

Delegated Report

Planning Reference: 25/00483/HOU
Applicant(s): Mr Terence Fortune
Ward: Burbage, Sketchley and Stretton



Hinckley & Bosworth
Borough Council

Application Site: 13 Tilton Road, Burbage

Proposal: Erection of a 5.5m x 1.6m high white rendered wall with a 1.45m electric sliding gate (retrospective)

Case Officer: Gwion Russell (Planning Officer)

1. Recommendations

- 1.1. **Refuse retrospective planning permission** for the reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This householder planning application seeks retrospective full planning permission for the erection of a 5.5m by 1.6m high white rendered wall with a 1.45m electric sliding gate.
- 2.2. The fence and electric gate are proposed to be positioned and sited at the front property boundary only which fronts a highway and public footway.

3. Description of the Site and the Surrounding Area

- 3.1. The application dwelling is a two-storey, detached property on Tilton Road within the settlement boundary of Burbage. The property is set back approximately 8.6m from the highway, has a T-shaped gabled roof and the front of the property has a hard-standing driveway which encompasses the majority of the area of the front enclosed garden space.
- 3.2. The application property is finished with an off-white render with dark grey uPVC windows – which contrasts nearby properties. Although properties along Tilton Road are typically two-storey in massing, there is a high degree of uniformity to the dwellings, in terms of scale, massing and exterior materials, and therefore creates the character of the street-scene. All dwellings have front-facing T-shaped gabled roofs and are finished in a light brown brick. The majorities of properties along Tilton Road are residential, however there is a nearby cluster of shops and services at the north junction of the road. In addition, there is open parkland directly opposite the application site and neighbouring dwellings, resulting in a small section of Tilton Road only being lined with dwellings on the east side.

- 3.3. Dwellings are generally set back from the highway with open frontages with few properties having front boundary treatments.

4. Relevant Planning History

4.1 00/00141/FUL

- First floor side extension
- Permitted
- 22.03.2000

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

- 5.2 No responses have been received.

6. Consultation

- 6.1 Burbage Parish Council objects to the application for the following reasons:

- *"The wall is considered to be too high and out of keeping with the street scene, contrary to Burbage Neighbourhood Plan Policy 2 on Design & Layout and also Policy DM10 on design"*
- *"It is contrary to the recommendations of Burbage Neighbourhood Plan policy on Development Layout & Scale point 14.4 (relating to the retention of hedge boundaries around existing homes)"*
- *"There is concern that vehicles waiting on the road for the electric gate to open could hinder traffic flow"*

- 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 2: Design and Layout

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.5 Other Relevant Guidance:

- Hinckley and Bosworth Borough Council – The Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Householder alterations within the curtilage of a domestic property 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 residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

8.3 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others. Guidance Point I1 of the NGD highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.

8.4 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.

- 8.5 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It suggests that boundary treatments are a significant feature of local character, the loss of which can have a highly detrimental impact on local distinctiveness and can be critical to the overall character and quality within a scheme. Soft landscaping can provide a more sensitive form of delineation of boundaries and reduce the sense of oppression often created by long runs of fences.
- 8.7 Policy 2 of the Burbage Neighbourhood Plan requires future residential development to respect its surroundings. Paragraph 14.4 of the Burbage Neighbourhood Plan (Made 2021) states that hedge boundaries should be maintained around existing homes. Paragraph 15.1 states: *"Houses should be matched in terms of design and scale with neighbouring properties but are not required to copy or pastiche existing design styles in an area. Innovative and contemporary designs, that respect their context, are encouraged. References to existing architectural forms, fenestration, proportion of solid and void areas and external materials will also be encouraged"*. The property previously benefited from an established evergreen hedgerow which has since been removed from the boundary of the property, which contrasts with paragraph 14.4, however it is acknowledged that permission would not have been required for its removal.
- 8.8 In accordance with the HBBC Good Design Guide (2021) boundary treatments are a significant feature of local character and the retention of existing trees and hedgerows and the reflection of local boundary treatments are critical in the overall creation of street character. The original characteristic soft landscaping/hedgerow has been removed and replaced with an off-white render wall which is 1.6m high and in two separate sections (being separated by an electric metal gate) adjacent to the public footpath and highway.
- 8.9 Many of the surrounding dwellings have no boundary treatments to the front of their properties, where they do exist they are low, open railings such as at No.11 Tilton Road, or low traditional brick walls such as that found at Burbage Surgery. The height of the proposed rendered wall contrasts greatly with the boundary treatment, or lack thereof, in the immediate and surrounding streetscene. The harm is exacerbated through the use of off-white, stark render which is a modern addition to the streetscene which would not respect or integrate with the other limited examples of solid boundary features in the area which are finished in brick and integrate better with their surroundings. The rendering of the existing dwelling does not have planning permission and is not considered to be a positive addition to the streetscene to warrant matching materials to the front boundary wall. The visual prominence of the wall itself is an incongruous and visually obtrusive addition to the

