

Delegated Report

Planning Ref: 25/00951/OUT
Applicant: Mr Swain
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Land adjacent to 79 Laneside Drive Hinckley

Proposal: Outline planning permission for the erection of a single storey (self-build) bungalow (All matters reserved except access)

1. Recommendations

1.1. Refuse planning permission for the following reasons:

The proposal would result in a cramped and forced form of development that does not correspond well with the prevailing character of the area. The proposal would introduce a narrow, small and incongruous development which is considered to be out of keeping with the local area. This proposal is therefore inappropriate for its context, impacts upon the character of the local area and does not accord with Design Guidance for infill development. It is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, the Good Design Guide SPD and the requirements of the NPPF.

Access is a detailed consideration at this stage and the visibility splays and parking area as shown for this development would result in the need for land that is not within the current ownership of the applicant and would also involve the removal of a section of wall along Laneside Drive. There is insufficient evidence this can be achieved. The proposal is therefore not considered to be suitable with respect to parking and visibility considerations as proposed and contrary to Policies DM17 and DM18 of the SADMP and Leicestershire Highway Design Guidance with respect to access and parking arrangements.

2. Planning application description

2.1. The proposal seeks outline planning permission for the development of a one bedroomed self-build bungalow on land adjacent to 79 Laneside Drive Hinckley. Access is a detailed consideration as part of the outline but all other matters are reserved.

3. Description of the site and surrounding area

3.1. The application site is located to the north east of Hinckley within an established residential area comprising detached bungalows and some two storey properties. Long stretches of brick wall currently lie on either side of the entrance to Laneside Drive from Stoneygate Drive.

3.2. The site lies adjacent to 79 Laneside Drive and to the rear of properties along Stoneygate Drive. The site comprises a narrow strip of land which borders an array of properties with direct access off Laneside Drive.

4. Relevant planning history

4.1. The application site has no relevant planning history.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Five letters of objection have been received from neighbouring properties and a summary of their comments are listed below:
- It is landlocked with little/no access to the rear of the site
 - It would block early morning sun/ impact on light
 - It is too close to the boundary of neighbouring properties
 - The applicant does not own all of the land
 - The site is too narrow
 - Privacy concerns
 - Overbearing concerns
 - The proposed development does not allow at least one metre in distance between our garage building and the proposed property boundary
 - Land slippage and subsidence concerns
 - Concern over loss of Oak Tree
 - Loss of existing parking provision for neighbouring property
 - Land level concerns

6. Consultation

- 6.1. No objection has been received from:
- LCC Minerals
 - HBBC Waste Management (subject to condition)
 - HBBC Environmental Health
 - LCC Highways (Standing Advice provided re access width, construction, parking and visibility splays).

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 DM7: Preventing Pollution and Flooding
 - 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) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - Self-build and Custom Housebuilding Act 2015

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
- Flood risk and drainage
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 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.
- 8.3. 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. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The site is located within the settlement boundary of Hinckley where the majority of housing will be provided in accordance with the Site Allocations and Development Management Policies DPD 2016.
- 8.5. As required by the Self-build and Custom Housebuilding Act 2015, the Council must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period. Currently, the Council has a shortfall of 17 self-build dwellings available and so this is a material consideration. The provision of 1 self-build property would make a moderate contribution to the current register demand and declared shortfall for the Borough and is given moderate weight in the planning balance.
- 8.6. Whilst the application is accompanied by a Self-Build and Custom Housebuilding Evidence form, the application form and Design and Access Statement for the proposal makes no mention of a self-build proposal. If the application were to be approved then a legal agreement would be required in order to secure the dwelling as a self-build property.
- 8.7. In principle however, a self-build dwelling in a residential area of Hinckley is considered to accord with the Development Plan subject to material planning considerations set out below.

Design and impact upon the character of the area

- 8.8. Policy DM10(c), (d) and (e) 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 and the area generally and incorporates a high standard of landscaping.

- 8.9. The Good Design Guide SPD provides guidance on proposed residential development. For infill development such as this, the guidance states that building plots should be of similar size and shape to the wider context, allowing sufficient space between buildings and not adversely impacting upon the prevailing grain of development.
- 8.10. Paragraph 134 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, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.11. The proposed site is long and narrow and would result in a cramped and forced form of development that does not correspond well with the prevailing character of the area. This part of Hinckley benefits from strong street frontages, wide plots, set back from the road with off road parking, some with garage buildings. The proposal would introduce a narrow, small and incongruous form of development which is considered to adversely impact upon the prevailing character of the local area. The proposed unit as illustrated is small and more akin to the size of an outbuilding or garage as opposed to a dwelling. Due to the narrowness of the site, even this small building would abut the boundary of the site with very limited access to the proposed rear of the dwelling. This further compounds the inappropriate size of the site/proposal relative to its local context.
- 8.12. As this is an outline application, not all details are being considered at this stage. However, taking all the above factors into account, particularly the constrained nature of the site, it is considered that this proposal as a whole is inappropriate for its context, impacts upon the character of the local area and does not accord with Design Guidance for infill development. This is given significant weight against the development.
- 8.13. Overall the scheme is considered to be unacceptable and contrary to Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF with respect to character considerations.

