

Delegated Report

Planning Reference 25/00201/FUL
Applicant(s) Mr Lovegrove
Ward Ratby, Bagworth & Thornton

Application Site 11 Danehill, Ratby, Leicester

Proposal Proposed self-build and custom-build bungalow and associated infrastructure and alterations and partial demolition to existing property

Case Officer Sullivan Archer (Senior Planning Officer)



1. Recommendations

- 1.1. **Refuse planning permission** subject to planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a two-bedroom, detached, single storey, self-build and custom house-build dwelling at 11 Danehill, Ratby. To facilitate this development, the single storey side extension of the existing property would be removed, alongside the existing kitchen window and the internal partition between the kitchen and the conservatory to the rear of the dwelling.
- 2.2. The development would externally measure 8.7m in width by 8.6m in depth, which would create a total footprint of 74.1sqm. The property would feature a 5m high dual pitched roof that would include a 3.3m high wall-mounted timber canopy porch on the front elevation of the property. The proposal would be constructed with Ibstock Leicester Red Stock facing bricks and dark grey Spanish slate roof tiles.
- 2.3. These proposed details represent the fourth revision of the submitted scheme since its submission to the Local Planning Authority, following proactive discussions between the Council and the Applicant in light of the concerns raised by the Case Officer regarding the development's harm to the character of the surrounding area, residential amenity, and off-street parking provision.

3. Description of the Site and the Surrounding Area

- 3.1. The 500sqm application site is to the south of, and within the identified settlement boundary of, Ratby on the western side of Danehill, 85m northeast of the road's confluence with Station Road. The site is located on a corner plot at the end of Nicholas Drive as it connects to Danehill. Danehill bounds the eastern side of the site.

- 3.2. The application site forms part of the rear garden of 11 Danehill, which is a semi-detached bungalow that is constructed with a flat single storey side extension to its eastern elevation. The site is currently enclosed by 1.8m high close boarded fencing. The area is wholly residential in character and predominantly comprises two-storey red brick dwellings. However, 11 Danehill and the built form along Nicholas Drive have a unique character in comparison to the wider area. Nicholas Drive comprises several red brick bungalows that are arranged as a crescent around an area of informal open space. Although two new modern bungalows have been added to this crescent over time, the original bungalows are all semi-detached properties with bay windows with glass detailing, chimneys, and landscaped fronts.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. Local residents were re-consulted on the application following amendments to the planning description and the proposed plans, and the submission of certificates of ownership, and a unilateral undertaking. No responses have been received.

6. Consultation

- 6.1 No objections have been received from the Council's Drainage or Environmental Health Departments, Leicestershire County Council as the Local Minerals and Waste Planning Authority or the County Council's Ecology Department. The County Council as the Local Highway Authority (LHA) had no objections to the development subject to a planning condition that secured the proposed vehicular access arrangements. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)
- Levelling-Up and Regeneration Act (LURA) (2023)
- Self-Build and Custom Housebuilding Act (2015)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

8.2 Paragraph 2 of the National Planning Policy Framework (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. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. However, 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.

8.4 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). Paragraph 232 of the NPPF confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.

- 8.5 Policy 7 of the Core Strategy states that the Council shall support housing development within settlement boundaries.
- 8.6 The application site is in a sustainable location within the identified settlement boundary of the Key Rural Centre, Ratby. As such, the principle of a residential development in this location would be considered to be acceptable in accordance with Policy 7 of the Core Strategy, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of this Report.

Housing Land Supply

- 8.7 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.8 Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.9 The Planning Policy team have reviewed the revisions to the 2024 version of the NPPF and its implications for the Council's Five-Year Housing Land Supply. As of April 2024, the Council had a 5.26-year supply of land for housing. However, the Council can no longer demonstrate a five-year housing land supply, and the latest figures as of April 2025 are expected to demonstrate that the Council has a housing land supply of up to 3.95 years.
- 8.10 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF would be triggered in the determination of this application in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.11 When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.12 The development would be for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy would not be applicable for this scheme.
- 8.13 Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the small benefit of providing one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.

