

Delegated Report

Planning Ref: 26/00282/FUL
Applicant: Mr Richard Cockerill
Ward: Barlestone, Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: The Fulford, Bosworth Road, Osbaston

Proposal: Demolition of existing dwelling and erection of replacement dwelling.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions 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 replacement single-storey three-bedroom dwelling, following the demolition of the existing dwellinghouse at The Fulford, Bosworth Road, Osbaston. The application is for the replacement of the dwellinghouse only and does not propose any additional outbuildings within the residential curtilage of the dwellinghouse and includes no details on landscaping.
- 2.2. The replacement dwelling features a hipped roof with a maximum ridge height of 4.7m and a projecting dual-pitched gable serving a central entry. At the rear of the dwelling would be two dual-pitched gables, projecting from the main clip-hipped roofline, serving a living space and a bedroom at the rear.
- 2.3. The development externally measures approximately 12m in width by 15m in depth, which creates a total footprint of 167m². This is surrounded by a residential curtilage measuring approximately 1482m². The dwellinghouse would be constructed with buff stonework and grey cladding for the exterior walls, grey roof tiles and uniform grey framed windows and doors; this is not dissimilar to the original dwellinghouse, which featured buff stone.
- 2.4. In terms of fenestration, the proposal includes a central front door, flanked by two casement windows beneath two rooflights. There would be various casement windows at both side elevations of the dwelling and a bifold door spanning the east and south elevations serving the living space. A dual-pitched rooflight is proposed topping the ridgeline of the dominant hipped roof structure too.
- 2.5. The application follows a previously sought certificate of proposed lawful development (Ref: **25/00607/HHGDO**) for a larger home extension, which was

permitted and would have resulted in a similar scale, massing and design to that replacement dwellinghouse proposed.

3. Description of the Site and the Surrounding Area

- 3.1. The 1,525m² application site is sited between the villages of Osbaston and Barlestone, and accessed via Bosworth Road, a small single-carriageway link road. The dwelling has only one direct residential neighbour, The Spinney Osbaston, directly to the north, sited 7m away from the shared property boundary.
- 3.2. Although the original dwellinghouse has been demolished, its original form was similar in design to the proposed dwellinghouse. The buff stonework and clipped roof form was similar in design to the proposed frontage of the replacement dwelling. The previous projecting gable providing dwelling entry, was similar in design and dimensions to that proposed.
- 3.3. The plot benefits from heavy established vegetation by way of hedgerows providing significant screening from the highway, Bosworth Road.

4. Relevant Planning History

- 4.1. Although the applicants originally sought a single-storey rear extension under **25/00607/HHGDO**; large amounts of Asbestos were discovered at the site which resulted in the full demolition of the property, prior to any build works.

25/00607/HHGDO

- Notification to determine if prior approval is required for a single storey rear extension measuring 8.00 metres in depth, 4.00 metres at ridge height and 2.60 metres at eaves height.
- 01.08.2025

24/00416/FUL

- Construction of a new self-build dwelling
- Withdrawn
- 26.11.2024

79/01748/4M

- Alterations and additions to dwelling
- Refused
- 21.04.1980

5. Publicity

5.1 The application has been publicised by sending out a letter to the sole neighbouring property and a site notice was also posted within the vicinity of the site.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- LCC Ecology Department
- LCC Highways
- HBBC ES Pollution
- HBBC Drainage

6.2 There have been no comments from the following consultants:

- LCC Minerals
- Waste Management
- Osbaston Parish Council

Ecology

6.3 The County Council's Ecology Department requested a preliminary roost assessment accompany plans, however given the dwelling has already been demolished this would negate the requirement to provide a preliminary roost assessment and LCC Ecology's holding objection would, by default, be satisfied.

6.4 The responses can be read in full on the Council's website.

7. Policy

7.1 Core Strategy (2009):

- N/A

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 Barlestone Neighbourhood Plan (2022):

- Policy H6: Design Standards

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Assessment (LSA) (2017)
- 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
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Principle of Development

8.1 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.

8.2 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).

8.3 The most relevant policy in this case is Policy DM14 which allows in principle, the replacement of a dwelling outside of the settlement boundary, subject to detailed criteria which are detailed in the report below.

8.4 By virtue of the above, it is considered that the proposal complies with the NPPF, the Council's Core Strategy and SADMP (2016). The acceptability of the principle of the development is subject to the assessment of all other material considerations, including its design and impact upon neighbouring residential amenity, outlined below.

