

Delegated Report

Planning Ref: 23/00602/OUT

Applicant: Mr Leigh-Roy MacFarlane

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Limebank , 53 Hollycroft Crescent, Hinckley

Proposal: Outline planning permission for new dwelling to the rear garden of 53 Hollycroft Crescent (following demolition of existing garage) with associated access and parking (all matters reserved)

1. Recommendations

1.1. Refuse planning permission for the following reason:

1. The application would result in a form of development that does not correspond well with the prevailing character of the area, which benefits from strong street frontages and a clear blockwork pattern of development. By introducing an incongruous backland feature, this clear character would be undermined to an unacceptable level. As such the application is considered to be 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 design and character considerations.
2. The proximity of the single width vehicle access would cause detrimental impacts to neighbouring properties and future occupiers of the host dwelling at 53 Hollycroft Crescent, through noise impacts of the passing vehicles and the proximity of the access to the dwellings and their gardens. In addition, unacceptable overbearing impacts would occur to neighbouring properties on Hollycroft Crescent and Lismore Drive, due to scale and siting of the dwelling and the windows facing onto Hollycroft Crescent. As such the proposal would be an unneighbourly form of development and would not be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the Good Design Guide (2020) which seeks to safeguard residential amenity.

2. Planning application description

- 2.1. The proposal seeks outline planning permission for a new dwelling to the rear garden of 53 Hollycroft Crescent, including the demolition of an existing attached garage to the side of 53 Hollycroft Crescent, with associated access and parking (all matters reserved).

3. Description of the site and surrounding area

- 3.1. The site is located in Hinckley within a residential area. Hollycroft Crescent is set back from Hollycroft Road. The property is a semi-detached two-storey dwelling, with a single storey side extension which serves the property as a garage.
- 3.2. The properties along Hollycroft Crescent are characterised by their two storey nature with large elongated rear gardens.

4. Relevant planning history

- 3.3. None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

5.2. 6 objections received and 1 comments neither supporting nor objecting. The concerns raised relate to:

- Access to the proposed dwelling is limited.
- Construction materials/traffic would cause disturbance.
- Loss of privacy and overlooking impacts.
- Vehicular movements causing negative impacts on amenity within neighbouring house and garden at 55 Hollycroft Crescent.
- Security concerns.
- Backland development not in keeping and new precedent being set.
- Mature trees to be removed.
- Sewerage concerns.
- Flooding risk and concerns due to existing waterlogging.
- Over intensification of existing access onto Hollycroft Crescent.

6. Consultation

6.1. Comments have been received by:

- LCC Highways: Standing advice.
- HBBC Drainage: No objections, notes to applicant.
- HBBC Waste Management: No objections, notes to applicant.
- HBBC ES Pollution: No objection.

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 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)

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
- Planning balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) 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 Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS) was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024 with adoption due around January 2025. The Replacement Local Plan is therefore delayed.
- 8.5. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the Borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.5. Policy 1 of the Core Strategy sets out how land in Hinckley must be allocated for a minimum of 1120 new residential dwellings with a variety of housing stock.
- 8.6. It can be concluded that the site is located within a sustainable urban location within the settlement boundary of Hinckley where there is generally a presumption in favour of such development. The site has reasonable access to a full range of services and facilities and is accessible via public transport and other alternative sustainable means. The proposal would be acceptable in terms of adopted strategic planning policies and would result in a sustainable development that would contribute to the housing supply in Hinckley.
- 8.7. The social and economic benefits associated with the development arising from the supply of a new home, the increase in population and construction industry benefits are held in minor weight due to the scale of the development proposed.
- Design and impact upon the character of the area
- 8.8. Policy DM10(c), (d) 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.
- 8.9. The Good Design Guide SPD provides guidance on new development including backland 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 plan, elevations and floor plans, illustrate that the scheme seeks to subdivide the plot, and erect a new dwelling in the rear garden with access from Hollycroft Crescent.
- 8.12. The result would be a form of development that does not correspond well with the prevailing character of the area, which benefits from strong street frontages and a clear blockwork pattern of development. By introducing an incongruous backland feature, this clear character would be undermined to an unacceptable level. This also includes the indicative property type which consists of 1.5 storey dwelling, which is uncommon within the immediate setting of the development site.
- 8.13. Overall the scheme is considered to represent a poor standard of design which is judged 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 design and character considerations. This policy conflict is held in significant weight in the planning balance.
- 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 where an existing plot is to be subdivided will require clear and convincing justification in relation to its context. It will at a minimum need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. The Good Design Guide SPD also outlines appropriate distances between properties.
- 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. The indicative layout of the proposed dwelling and associated access includes the demolition of the existing side extension to the host dwelling of 53 Hollycroft Crescent, currently serving as a garage, and it can be assumed that this is the only viable access route to the rear garden. The indicative layout shows a single car width access to the rear which does not comply with the guidance set out within the Good Design guide, which confirmed that the width of the road allows for two vehicles to pass. In addition, the access would be within close proximity to both the host dwelling and 55 Hollycroft Crescent and is considered to constitute an unneighbourly form of development causing significant detrimental impacts to residential amenity, of both the dwellings and garden amenity space, in terms of noise generated from vehicular movements.