Impact upon neighbouring residential amenity

- 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.
- 8.15. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The illustrative plan states the unit would meet national space standards for a 1 bedroom dwelling in terms of its Gross Internal Floor Area. The details of internal layout, appearance etc are not provided as part of this outline but it is indicated that the basic requirements can be met for internal living space.
- 8.16. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.17. Objections from local residents have been received and it is noted that some of the concerns raised relate to residential amenity. As shown, the relationship between the new dwelling and existing properties around it would be strained, and while no details are provided in this Outline application with respect to elevations and floor plans, the proposal states that it would consist of a 1 bedroomed self-build bungalow.
- 8.18. One of the key aims within the Good Design Guide for Hinckley Bosworth Borough Council is to ensure adequate space between and around buildings which is recognised as a core component of residential amenity.
- 8.19. Whilst single storey development does not create overlooking issues or privacy concerns as a general rule of thumb, there are other considerations when assessing residential amenity. As previously stated, due to the narrowness and constrained nature of the application site, the proposed footprint of the dwelling would take up most of the width of the plot, and as a result, space to the sides of the dwelling would be very limited. This could create neighbour disputes with respect to proximity of the dwelling to the boundaries of the site, maintenance and repair matters and the storage/location of waste/refuse. It would also create access issues to the rear of the site for the future occupier of the dwelling. As illustrated, it is considered to be an unneighbourly form of development.
- 8.20. However, details such as appearance and layout are not considerations at this outline stage and it may be that these matters could be addressed at the detailed stage of development. Whilst the illustrated plan is not ideal in amenity terms it is considered that a reason for refusal cannot be fully justified at this outline stage.

Impact upon highway safety

- 8.21. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.22. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be a severe impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.23. The Local Highway Authority have no objection to the scheme, but have provided standing advice in relation to car parking dimensions, visibility splays and dropped kerbs for a residential dwelling.
- 8.24. Access is a detailed consideration at this stage and it is noted that the visibility splays and parking area as shown would result in the need for land that is not within the current ownership of the applicant and would also involve the removal of a section of wall along Laneside Drive and therefore cannot currently be achieved. The applicant has provided no evidence that these concerns can be overcome. This is given significant weight against the development.
- 8.25. The proposal is therefore not considered to be suitable with respect to parking and visibility considerations as proposed and therefore the proposal is considered to be contrary to Policies DM17 and DM18 of the SADMP with respect to access and parking arrangements.

Flood Risk and Drainage

- 8.26. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.27. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.28. The Council's drainage officer was consulted on the scheme and raises no objections or concerns. The site is not located within a high risk area for surface water flooding. The application is therefore considered to be acceptable and in compliance with the Development Plan with respect to drainage and flood risk.

Planning Balance

- 8.29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.30. The proposal would deliver a self-build dwelling within the settlement boundary of Hinckley – a material consideration that is assigned moderate weight in support of the scheme. However, the concerns expressed above in relation to the impact upon local character, and access and parking are given significant weight and outweigh this positive impact. The scheme is therefore recommended for refusal.

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

1. The proposal would result in a cramped and forced form of development that does not correspond well with the prevailing character of the area. The proposal would introduce a narrow, small and incongruous development which is considered to be out of keeping with the local area. This proposal is therefore inappropriate for its context, impacts upon the character of the local area and does not accord with Design Guidance for infill development. It is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, the Good Design Guide SPD and the requirements of the NPPF.
2. Access is a detailed consideration at this stage and the visibility splays and parking area as shown for this development would result in the need for land that is not within the current ownership of the applicant and would also involve the removal of a section of wall along Laneside Drive. There is insufficient evidence this can be achieved. The proposal is therefore not considered to be suitable with respect to parking and visibility considerations as proposed and contrary to Policies DM17 and DM18 of the SADMP and Leicestershire Highway Design Guidance with respect to access and parking arrangements.

Notes to applicant

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application as required by the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). However, in this instance, it has not been possible to overcome the concerns raised and the proposal remains in conflict with the provisions of the Development Plan and therefore the application has been refused.

This decision is based on the following drawings/information submitted with the application:

Existing Block, Location Plans Drg No. 2025-45 115 Rev A received 3 November 2025

Proposed Illustrative Block & Location Plans, Drg No. 2025-45 122 Rev A received 3 November 2025

Illustrative Site Layout Plan, Drg No. 2025-45 121 Rev A received 3 November 2025

Design and Access Statement

Application Form

Self-Build and Custom Build Form

Illustrative 3d Visuals Dwg no 123