Design and Impact upon the Character of the Area

The Development's Compliance with Policy DM14 of the SADMP

- 8.5 Policy DM14 of the SADMP requires proposals for the demolition and rebuild of an existing dwelling outside of any identified settlement boundaries to:
- (a) Lead to an enhancement of the immediate setting and general character of the area; and
 - (b) The new dwelling to be proportionate to the size, scale, mass, and footprint of the original dwelling and situated within the original curtilage; and
 - (c) The proposed development accords with Policies DM10, DM11, and DM12 of the SADMP.
- 8.6 The replacement dwelling would retain the principal elevation of buff brick, reflecting the character/history of the original building. As the proposals largely see the replacement of an existing dwelling, the proposal neither significantly enhance nor detract from the immediate setting or wider area and would not comply with criterion (a) of Policy DM14. The only notable change is the introduction of darker cladding to the front elevation, which is considered acceptable to be an acceptable addition to the dwelling however is not explicitly seen to enhance the wider rural area. Given that no hard and soft landscaping proposals have been submitted to accompany the application, this element of the proposals would be secured by condition and would be required to comply with the outstanding criterion (a).
- 8.7 Paragraph 14.53 of the SADMP states:
- “Where dwellings are replaced, the new dwelling should be sympathetic to the size and appearance of the original. Modest increases in size from the original dwelling will normally be acceptable. It is important that the replacement dwelling is compatible with its surroundings in terms of size, scale, mass, and footprint and sited within the pre-existing residential curtilage.”*
- 8.8 The replacement dwelling proposes a 30% footprint increase from 128m² to 167m², primarily to the rear of the original property footprint, which results in a dwelling which would have a larger cubic massing. On the basis that a large extension was previously approved and the proposed dwelling would result in a dwelling of a similar scale, and the scale and massing would be proportionate to the existing dwelling, it is considered that the proposal complies with criterion (b) of Policy DM14.
- 8.9 Although the replacement dwelling has a modestly larger footprint, its scale and massing are not out of character when compared to the neighbouring property, The Spinney. The architectural design is similar to the existing dwelling and the minor

amendments in terms of architectural detailing and materials are not considered to be out of character.

- 8.10 The proposal retains the original design approach of the dwelling, with the addition of dark cladding to the front gable, however this remains broadly in line with its dimensions. This feature results in a proportionate and modest scale, which is considered compliant with Policy DM14.
- 8.11 There is no prevailing architectural character or consistent use of materials in the surrounding area; therefore, the proposed design and materials are considered acceptable.
- 8.12 The use of dark grey timber cladding to the front entrance and rear projection is not strictly traditional in character and presents a modern addition to the dwelling. However, given the minimal public views and the fact that the proposed cladding would complement the buff stone it would be unreasonable to resist this.
- 8.13 The roof form of the proposed dwelling, with the clipped hipped roof being the most dominant, remains consistent with that of the original host dwelling and is in keeping with the surrounding area.
- 8.14 By virtue of the size, scale, layout, design, use of materials, and architectural detailing of this proposal, the scheme is not considered to represent a structure which is not reflective of the key characteristics of the surrounding area and the original host dwelling.
- 8.15 Whilst public views of the proposals are minimal, private views from neighbouring, The Spinney would be strong, given the absence of established hedgerows separating the properties. Despite this, private views would remain similar to those of the previous dwelling, as the replacement property occupies the same siting. The only notable change is a modest increase in depth of approximately 7.5m, which would be allowed under permitted development rights if proposed as a standard householder extension (as permitted under **25/00607/HHGDO**)

Summary

- 8.16 To conclude, the scheme represents replacement residential development beyond an identified settlement boundary and is acceptable in principle. The development largely complies with the requirements of Policy DM14 of the SADMP.
- 8.17 By virtue of its size, scale, height, volume, design, use of materials, and architectural features of the scheme, the proposal is seen to accord with Policies DM4, DM10 and DM14 of the SADMP (2016).

Impact upon Residential Amenity

- 8.18 The nearest elevation of the adjacent residential dwelling, The Spinney, is in excess of 18m to the north of the application site. By virtue of this distance, any overdominance and shadowing/loss of light is mitigated.
- 8.19 The Good Design Guide states that a minimum distance of 21m should be maintained between directly facing habitable room windows to protect privacy, light, and outlook for occupants. Proposed windows along the north elevation of the dwelling consist of two windows which serve bedrooms and three windows which serve en-suite bathrooms, not exceeding 2.8m in width. Given the close proximity to neighbouring properties, the proposed fenestration does not fully comply with the Good Design Guide in terms of separation distances. However, this relationship already exists and as such, the proposed fenestration would not result in any worsening of overlooking. The impact is further softened by established vegetation along the shared boundary, which limits direct intervisibility.
- 8.20 The scheme is considered to provide sufficient private outdoor amenity space and internal floor space to accommodate the future occupiers of the development. In addition, given the dwelling would replace the footprint of the previous dwelling and only presents a modest and proportionate footprint increase, the replacement dwelling is not seen to result in detrimental amenity impact for current or future occupiers.
- 8.21 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity or the residential amenity of the future occupants of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.22 The substantial plot size of 1,525m² maintains sufficient off-street parking to serve the demand of three bedrooms with no amendments to the site access arrangements.
- 8.23 In light of the above, the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

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 granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Application Form
 - Proposed Block, Site Location Plans, Drg No. 23/85 18A

- Proposed Elevations, 3D View, Drg No. 23/85 16H
- Proposed Ground Floor Plan, 3D Views, Drg No. 23/85 15G
- Planning Statement
- All received by the Local Planning Authority on 24/03/26

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No above ground development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) at least two woodcrete/integrated bird boxes with the make/model and their locations. Any enhancement measures need to be shown on all relevant submitted plans. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No above ground development shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **Notes to Applicant**

1. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Standing Advice valid from 1st January 2025 until 31st December 2026

2. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.