Custom and Self-Build Housing (CSB)

- 8.14 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) people wishing to commission or build their own homes.
- 8.15 Section 1 of the Self-Build and Custom Housebuilding Act 2015 defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.
- 8.16 The Applicant states that the proposed development would be classified as a 'custom house-build and self-build' ('CSB') scheme within the definition provided within the Self-Build and Custom Housebuilding Act 2015. This is a material consideration within the determination of this planning application.
- 8.17 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. The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.18 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 customhouse build dwellings.

- 8.19 To secure this proposal as a self-build and custom house-build development, the Local Planning Authority would require a Unilateral Undertaking (UU) to be signed by the Applicant.
- 8.20 The Applicant has submitted a draft Unilateral Undertaking and a Self-Build and Custom-Build and Evidence Form as part of this application, which confirms the initial occupier of the proposed development. Therefore, this proposal as a self-build and custom house-build would contribute to the current unmet demand and the cumulative need for permissions by the end of this Base Period (31 October 2025 to 30 October 2026).
- 8.21 Whilst 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 limited current shortfall in the Council's provision self-build and custom housebuilding developments would be considered to attract moderate positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.22 Key Policy 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.
- 8.23 Key Policy Paragraph 129(d) and (e) of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places respectively.
- 8.24 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.25 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.
- 8.26 Guidance Point C1 of the National Design Guide (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.

- 8.27 Guidance Point I1 of the NDG 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.
- 8.28 Pages 14 and 15 of the Good Design Guide highlights the five key components of design are: access, layout, space, appearance, and landscape. The Good Design Guide confirms that new development should look to respond appropriately to the existing layout of buildings, streets, and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another. Ultimately, the Good Design Guide states that consideration should be given to the ongoing maintenance of the street scene from the outset.
- 8.29 The Good Design Guide states that corner plots play an important role within the street scene, and overdevelopment of these plots can create an oppressive quality, which can lead to a significant change in the prevailing character of a place.
- 8.30 The development would be sited on a corner plot and would be visually prominent from public views along Danehill and the bungalows around Nicholas Drive. In this location, Danehill runs southwest to northwest before curving northwards to the east of the site. The direction of the public highway can be seen from the location of the existing driveway and the boundary fencing.
- 8.31 In this context, the proposed siting of the development would not be considered to follow the angle of the Danehill. In addition, the design and siting of the proposed development would create a blank side elevation towards one of the key public views of the site from Danehill to the east. These factors would not be considered to represent good design. The inharmonious character of the poor siting and design of the development would be considered to be heightened by the site's positioning on a visually prominent corner plot.
- 8.32 The proposed siting of the development would then introduce a 2.6m set back into the existing building line along Nicholas Drive. Notably, there is no existing setback in the building line between 5 and 11 Danehill. Therefore, the introduction of this setback to facilitate the current development would appear incongruous to the character of the surrounding area. The incongruous nature of this setback would be considered to be exacerbated by the scheme's siting in relation to Danehill and its visual prominence on a corner plot.
- 8.33 Whilst it is appreciated that 1A Danehill is set back from 1 Danehill on the other side of Nicholas Drive by approximately 2.2m, the setback for the current development would still be almost half a metre larger than this existing setback example. Furthermore, the distance between these two existing properties, their siting and their positioning in relation to the public highway, and the character along this side of Nicholas Drive are materially different to the positioning of the current development proposal and its relationship with the dwellings to the west and around Danehill.

