

Delegated Report

Planning Ref: 25/00080/FUL
Applicant: Mr John Roux
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Land Adjacent To 29 Elizabeth Road, Hinckley

Proposal: New build detached dwelling

1. Recommendations

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

2. Planning Application Description

- 2.1. This application seeks planning permission for a three bedroom bungalow with box dormer on land adjacent to 29 Elizabeth Road, Hinckley. The bungalow has a habitable loft space and the dormer window is located on the front elevation, facing Elizabeth Road.
- 2.2. The proposed dwelling is set back 1.9 metres from the highway, and 0.8 metres from the rear boundary. It is set back 0.55 metres from the eastern boundary shared with 29 Elizabeth Road at its closest point, increasing to 1 metre. It is set back 6.3 metres from the western boundary shared with 62 Middlefield Lane at its closest point, increasing to 6.8 metres.
- 2.3. The proposed materials comprise red facing brick and render in white to match other properties in the area. The roof is proposed to have grey tile to match other properties in the area. The box dormer is to be clad in grey sheet cladding. The windows and doors are proposed to be dark grey uPVC.
- 2.4. The proposal provides two off-street car parking spaces set immediately off the highway at the proposed new point of access.
- 2.5. The proposed dwelling and off-street car parking spaces represent a 53% site coverage. The shallow depth of the plot, which is addressed in greater detail in the following section of this report, and the depth of the proposed dwelling means that private amenity space is provided to the side of the dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The application site is a rectangular plot of land accessed from Elizabeth Road and located to the rear of 62 Middlefield Lane. The site is currently vacant of any structures, excluding the boundary treatments in the form of high fencing that surrounds the site. The land has recently been cleared of vegetation.
- 3.2. The application site measures 18.9 metres by 13.85 metres and was formerly part of the rear garden of 62 Middlefield Lane before being subdivided. It is unknown at what time the plot was subdivided.
- 3.3. There are a mix of housing types in the surrounds of the site, but the immediate surrounds are typically single storey detached dwellings.
- 3.4. To the east of the site is 29 Elizabeth Road a detached brick bungalow with a clipped gable roof. The dwelling at 29 Elizabeth Road is sited on a square plot created from the former rear gardens of 27 Elizabeth Road, however it has a notably larger site area than the application site.

- 3.5. To the west of the site is 62 Middlefield Lane a detached rendered chalet bungalow with gable roof and rear extensions. The rear of the dwelling at 62 Middlefield Lane faces the western side of the application site.
- 3.6. To the north of the site are a series of detached brick bungalows fronting Elizabeth Road. These dwellings are set well back from the highway with garages to the front or side.
- 3.7. To the south of the site are the rear gardens of dwellings fronting Elizabeth Road and Middlefield Lane. The gardens of these dwellings are large and demonstrate a degree of consistency with regard to layout.
- 3.8. The application site is located in the north of Hinckley and is approximately 1 kilometre from the town centre. The nearest bus stop is located approximately 350 metres from the site.

4. Relevant Planning History

19/00198/OUT

- Erection of one dwelling (outline – all matters reserved)
- Refused (Appeal Dismissed)
- 18.04.2019

The refusal of 19/00198/OUT was on the grounds of overdevelopment of the plot contrary to the character and appearance of the area, lack of amenity space for future occupiers and overbearing impact on neighbours, and the lack of off-street parking.

The ensuing appeal, which described the proposed development as 'proposed bungalow', was dismissed. The Inspector in their decision observed that the site as it stood contributed positively to the spaciousness of the area and that a dwelling would appear artificially shoehorned into the available space. The Inspector concluded that the proposal would be harmful to the character and appearance of the area, that the quality of garden space would be unacceptable, that reversing movements from the driveway would be a concern, and that the appeal site was simply too small to accommodate the proposed development.

22/00755/FUL

- Proposed erection of a "Later Living" retirement bungalow
- Refused
- 05.05.2023

The refusal of 22/00755/FUL was on the grounds of overdevelopment of the plot contrary to the character and appearance of the area, lack of amenity space for future occupiers and overbearing impact on neighbours, and the lack of off-street parking.

The planning officer in their report observed that the proposed dwelling was larger than the indicative dwelling proposed in the prior appeal application, for which the Inspector had deemed the site too small to accommodate.

5. Publicity

- 5.1. The application has been publicised by sending letters to local residents.
- 5.2. Two responses have been received. One response neither objected to nor supported the proposal but queried its acceptability in light of the previous refusals. The other response received objected to the proposal based on concerns over

number of bedrooms, the dormer window, off-street parking space, building line of the proposed dwelling, impacts to neighbour amenity, and potential for street parking on a narrow road. The response received in objection also highlighted the previous refusals on the application site.

6. Consultation

- 6.1. HBBC Environmental Services (Pollution) have no objections.
- 6.2. HBBC Drainage have provided advice to the applicant regarding surface water drainage.
- 6.3. HBBC Waste did not provide a response.
- 6.4. LCC Ecology have advised that the proposal has insufficient information for their assessment. The site has been degraded/cleared of vegetation recently and information of this degradation would be required to ensure the baseline assumed for the assessment has been appropriately calculated.

