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Appeal Statement

Land adjacent 29 Elizabeth Road

Hinckley

Leicestershire

Planning Application No 25/00080/FUL

Hinckley & Bosworth Borough Council

Prepared For Mr J Roux

June 2025

Philip M Coyne MA MRTPI

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1. Introduction

1.1 This appeal is submitted in relation to Planning Application No 25/00080/FUL, which was submitted to Hinckley & Bosworth Borough Council on 4th February 2025, and was refused under **cover of Decision Notice dated 31st March 2025.**

1.2 The application sought consent for a detached 3 bed-room dwelling on a site adjacent to 29 Elizabeth Road, Hinckley, Leicestershire.

1.3 The appeal is submitted based on the Council's refusal of the application.

2. Background

2.1 As stated above, Application No 25/00080/FUL was submitted to the Council in February 2025. There was no dialogue between the Case Officer and the applicant/agent between February and the issuance of a refusal under Delegated Authority on the 31st March 2025.

2.2 There were two Reasons for Refusal as set out in the Decision Notice.

1. By virtue of the small plot size in relation to the prevailing character of plots within the surrounding area, the proposed new detached dwelling and associated access onto Elizabeth Road would introduce a scale of development that would be a significant overdevelopment of the site. The proposed plot size would compromise and dilute the existing established character and distinctiveness of the locality, resulting in a development of inconsistent intensity over and above that appropriate to the locality. As a result, the development would have a significant detrimental effect on the character and appearance of the surrounding area contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Section 12 of the National Planning Policy Framework (2024).

2. The proposed development would introduce a scale of development that would result in a wholly inadequate level of residential amenity space for future occupiers and would give rise to significant harm to neighbouring residential amenity in the form of an overbearing and dominant impact. The proposed development would be to the significant detriment of

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the wellbeing of both future and neighbouring occupants, contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of Paragraph 135(f) of the National Planning Policy Framework (2024).

3. Planning History

Application 19/00198/OUT – Erection of one dwelling.

Refused 18/04/2019

Appeal No 3239130 – Against refusal 19/00198/OUT.

Dismissed 19/03/2020

Application 22/00755/FUL – Erection of Later Living Retirement bungalow

Refused 5/5/2023

4. Application No 25/0080/FUL

4.1 In view of the planning history on the site, the owner commissioned an Architectural Consultancy to look again at the development options whilst making best use of the site.

4.2 The product of this work was a 3 bed-room bungalow with a Box Dormer. The proposed dwelling was in line with space standards for both internal layout and private amenity space.

4.3 The dwelling was proposed in a landscaped plot and designed to take a lead from materials and design which would reflect the local vernacular – albeit that Elizabeth Road and the surrounding streets comprise an eclectic mix of house-types.

Block Plan

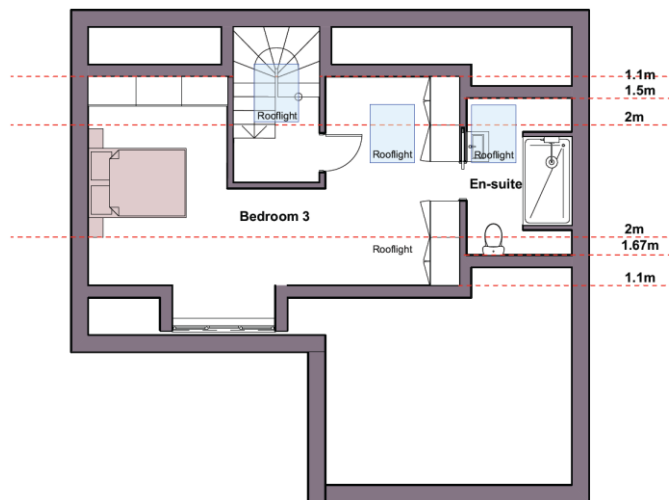
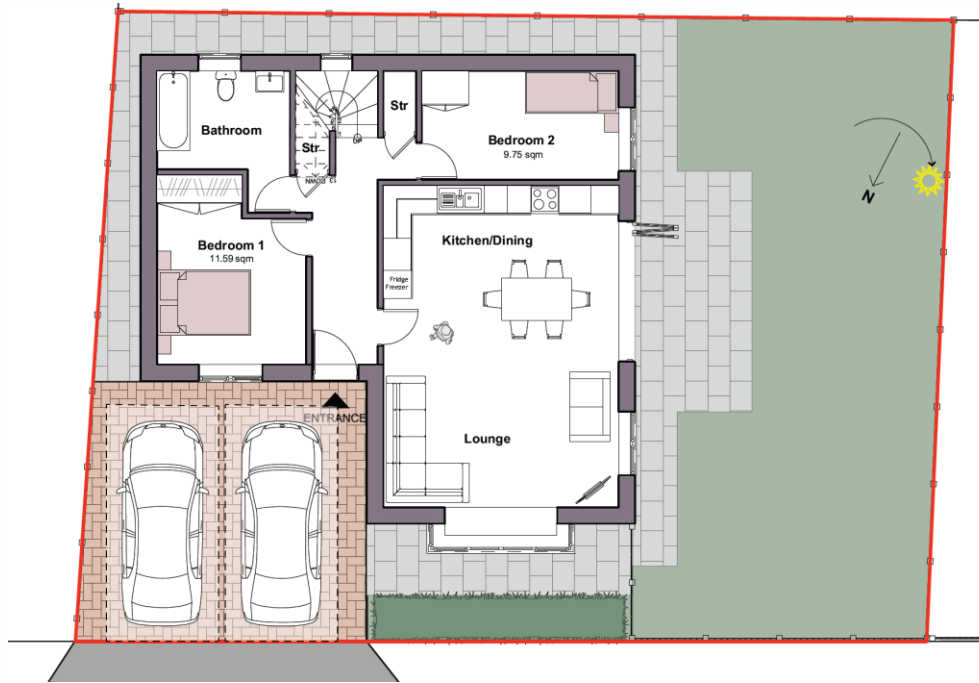


