small contribution in addressing the current shortfall would be considered to attract moderate positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.5 The proposed development would be visually identical to the scheme that was previously approved under 25/01021/HOU. Paragraph 8.11 of the Delegated Officer Report for this previous application confirmed that the form and design of the development would not result in any significant adverse impacts upon the character of the surrounding area. It is not considered that the demolition of the existing building within this application to facilitate this previously approved development would result in a material impact on the character of the surrounding area. In light of the above, the proposal would be considered to accord with Policy DM10 of the SADMP and Policy 2 of the BNP.

Impact upon Residential Amenity

- 8.6 The proposed two-storey massing of the development would be over 21m from the neighbouring dwellings along Hall Road to the rear of the site, which would accord with the minimum separation distances within the Council's Good Design Guide.
- 8.7 Importantly, the depth, size, height, and scale of the proposed development were previously approved via 25/01021/HOU. Paragraph 8.18 of the Delegated Officer Report for this application confirmed that the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity as a result of overshadowing. As no material changes have been made to the depth, size, height, and scale of the scheme in comparison to the extant planning permission, this conclusion would remain applicable to the current development.
- 8.8 The windows on the side elevations of the development are not proposed to serve principal habitable windows, and therefore these can be obscure glazed via a planning condition. Planning conditions could also prevent the flat roof above the single storey rear extension being utilised as a balcony.
- 8.9 By virtue of these factors, the proposal would not be considered to result in any significant adverse impacts to neighbouring residential amenity or the residential amenity of the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.10 The scheme would increase the capacity of the property to a four-bedroom dwelling and provide two off-street vehicle parking spaces. Whilst this would result in a deficit of one off-street parking when compared to the Table 28 of the LHDG, it is noted that there are no on-street parking restrictions in the immediate vicinity of the application site. It is therefore considered that this minor shortfall in off-street vehicle parking would not result in any unacceptable impacts on highway safety or the road network in these site-specific circumstances. Therefore, the development would be considered to comply with Policies DM17 and DM18 of the SADMP.

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 detailed at the end of this Report, and a Unilateral Undertaking securing that the dwelling is built and occupied in accordance with the Self-Build and Custom Housebuilding Act 2015.

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 and Proposed Plans (8997 03D) (submitted: 15.05.2026)

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. Prior to the commencement of any works above foundation level, a Biodiversity Enhancement Scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The biodiversity enhancements shall include, but not be limited to, at least one woodcrete/ integrated bird box, specifying their make and model and their location(s). Any enhancements need to be shown on all relevant submitted plans. All works to proceed strictly in accordance with the approved scheme.

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first occupation of the development hereby permitted, the access arrangements shown on the Existing and Proposed Plans (8997 03D) (submitted: 15.05.2026) shall be implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. Prior to the first occupation of the development hereby permitted, the parking and turning facilities shall be implemented in accordance with the Existing and Proposed Plans (8997 03D) (submitted: 15.05.2026). Thereafter the onsite parking (and turning) provision shall be kept available for such uses 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 (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

6. The windows on the side elevations of the dwelling that are utilised for the sitting area, the snug, the utility, and the en-suite on the ground floor, and the en-suite on the first floor shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below 1.7m above the floor of the room. 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).

7. The proposed development shall be constructed with smooth grey Marley Ashmore roof tiles, Wienerberger Marziale bricks and Johnstones Latitude silicone smooth render.

Reason: In accordance with the Existing and Proposed Plans (8997 03D) (submitted: 15.05.2026) and 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).

8. The development shall be carried out in full accordance with Pages 2 to 5 (inclusive) of the Construction Method Statement for Development (submitted: 19.03.2026).

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy

DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant(s)

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. The property may be suitable for roosting bats, which are protected by law from harm. It is the Applicant's responsibility to ensure that bat legislation is not breached. The Applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the under-tile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.
3. A vehicle crossover permit from Leicestershire County Council is required to facilitate a dropped kerb. The Applicant should note that the approval of planning permission does not guarantee permission for the required works permit. This process comes with its own criteria which must be met in order to gain a successful permit application. Given the potential impact of a dropped kerb in this location on the Common Lime Highway Tree (ID: 387170), it is unlikely that a vehicle crossover permitted would be permitted in these site-specific circumstances. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
4. A Common Lime Highway Tree (ID: 387170) is in front of the application site. Any works to highway trees will require separate consent from Leicestershire County Council as the Local Highway Authority (0116 305 0001). The Applicant is strongly advised to discuss this tree with Leicestershire County Council's Forest Team (forestry@leics.gov.uk) prior to the commencement of any works.
5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
6. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a

contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

7. 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).
8. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.