- 8.34 In addition to this, the proposal would result in a limited separation distance of 0.9m between the new property and the host dwelling. This separation distance between the properties would be in direct contrast to the existing wide separation distances between the other bungalows around this crescent. This would contribute to the scheme's poor integration with the wider character of the area.
- 8.35 The proposed development would have a ridge and eaves height that would match that of the host dwelling. Whilst this would create an element of cohesion between the development and the host dwelling, 11 Danehill is a semi-detached property that is larger than and would be experienced as larger by virtue of its semi-detached tenure than the proposed development. Given the above, the matching ridge and eaves height of the proposed development would be considered to appear at odds with the character of the surrounding due to the scheme's small and detached appearance and its setback from 11 Danehill. The incongruous nature of this development would be considered to be exacerbated by the scheme's visual prominence on a corner plot.
- 8.36 With the exception of the latest bungalow at 3A Danehill, all the residential properties along Nicholas Drive feature chimneys and concrete roof tiles, and they do not include a front porch. However, the current proposal would feature Spanish Slate roof tiles and a front canopy porch, and the scheme would not feature a chimney. These are further examples of the poor design of the scheme and its lack of consideration for its integration with the discernible character of the surrounding area in these site-specific circumstances. The inharmonious nature of these features would be heightened by the property's visually prominent location on a corner plot.
- 8.37 Ultimately, as detailed later within this Report, the development would not provide adequate separation distance between the development and the existing neighbouring properties to the north of the site as required by the Council's Good Design Guide. Given the resultant significant harm to residential amenity, the scheme would be considered to represent the overdevelopment of the plot to the significant detriment of the character of the surrounding area. The significant harm of this development would be considered to be exacerbated by the scheme's visual prominence on a corner plot as well as its poor siting, setback, design, and incongruous appearance.
- 8.38 However, it is noted that the existing 2m high boundary fence along the eastern boundary of the site is proposed to be replaced with an open section of landscaping. This would be considered to have a positive impact on the character of the area. However, to facilitate the development, the existing hedgerow within the site would be removed from the application site. This would result in a level of harm to the character of the area that would not be addressed by the provision of one new tree. Nevertheless, the hard and soft landscaping of the wider application site could be secured via planning condition to ensure that the scheme has a satisfactory external appearance.

- 8.39 In summary, as a culmination of the discernible character of the bungalows around the crescent of Nicholas Drive and the development's siting, location, orientation, size, scale, height, design, and architectural features, the proposal would be considered to represent the overdevelopment of the plot that would appear incongruous to, and result in significant harm to, the character of the surrounding area. This significant harm would be exacerbated by the visual prominence of the development by virtue of its location on a corner plot.
- 8.40 By virtue of these factors, the development would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP, Key Policy Paragraphs 129 and 135 of the NPPF, the National Design Guide, and the Council's Good Design Guide. In light of the above, the scheme would not be considered to be well designed and would fail to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused.

Impact upon Residential Amenity

- 8.41 Key Policy 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.
- 8.42 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.
- 8.43 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity. The Good Design Guide confirms that the separation distance between two principal windows should be a minimum of 21m. An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.
- 8.44 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.45 The closest neighbouring residential properties to the application site would be the host dwelling, 11 Danehill, to the west, and 1 and 3 Gillbank Drive to the north of the site.
- 8.46 The proposal would not extend beyond the rear of 11 Danehill and therefore the scheme would not result in any overbearing or loss of light impacts to either dwelling from this elevation.