LCC Ecology's response further advises that the applicant has provided a small sites metric, however they have also indicated that BNG would be fulfilled off-site using credits. As the small sites metric does not have an off-site metric, a Statutory BNG Metric would be required. Further information would also be required as to how BNG would be fulfilled to meet the 10% requirement and how that would then be secured for 30 years.

LCC Ecology recommended three conditions regarding provision of a Biodiversity Net Gain Plan, Habitat Management and Monitoring Plan, and details on the manner of securing the post-development BNG for 30 years.

- 6.5. LCC Highways has referred the Local Planning Authority (LPA) to the current standing advice.

The Local Highway Authority (LHA) advised that the LPA consider visibility in accordance with Table 6 of the Leicestershire Highways Design Guide (LHDG), the appropriate size of car parking spaces, and drainage provided within the site to ensure surface water does not drain onto the highway.

The LHA have noted that where permission is granted the applicant would need to apply to the LHA for a vehicle crossover permit and that planning permission does not guarantee the granting of that permit.

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) (SADMP)

- 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) (2024)

- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other relevant guidance

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

8. Appraisal

8.1 Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway safety and parking provision
- Planning balance

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. The NPPF is a material consideration in planning decisions.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 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.
- 8.5 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.
- 8.6 Chapter 11 of the NPPF promotes effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.
- 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 and are often built out relatively quickly.
- 8.9 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 and therefore where accessibility can be maximised and model choice made available.

- 8.10 The Council is current reviewing its 5-year housing supply figure in response to the latest revisions to the NPPF. Though a revised position has not yet been published, it is acknowledged that it is unlikely that Council will be able to demonstrate a 5-year land supply. Given this, and due to the age of the policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11 of the NPPF is triggered in accordance with Footnote 8 of the NPPF.
- 8.11 The application site is located in a sustainable location within the settlement boundary of Hinckley with good access to sustainable transportation and local services and facilities. It is therefore considered that the principle of residential development on the site is supported by relevant strategic planning policies.
- 8.12 Notwithstanding the above, the development is for one residential property and therefore the contribution of this proposal to Council's supply of housing is considered to attract limited weight in the planning balance.

Design and impact upon the character of the area

- 8.13 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beauty, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.14 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.15 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16 The application proposes the construction of a detached bungalow with dormer that would be sited on land that was formerly part of the garden of the dwelling at 62 Middlefield Lane. The plot has a shape inconsistent with the immediate surroundings and notably lacks the depth typical of plots in this area.
- 8.17 The proposed dwelling would face Elizabeth Road and would be viewed against existing dwellings to the north, east and west. It would predominantly viewed together with 29 Elizabeth Road and 62 Middlefield Lane, both of which are situated on appreciably larger plots than the proposed dwelling.
- 8.18 It is considered that more broadly both Middlefield Lane and Elizabeth Road are characterised by large plots, which benefit from ample off-street parking provision and reasonably consistent rear garden amenity spaces.
- 8.19 There are two examples of development fronting Elizabeth Road permitted within the former rear gardens of dwellings fronting other roads. These examples are 46 Elizabeth Road and 29 Elizabeth Road. Both of these examples are set on significantly larger plots than the proposed dwelling and in particular, 46 Elizabeth Road maintains a plot layout generally in keeping with the prevailing pattern found in the area. The plot at 29 Elizabeth Road is more comparable with the application site, however it is almost double the size and therefore benefits from sufficient space to accommodate sufficient separation distances and a rear garden.

- 8.20 Comparative to its surroundings, the proposed dwelling cannot provide garden space to the rear by virtue of the shallowness of the plot. The proposed private amenity space is located to the side of the dwelling, which is inconsistent with the character of the locality.
- 8.21 Further, the limited plot depth and size of the proposed dwelling necessitates its siting close to the highway. This is incongruent with the existing street scene where dwellings are set sufficiently back from Elizabeth Road to accommodate front gardens with landscaping that contributes to the surrounding area.
- 8.22 The siting of the dwelling close to the highway will also site it noticeably forward of the building line of 29 Elizabeth Road, the only other dwelling fronting this side of Elizabeth Road. It would also sit forward of the side elevation of 62 Middlefield Lane.
- 8.23 With regard to the above, it is considered that the development would poorly integrate in its surrounds and would result in an incongruous form of development that would be significantly harmful to the character of the site and surrounding area. The proposed dwelling would appear shoehorned into the available space in an uncharacteristic manner. The proposal would fail to complement or enhance the established character of the surrounding area and therefore is contrary to Policy DM10 of the SADMP.