street scene and detracts significantly from the spacious and verdant open frontages of surrounding dwellings.

- 8.10 Although the electric gate is designed to be subservient to the main rendered wall there are no electric gates within the immediate street-scene and along Tilton Road. The electric gate is proposed at a height of 1.45m, and although provides some design variation, it still contrasts greatly with the neighbouring properties, given its sensitive location and positioning adjacent to a highway. As a result of this, the electric gate also contrasts nearby boundary treatments.
- 8.11 Due to the sensitive siting of the application property, the proposals are seen from the open parkland opposite. As a result of the vast, open frontages the proposals are visible from approximately 331m away at certain angles and disrupt the natural outlook of the area.
- 8.12 By virtue of its insensitive design which contrasts the local street-scene and sensitive location, the development is therefore contrary to the guidance as set out in the Good Design Guide, Policy 2 of the Burbage Neighbourhood Plan, Policy DM10 of the SADMP and the NPPF.

Impact upon Residential Amenity

- 8.13 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.14 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. By virtue of the height and location of the wall which is set away from neighbouring residents the proposals do not impact on amenity on neighbouring properties and comply with Policy DM10 (a) and (b) of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.15 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.16 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.

- 8.17 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.18 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)) (2024).
- 8.19 Although no highway changes are proposed, the operation of the electric gate is likely to result in a delay forcing vehicles to wait for entry on the main carriageway. This is exacerbated by the fact that the application property is situated on the internal curve of a road-bend which acts as a popular link road connecting Sketchley Road to Featherston Drive. The resulting arrangement presents some risk to highway safety. However, it is acknowledged that a 1m high gate could be erected without planning permission in the same location under Permitted Development which would result in the same impact. Furthermore, the harm is not considered to be significantly adverse in the context of the NPPF and Policy DM17.
- 8.20 Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Other matters

- 8.21 The removal of the established soft landscaping and hedgerow is likely to have resulted in a loss of wildlife habitat which the wall and gate do not replace resulting in a net loss of biodiversity value in this space. However, the hedges removal would not have required permission in the case.
- 8.22 The applicants state that the wall and gate will aid security at the property. This is understood, however, the LPA are not satisfied that the wall is the only option to improve security at the site. The former hedge was much higher and would have been more difficult to climb for example.

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.

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be refused.

11. Recommendation

11.1 **Refuse retrospective planning permission** for the reasons detailed at the end of this report.

11.2 Reasons

1. The proposed wall and electric gate, by virtue of their materials, design, height and positioning adjacent to the highway are considered visually intrusive and inconsistent with the character of the surrounding area. As such, the development is contrary to Policy DM10 (a), (c) and (d) of the Site Allocations and Development Management Policies DPD, Policy 2 of the Burbage Neighbourhood Plan, the Hinckley and Bosworth Borough Council Good Design Guide and the provisions of the National Planning Policy Framework.

a. Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - OS Map – Block plan (received by the Local Planning Authority on 09.06.25)
 - Proposed elevation photograph (received by the Local Planning Authority on 09.06.25)
 - Application form (received by the Local Planning Authority on 13.05.25)