- 8.47 Whilst the development would be set back from the front of 11 Danehill, given the massing and siting of both properties, this would not be considered to result in any adverse impacts to the residential amenity of the future occupiers of the scheme. No windows are proposed on the western side of the new property, and by virtue of the proposed alterations to the existing dwelling to create an open plan layout and to remove the existing principal window to the kitchen, the development would not be considered to result in any harm to the residential amenity of either property as a result of poor visual outlook, loss of privacy, or any overlooking impacts. Both properties would also be provided with an area and depth of private outdoor amenity space that would comply with the minimum standards within the Council's Good Design Guide. Given the above, the proposal would not be considered to result in any significant adverse impacts to the residential amenity of the occupiers of 11 Danehill.
- 8.48 1 Gillbank Drive is a two-storey detached property to the northeast of the site and 3 Gillbank Drive is a semi-detached bungalow that is to the north of the site. The ground levels rise towards these two neighbouring properties.
- 8.49 Based on the Proposed Layout, the principal habitable window to the proposed kitchen and living area within the development would be 18.8m and 18.4m from the rear elevations of these respective properties. This would be less than the minimum 21m separation distance required by the Good Design Guide. This would be considered to result in a loss of privacy and significant overlooking impacts to the occupants of these two neighbouring properties, and to the future occupiers of the development and its associated proposed private outdoor amenity space. This significant harm would be exacerbated by the ground level differences between the application site and these neighbouring properties to the north, which are situated on higher ground levels.
- 8.50 It is not considered that, and the Applicant has not sought to demonstrate that, the design of the development overcomes this significant amenity and overlooking concerns in these site-specific circumstances. Although the Applicant has suggested that the proposed separation distance is the same as the existing distance between 11 Danehill and 5 Gillbank Drive, 1 Gillbank Drive is a two-storey dwelling whereas 5 Gillbank Drive is a bungalow. Ultimately, this existing situation would not be considered to justify the creation of further loss of privacy and overlooking impacts to the significant detriment of existing and future residential amenity in these site-specific circumstances.
- 8.51 As such, the proposal would be considered to result in significant harm to the residential amenity of 1 and 3 Gillbank Drive and the future occupiers of the scheme, which would be contrary to, and in conflict with, Policy DM10 of the SADMP and Key Policy Paragraph 135 of the NPPF, and the Council's Good Design Guide.
- 8.52 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.

- 8.53 The scheme exceeds the floor space requirements of the NDSS but does not provide any in-built storage. In addition, the proposal accords with the NDSS' minimum master bedroom space standards and exceeds the minimum one bed space standards for Bedroom 2.
- 8.54 By virtue of these factors, the development would not comply with the minimum separation distances detailed within the Council's Good Design Guide. As a result, the proposal would be considered to result in significant harm to the residential amenity of 1 and 3 Gillbank Drive and the future occupiers of the scheme due to significant overlooking and loss of privacy impacts. In light of the above, the development would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP, Key Policy Paragraph 135 of the NPPF, and the Council's Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.55 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.
- 8.56 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).
- 8.57 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. Any reduction below minimum standards will require robust justification.
- 8.58 The proposal amends the site's existing vehicular access onto Danehill to accommodate one off-street parking space for each dwelling. Whilst the proposal would intensify the use of the site, this intensification associated with one dwelling would not be considered to result in any unacceptable impacts on highway safety or the road network.
- 8.59 The proposal has been reviewed by Leicestershire County Council as the Local Highway Authority, who have confirmed that whilst development would not strictly accord with the LHDG, the proposed access and internal layout would be acceptable in these site-specific circumstances.
- 8.60 Given the above, it is considered that the proposal would not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.61 To conclude, the 'tilted' balance would be engaged whereby in accordance with Paragraph 11(d)(ii) of the NPPF, 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 this Framework taken as a whole, having particular regard to key policies. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF would be applicable to the current development proposal in these site-specific circumstances.
- 8.62 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.
- 8.63 To justify their development, Paragraph 4.3 of the Planning Statement refers to the development of a new dwelling at 12 Park Road, Ratby, which was approved via planning application 24/00516/FUL. Notably, the application site within planning application 24/00516/FUL was not on a corner plot and therefore the site-specific circumstances of the two applications are significantly and materially different. As a result, this extant planning permission at 12 Park Road would not be considered to attract any positive weight in the planning balance in these site-specific circumstances.
- 8.64 The Planning Statement also relies on the provision of a new residential property to the Borough's supply of housing, and the delivery of a 'high-quality building' to justify their development.
- 8.65 Although the Council are unable to deliver a five-year supply of land for housing, the small benefit of providing one dwelling within this application site towards the Council's supply of housing would be considered to attract limited positive weight in the planning balance.
- 8.66 However, the proposal's benefit as an additional dwelling to the Council's supply of self-build and custom house-build developments would be considered to attract moderate positive weight in the planning balance.
- 8.67 It is also acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services.
- 8.68 Nevertheless, these benefits when associated with one dwelling would be modest and would not be considered to maintain or enhance the local community. In addition, no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP would be provided as part of this scheme.