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4.4 A combined kitchen and living space was proposed on the ground-floor, with two bedrooms and a bathroom. The loft area would contain a third bedroom with ensuite bathroom.

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4.5 The design sought to reflect materials from the adjacent property and provide a consistent roofline on the street scene to replace the currently vacant and unmaintained site.

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4.6 Notwithstanding the site owner's efforts, the potential improvement to the street scene and the provision of a well-designed new dwelling which meets all national standards, the Council followed a similar line of reason in determining the application, as had been previously been adopted.

4.7 This was based on plot size, street scene and residential amenity when, as previously stated, the proposal would be replacing a currently semi-derelict site, with a property that complied with all the appropriate guidance in terms of both internal and external space standards.

4.8 The Officer Delegated Report also references the fact the application site was previously part of the garden of No 62 Middlefield Lane. However, the ownership of this site has been independent of No 62 for some years and there is no prospect of the site being returned to domestic garden if it remains undeveloped.

4.9 It should also be noted at this point that there were no objections to the principle of development on the site from either the neighbours or any of the statutory consultees.

5. Policy Context

5.1 Reason for Refusal No 1 revolves around plot size, character, and scale of development. In contextualising this reason in policy, the Decision Notice cites Policy DM10 of the Site Allocations and Development

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Management Policies DPD (2016) and Section 12 of the National Planning Policy Framework (2024).

5.2 Reason For Refusal 2 revolves around residential amenity from an occupier perspective and suggests that the proposal would have an 'overbearing and dominant impact' on surrounding properties. The reason again cites Policy DM 10 also Paragraph 135(f) of the Framework.

5.3 Starting at National level here Section 12 of the Framework devotes itself to Achieving Well Designed Places. In this instance the Council has the opportunity to replace an eyesore site with a professionally designed 3-bedroom property, which takes it lead from surrounding properties in terms of materials, scale and height, and conforms with all National Space Standards.

5.4 In citing paragraph 35(f) specifically within reason 2, the Council is suggesting that the proposal would fail to satisfy policy in terms of space standards, when in fact, sub paragraph (f) actually directs one to footnote 51 which, in referencing Planning Policies for Housing states that 'Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified'.

5.5 Moreover, the applicant would argue that the proposal contributes to the aspirations of section 135 by improving the long term quality of the area and providing good architecture (sub paras a and b), and establishing a sense of place by removing a current eyesore site (sub para d).

5.6 The applicant would also submit that the proposal supports Section 2 of the Framework by proposing development in what the Council agrees is a sustainable location and Paragraph 61, which encourages the supply of 'an appropriate mix of housing types for the local community'.

5.7 Further, given that, as acknowledged in the Officer Delegated Report, the Council does not have a 5 year Housing Land Supply and has an out of date local policy framework we would contend that that the proposal also

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contributes in general to Section 11 of the Framework, which deals with making effective use of land, and specifically to paragraph 125e) which encourages planning authorities to 'promote and support the development of under-utilised land and buildings, especially if this would meet an identified need for housing where land supply is constrained....