Impact upon residential amenity

- 8.24 Paragraph 135 of the NPPF requires that planning policies and decisions ensure that developments create places that are safe, inclusive, and accessible, which promote health and wellbeing, and a high standard of amenity for existing and future users.
- 8.25 Policy DM10 of the SADMP states that development will be permitted where it does not have a significant adverse impact 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.
- 8.26 The Council's Good Design Guide provides guidance on appropriate design for new residential development. This includes appraising the context of the surrounds, creating appropriate urban structures through streets, enclosure, open space and landscaping, parking provision, amenity space and design detailing. The Good Design Guide notes that overdevelopment of plots should be resisted and that infill sites should be of similar layout, scale and form to existing development while respecting existing building lines where possible.
- 8.27 The Good Design Guide states that a principal window to a habitable room should be no less than 8 metres from the blank side of a single storey neighbouring property, rising to 14 metres for a two-storey property. In addition, the separation distance between two principal windows to habitable rooms should be a minimum of 21 metres. The exception to this is where amenity and overlooking are dealt with by good design. Notwithstanding this, every application is to 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.
- 8.28 The Good Design Guide seeks that dwellings of three or more bedrooms provide a minimum of 80 square metres of outdoor amenity space with a minimum length of 7 metres.
- 8.29 The existing dwellings along Middlefield Lane and Elizabeth Road are characterised by large amenity spaces to the rear of dwellings. The proposed dwelling, by virtue of

the plot layout and size, cannot provide amenity space to the rear of the dwelling. The proposed amenity space is located to the side of the dwelling and while the area as designated on the submitted plans meets the size sought by the Good Design Guide, its siting along the side of the dwelling right up to the highway boundary raises concerns over its appropriateness to function as private garden space. The use of tall boundary treatments to ensure the privacy of this space would further be contrary to the character of the surrounding area. Furthermore, it would be overlooked by the first-floor habitable room window to the rear of 62 Middlefield Lane which would result in an overbearing impact to future occupiers.

- 8.30 The proposed blank wall of the eastern elevation of the proposed dwelling faces two windows on the western elevation of 29 Elizabeth Road, without the 8 metre separation distance sought by the Good Design Guide.
- 8.31 The proposed windows on the western elevation of the proposed dwelling face windows on the rear elevation of 62 Middlefield Lane without the 21 metre separation distance sought by the Good Design Guide.
- 8.32 It is considered that the proposal would significantly adversely affect the amenity of occupiers of surrounding dwellings as well as being unable to demonstrate that future occupiers of the development itself would be provided with a high standard of amenity. The proposal therefore conflicts with Policy DM10 of the SADMP and the policies of the Good Design Guide as well as paragraph 135 of the NPPF.

Impact upon highway safety and parking provision

- 8.33 Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety, and where residual cumulative impacts of development on the transport networks are not severe.
- 8.34 Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision.
- 8.35 The Leicestershire Highways Design Guide (LHDG) is the most up to date guidance adopted by the Local Highway Authority (LHA) and as such sets out the design standards that new development must meet.
- 8.36 The LHDG requires that dwellings with up to three bedrooms provide a minimum of two off-street parking spaces. The minimum dimensions for off-street parking spaces are 2.4 metres by 5.5 metres. An additional 0.5 metres in width is required where the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side, increasing to 1 metre where the parking space is bounded on both sides.
- 8.37 The LHA have raised no objections to the proposal in principle and have directed the LPA to their standing advice with a recommendation to particularly consider visibility, size of car parking spaces, and drainage.
- 8.38 The proposal indicates the provision of two off-street parking spaces on the site immediately adjacent the highway. The dimensions of the parking spaces are sufficient to meet the requirements of the LHDG and account for the bounding of the parking spaces by the boundary treatments and the proposed dwelling wall.

- 8.39 It is considered that the proposal demonstrates sufficient accordance with Policies DM17 and DM18 of the SADMP.

Planning balance

- 8.40 It is considered that despite the Council's inability to demonstrate a 5-year housing land supply, or the sustainable location of the development within the Hinckley settlement boundary, the benefits arising from the development are modest as they would contribute only a single dwelling. The benefits therefore attract little weight.
- 8.41 The proposal would result in a development that is uncharacteristic in its setting and would compromise the established character of the area. The constrained plot size means that the proposal would represent an overdevelopment of the site and thereby provide an insufficient level of residential amenity space to the detriment of future occupiers.
- 8.42 It is therefore concluded that taken together, the level of harm caused by the proposed development is significant and that significant weight should be given to this harm in the planning balance. The harm identified is considered to significantly and demonstrably outweigh the few benefits of the proposal. Therefore, the application is considered to represent unsustainable development that is contrary to Policy DM10 of the SADMP as well as the Council's Good Design Guide and the policies of the NPPF when taken as a whole.

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 The proposed development is not considered to be compliant with the relevant national and local policies as it:
- Is not regarded as sustainable development
 - Represents an overdevelopment of the site that will have a significant adverse impact upon the character and appearance of the area
 - Provides insufficient amenity space for future occupiers and results in a poor level of amenity in its surrounds
- 10.2 Having taken relevant national and local planning policies into account, and regarding all material considerations, it is recommended that planning permission is refused.

11 Recommendation.

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

12.2 Reasons

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 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).

Notes to Applicant

1. This application has been determined in accordance with the following submitted details:
 - Planning Application Form
 - Planning Statement
 - Design and Access Statement
 - Location and Block Plan
 - Proposed Layout and Elevations
 - Landscape Plan

All received by the Local Planning Authority on 03.02.2025.

2. In light of the previous appeal decision relating to the same site the applicant is notified that should this decision be appealed the Local Planning Authority would be likely to seek an award of costs.