

Delegated Report

Planning Ref: 23/01097/FUL
Applicant: Mr Steve Coape-Arnold
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 7 Glenbarr Drive, Hinckley, Leicestershire

Proposal: Proposed construction of new dwelling with parking and associated amenity space (following demolition of existing garage)(Re-submission of application ref : 22/00336/FUL)

1. Recommendations

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

2. Planning application description

- 2.1. Planning Permission is sought for the erection of one new dwelling with parking, and associated amenity space following demolition of existing garage at the rear of 7 Glenbarr Drive.
- 2.2. It would be a small two storey detached house with a gable roof, which is 6.3m at the ridge and 2.6m to the eaves. The proposed dwelling is 6.6m wide and 7m deep. The upper floor of accommodation is provided within the roof space and is served by rooflights only.
- 2.3. The ground floor of the dwelling would consist of carport, a bedroom with en-suite bathroom, hall and a storeroom with an open plan kitchen/living room provided at first floor. The proposed rear garden is 6m wide and 4m deep.

3. Description of the site and surrounding area

- 3.1. The application site is a parcel of land to the rear of 7 Glenbarr Drive, which can be accessed from Moray Close.
- 3.2. The site is currently occupied by a garage located between 7 Glenbarr Drive and 2 Moray Close.
- 3.3. The surrounding area is characterised by two storey houses and bungalows although both immediately adjacent dwellings are two storey houses with first floor windows overlooking the site. Most of the houses at Glenbarr Drive and Moray Close are two stories whereas the dwellings on the north side of Moray Close are bungalows.

4. Relevant planning history

- 22/00336/FUL - Proposed erection of one new dwelling with parking, and associated amenity space (following demolition of existing garage). Refused on 10.02.2023.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Ten letters of objection have been received from six dwellings; the comments are summarised below:
- The proposed new dwelling will devalue my investment due to having a new dwelling situated on my boundary impacting privacy which will be a factor for

valuing the property along with losing a substantial amount of natural light that gets into the house and the garden as natural light is a key selling point as it improves the quality of life which will again be damaging to the investment.

- As the proposed new dwelling is significantly different from all the other properties this will have a negative impact on the overall aesthetics.
- Disruption to local residents during demolition of existing garage; the planning application offers no information on the activities involved in demolishing the existing garage building. There is no information relating to the method by which the demolition will occur, when it will occur and over what time period and how the noise and vibration, dust and effects from demolition will be controlled and or mitigated.
- There is no information provide to confirm that an official asbestos survey has been carried out on the existing garage building.
- The proposed new dwelling is outside of the building line.
- The proposal does not have regard for the appearance and treatment of spaces between and around buildings and the amenities of my property and neighbouring residents.
- The proposal has not taken into account the form, size and character of adjoining properties in this area.
- The proposed dwelling does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of character of the area, to the detriment of the local environment.
- The proposed site of development is at such a position that the primary amenity area of the garden, bedroom and kitchen/dining room would be severely overlooked from the top rooms, and severely overlooked from the proposed ground floor bedroom and outdoor seating area into our bedroom and bathroom resulting in a serious invasion of privacy.
- The site access would lead to potential safety hazards due to lack of space.
- Traffic problem to the entrance and exit of the site would be unacceptable.

6. Consultation

- HBBC Pollution – No objection.
- HBBC Waste – Condition recommended.
- HBBC Drainage – Advisory notes.
- LCC Highways – Standing advice provided.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 16: Housing density, mix and design

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of biodiversity and geological interest
- 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 (GDG) (2020)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3 The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.5 To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.
- 8.6 The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). The Council can demonstrate a 4.89 year supply of housing land at current time.
- 8.7 Footnote 8 to paragraph 11 of the NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

"Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear 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.”

- 8.8 The application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. The principle of residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and impact upon the character and appearance of the area

- 8.9 Policy DM10 of the adopted 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.
- 8.10 The GDG provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The GDG advocates the use of a Building for Life Assessment (now Building for a Healthy Life). The GDG sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house.
- 8.11 The GDG provides guidance that any proposal needs to make sure that the 21m window to window distances and 14m for window to 2 storey gable and 8m to single storey gable are provided in the interests of residential amenity.
- 8.12 Objections have been received from the neighbours that the proposal has not taken into account the form, size and character of adjoining properties in this area and it does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of character of the area, to the detriment of the local area.
- 8.13 The site is located on a parcel of land to the rear of 7 Glenbarr Drive that is currently occupied by a garage. The site can be accessed from Moray Close. The properties along Glenbarr Drive and Moray Close are typically characterised by medium sized plots with comparatively long drives and gardens all being of good reasonable sizes. Properties to the south side of Moray Close generally front the road but are set back from it with drives and large front gardens. There is a mix of house types, sizes and designs including bungalows, but most are two storey. There is no example of backland development within the immediate area. The area is generally one of lower density suburban housing with mature landscaping, grassed areas between the carriageway and footway and trees that contribute positively to the character and appearance of the area.
- 8.14 The proposed layout shows provision of a detached house on a very small plot, which is at significant odds with the prevailing pattern and character of development in the area.