'5.9 Turning now to Policy DM 10, this has a number of component clauses as set out below:

Development and Design

Developments will be permitted providing that the following requirements are met:

- a) 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, air quality (including odour), noise, vibration and visual intrusion;
- b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

In exceptional circumstances where outstanding, innovative design is demonstrated (particularly where high levels of sustainability are an integral feature), applications will be considered favourably, even where this may result in some limited conflict with the above criteria.

5.10 In the applicants view, the proposed dwelling is not in conflict with any of the clauses above insofar as it meets the national standards in terms of internal and external space, will not impede privacy, light or air quality, will provide a visual enhancement to the street scene, will use

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materials which respect the local vernacular and will provide quality landscaping.

5.11 In terms of energy conservation, the house will comply with all appropriate Building Regulation provisions, security and safety measures will be designed in and the applicant would be happy to accept conditions around electric charging points and sustainable urban drainage.

5.12 In addition to the 2016 DPD, the applicant would submit that notwithstanding that the proposal is for a single dwelling, it also accords with elements of the Councils 2009 Core Strategy, including Spatial Objective 5 which aspires to 'enable all residents of the borough to have access to a suitable home which they can afford in a range of sustainable locations, tenures and house types'.

5.13 The Core Strategy includes within its Community Strategy ambitions the 'aim of improving the social, environmental and economic well being' of the area in line with the Local Government Act 2000, and we believe the Council has missed an opportunity here to improve the environment on Elizabeth Road.

5.14 Based on the above, we would contend that rather being contrary to either Policy DM10 of the 2016 DPD or Section 12 of the National Planning Policy Framework, there are stronger arguments to suggest that the proposal actually contributes to the aims of both the DPD and the Framework.

6. Conclusion

6.1 It is the applicants view that rather than seeking to use its available policy tools to 'promote an effective use of land in meeting the need for homes and other uses' (NPPF Paragraph 24), in this instance the Council has sought to use those tools to impede the development of a currently vacant site which is an eyesore on the local street scene and could easily attract anti-social behaviour.

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6.2 As previously stated, the Delegated Officer Report highlights that the site was previously garden land at an adjacent dwelling. However, it is now in an entirely separate ownership and will not revert to domestic garden use.

6.3 It is notable also that notwithstanding the sites planning history, there were no objections to application 25/00080/FUL from neighbours in the area. Similarly, there were no objections to the proposal from the Highway Authority and none of the other Statutory Consultees objected to the principle of residential development on the site.

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6.4 We note that whilst not objecting to the principle of the development the Council's Ecologist requested further work, and were the Inspector minded to allow this appeal, the appellant would be happy to accept a condition requiring further work to be agreed with the ecology team.

6.5 Returning to Policy now, and whilst this will be a matter upon which the Inspector will opine, it is also notable in the appellants view that the Council's Policy base is considerably out of date and even assuming that the current review of the Local Plan remains on the trajectory set out in the Council's Local Development Scheme, they are at least two and a half years away from having a Plan.

6.6 Further, and whilst the Delegated Officer Report states at paragraph 8.12 that the Council's lack of a 5 year Land Supply is not material to the 'planning balance' when the application is for one house. The appellant would dispute this, as in theory this argument could be applied to many of the windfall sites across the Borough, and its impact could thus gain considerable significance.

6.7 Indeed, the Delegated Officer Report itself recognises at paragraph 8.10 that the combination of out of date policies and inability to demonstrate a 5 year Housing Land Supply triggers the 'tilted balance' as per National Planning Policy Framework Paragraph 11 (Footnote 8).

6.8 In closing here there are two factors at the heart of the refusal of application 25/00080/FUL. These are amenity, in terms of the ratio of development on the site and the internal space and external space. And impact on the character of the local street scene.

6.9 The first of these issues can, in our view, be relatively easily dealt with by reference to Nationally Described Space Standards. In the absence of any local Supplementary Planning Guidance such as a Development Plan Document which has been through an adoption process, we believe that National Space Standards should be the default position – and the proposal complies with these.

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6.10 Secondly in terms of character, Elizabeth Road and the surrounding streets are a very eclectic mix of house types, house styles and plot sizes. The proposal in this instance was the replacement of an eyesore site, with a professionally designed dwelling whose materials, style and roofline were selected specifically to blend into the local environs.

6.11 At this point, there is a subjective decision to be taken in terms of the 'Planning Balance', and it is the appellants submission that on this occasion, the Council has got this planning balance wrong.

APPENDICES



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