- 8.69 Ultimately, given the existing ground levels in the area and the scheme's failure to comply with the Council's Good Design Guide's minimum separation distances between residential properties, the proposal would be considered to result in significant harm to the residential amenity of 1 and 3 Gillbank Drive and the future occupiers of the scheme due to significant overlooking and loss of privacy impacts. In light of the above, the development would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP, Key Policy Paragraph 135 of the NPPF, and the Council's Good Design Guide. This would be considered to attract significant negative weight in the planning balance.
- 8.70 Furthermore, as a culmination of the discernible character of the bungalows around the crescent of Nicholas Drive and the development's siting, location, orientation, size, scale, height, design, and architectural features, the proposal would be considered to represent the overdevelopment of the plot that would appear incongruous to, and result in significant harm to, the character of the surrounding area. This significant harm would be exacerbated by the visual prominence of the development on a corner plot. By virtue of these factors, the development would be considered to be contrary to, and in conflict with, Policy DM10 of the SADMP, Key Policy Paragraphs 129 and 135 of the NPPF, the National Design Guide, and the Council's Good Design Guide. In light of the above, the scheme would not be considered to be well designed and would fail to reflect local design policies and government guidance on design. In accordance with Key Policy Paragraph 139 of the NPPF, it is considered that the development should be refused. This would be considered to attract significant negative weight in the planning balance.
- 8.71 Given the above, the development's significant harm to neighbouring residential amenity and the character of the site and the surrounding area would be considered to significantly and demonstrably outweigh the potential benefits associated with one self-build and custom house-build dwelling within Ratby in these site-specific circumstances. As a result, the proposal is recommended for refusal in accordance with Paragraph 11(d) and Key Policy Paragraph 139 of the NPPF.

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 is refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Conditions and Reasons

1. The proposal would result in significant harm to the residential amenity of 1 and 3 Gillbank Drive and the future occupiers of the scheme due to significant overlooking and loss of privacy impacts. The development would therefore be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Key Policy Paragraph 135 of the National Planning Policy Framework (2024), and the Council's Good Design Guide (2020). This significant harm would significantly and demonstrably outweigh the potential benefits associated with the development in these site-specific circumstances.
2. As a culmination of the discernible character of the bungalows around the crescent of Nicholas Drive and the development's siting, location, orientation, size, scale, height, design, and architectural features, the proposal would represent the overdevelopment of the plot and it would appear incongruous to, and result in significant harm to, the character of the surrounding area. This significant harm would be exacerbated by the visual prominence of the development on a corner plot. By virtue of these factors, the development would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Key Policy Paragraphs 129 and 135 of the National Planning Policy Framework (2024), the National Design Guide (2019), and the Council's Good Design

Guide (2020). As a result, the scheme would not be well designed and would fail to reflect local design policies and government guidance on design. This significant harm would significantly and demonstrably outweigh the potential benefits associated with the development in these site-specific circumstances. In accordance with Key Policy Paragraph 139 of the NPPF, the development is refused.

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:

- Application Form (submitted: 04.03.2025)
- CSB Evidence Form (submitted: 10.12.2025)
- CSB Unilateral Undertaking Draft (submitted: 10.12.2025)
- Existing Layout & Elevations (24 63 1A) (submitted: 05.06.2025)
- Planning, Design, and Access Statement V1 (submitted: 05.06.2025)
- Planning Statement Addendum (V3) (submitted: 08.10.2025)
- Proposed Elevations (24-63 03E) (submitted: 10.12.2025)
- Proposed Site and Floor Plans (O2F) (submitted: 18.02.2026)
- Site Location Plan (submitted: 05.06.2025)