- 8.15 Furthermore, the layout, with its tight arrangement of dwelling with car parking area, indicates a contrived and cramped form of development that would result in overdevelopment of the site. The proposed garden is just 4m long and 6m wide, which is significantly lower than the suggested minimum garden length (7m) of the GDG. The Leicestershire Highway Design Guide at paragraph 3.165 sets out that minimum parking space is 2.4m with 0.5m added if the space is bounded by a wall, fence or other physical obstruction on one side and 1m added if bounded on both sides. In this instance the car port is just 2.83m wide.
- 8.16 The proposed dwelling incorporates an architectural design unlike any other neighbouring property, so the design of the development would be entirely out of keeping within the streetscene. Moreover, the proposed design is functional but neither innovative nor exceptional that could be considered to enhance its immediate setting. As a consequence, the design of the dwelling would not only not make a positive contribution to the character and appearance of the area but it would appear as an uncharacteristic cramped and contrived development that would significantly harm the character and appearance of the area.
- 8.17 The proposal would result in an uncharacteristically cramped and contrived form of development that would significantly harm the character and appearance of the area. Accordingly, the development would be contrary to Policy DM10 of the SADMP 2016 that seeks, amongst other things, to ensure that development complements the character of the surrounding area with respect to various matters including density and layout.

Impact upon residential amenity

- 8.18 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.
- 8.19 The GDG outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. Proposals should demonstrate there will not be a loss of amenity to a habitable room by loss of light or outlook. The SPD states that habitable rooms include living rooms, bedrooms and kitchens. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.20 Paragraph 135(f) 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.
- 8.21 Objections have been received from local residents with regard to residential amenity by way of loss of privacy, overbearing and disruption during demolition and construction activities.
- 8.22 The Good Design Guide SPD suggested that a principal window to a habitable room should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two storey property and above. The distance between rear of 7 Glenbarr Drive and the proposed dwelling would only be 3.1m, which is contrary to the aim of Good Design Guide in terms of separation distance.
- 8.23 By virtue of the position and layout of the site and separation distances to neighbouring dwellings, development of the site for one detached dwelling would result in significant adverse impacts on the residential amenity of the neighbouring

properties. It would therefore be considered that the development is contrary to Policy DM10 of the SADMP and paragraph 135 of the NPPF.

- 8.24 Furthermore the proposal would fail to provide future occupiers of the dwelling with sufficient private amenity space as a result of the very small garden that would be severely overlooked at very close proximity by neighbouring windows contrary to the requirements of paragraph 135 of the NPPF.

9. Conclusion

- 9.1 The proposal would result in an uncharacteristically cramped form of development that would harm the character and appearance of the area. The design of the dwelling would not make positive contribution to the character and appearance of the area. Accordingly, the development would be contrary to Policy DM10 of the SADMP 2016 that seeks, amongst other things, to ensure that development complements the character of the surrounding area with respect to various matters including density and layout.
- 9.2 By virtue of the position and layout of the site and separation distances to neighbouring dwellings, development of the site for one detached dwelling would result significant adverse impacts on the residential amenity of the neighbouring properties as well as future occupants of the dwelling. It would therefore be considered that the development is contrary to Policy DM10 of the SADMP and paragraph 130 of the NPPF.
- 9.3 Given that the Council cannot demonstrate a 5 year housing land supply paragraph 11 is triggered. The benefits of the proposed scheme include the contribution of a single dwelling to the supply of homes and the economic and social benefits that flow from the provision of that dwellings. It is considered that these benefits can be afforded only limited weight in the planning balance. The benefits are not considered to outweigh the significant and demonstrable harm that would be caused by the development that have been clearly identified above.
- 9.4 There are no other material considerations to indicate that the proposal should be determined other than in accordance with the adopted development plan in this case. The proposal is therefore recommended for refusal.

10. Equality implications

- 10.1 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.
- 10.2 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.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 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.
- 10.5 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).

11. Recommendation

Refuse planning permission for the reasons set out below:

1. The proposal would result in an uncharacteristically cramped and contrived form of development that would result in significant harm to the character and appearance of the area contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF and that significantly and demonstrably outweighs the limited benefits of the scheme.
2. By virtue of the position and layout of the site and separation distances to neighbouring dwellings, the proposed development would result significant adverse impacts on the residential amenity of the neighbouring properties as well as significantly failing to provide future occupants of the dwelling with an adequate level of amenity. It is therefore considered that the proposed development is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 135 of the NPPF.

12 Notes to applicant

The above refusal relates to the following submitted plans and documents received 17/11/2023:

- Site Location Plan, Drg No. 8653-01-01 Rev A
- Proposed Floor, Site Plan, Elevations, Drg No. 8653-03-01 Rev A