- 8.18. It is acknowledged that the indicative layout plan evidences that appropriate separation distances can be achieved, however, the proposed dwelling is sited immediately adjacent to the south western and western boundaries shared with 51 and 53 Hollycroft and Lismore Drive. The dwelling is indicatively proposed to be 1 ½ storey in scale and owing to its scale, siting and likely window positioning would result in overbearing impacts to the gardens of 51 and 53 Hollycroft Crescent alongside the private amenity space of the two adjacent houses on Lismore Drive.
- 8.19. As such this application is considered to be unacceptable in amenity terms and not in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF with respect to residential amenity. The harm arising from the development in this respect is held in moderate weight.
- Impact upon highway safety
- 8.20. 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)).
- 8.21. Paragraph 111 of the NPPF (2019) outlines that 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 would be severe.
- 8.22. The Highways Authority have no objection to the scheme, but have provided standing advice in relation to the provision of car parking spaces.
- 8.23. The proposal will have a negligible impact on the highway network and the new property will have sufficient car parking areas on site, however concerns are still raised regarding the single widths access between 53 and 55 Hollycroft Crescent. Nonetheless, the proposal is therefore considered to be acceptable in highway terms and accords with Policies DM17 and DM18 of the SADMP

Planning Balance/Conclusion

- 8.24. This report has assessed the development proposals against the presumption that planning permission should be granted for sustainable development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This report has demonstrated that that proposals do not constitute sustainable development.
- 8.25. The development would make a contribution to the supply of housing although this benefit would be tempered to minor weight in the planning balance given the single unit proposed. There would also be economic benefits in terms of the construction of the development, and those associated with the resultant increase in local population; although such positive weight would again be limited to minor weight due to the single dwelling proposed.
- 8.26. There are a number of areas of compliance with development plan policies including matters surrounding highways which are not considered benefits as such and are subsequently held in neutral weight when considering the overall benefits of the scheme.

- 8.27 The benefits and adverse impacts are carefully weighed in the planning balance and it is considered that the minor public benefits of the scheme identified above would not outweigh the significant harm arising from the poor design which is ultimately harmful to the character and appearance of the area and the moderate harm apportioned to the harm the development would cause to the amenities of neighbouring occupiers of the development.
- 8.28 The harm arising from the development proposals is considered to significantly and demonstrably outweigh the minor public benefits identified. Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the Development Plan, in applying paragraph 11 of the NPPF, it is considered that the adverse impacts significantly and demonstrably outweigh the identifiable benefits of the proposal as a whole. The development proposals cannot be regarded to represent a sustainable form of development and it is recommended that the planning application is refused.

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**

11. Reasons

1. The application would result in a form of development that does not correspond well with the prevailing character of the area, which benefits from strong street frontages and a clear blockwork pattern of development. By introducing an incongruous backland feature, this clear character would be undermined to an unacceptable level. As such the application is considered to be 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 design and character considerations.
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