

## Delegated Report

**Planning Ref: 23/00666/FUL**

**Applicant: Andrew Reid**

**Ward: Hinckley Clarendon**



Hinckley & Bosworth  
Borough Council

**Site: 502 Coventry Road Hinckley Leicestershire**

### **Proposal: Conversion of existing garage into a separate dwelling and alterations**

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#### **1. Recommendations**

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

#### **2. Planning Application Description**

- 2.1. This planning application seeks full planning permission for the conversion of an existing garage into a separate two-bedroom dwelling at 502 Coventry Road, Hinckley.
- 2.2. To facilitate this change of use, the two garage doors are replaced with a window and a front door with two glazed panels on either side. No other amendments are proposed to the structure.
- 2.3. The garage utilises a clipped gable roof with a ridge height of 5.4m, and an eaves height of 2.6m.

#### **3. Description of the Site and Surrounding Area**

- 3.1. The 206.5sqm application site comprises of a two-storey, semi-detached dwellinghouse and a one-and-a-half-storey clipped roofed double garage to the south of Coventry Road.
- 3.2. The double garage was approved via application 20/01203/FUL. The development externally measured 6.5m in width x 7.5m in depth, which created a total floor space of 48.8sqm. The structure had a pitched roof, which had a ridge height of 5.7m, and an eaves height of 2.6m. The proposal utilised an off-white monocouche render finish and smooth grey Ashmore interlocking concrete roof tiles to match the host dwelling. Within this application a new access was created onto Paddock Way, which is an adopted but unclassified subject to a 30mph speed limit.
- 3.3. The character of the area is largely residential, with properties surrounding the site to the north, east, south, and northwest. There is a variety of styles and designs along Coventry Road, but the properties are typically two-storey and semi-detached properties that feature red brick or render finishes, hipped roofs, and long gardens. To the south of the site is 55 flats within five detached buildings along Danelaw Court, which were approved at appeal against the refused planning application 17/00115/FUL in 2018. However, to the south-west of the site is a selection of commercial businesses.

#### **4. Relevant Planning History**

##### **4.1 20/01203/FUL**

- Detached garage
- Permitted
- 03.02.2021

4.2 **20/00888/HOU**

- Detached garage and associated access
- Withdrawn
- 15.09.2020

This application was withdrawn due to land ownership issues.

4.3 **19/01116/HOU**

- Two storey front and side extension with single storey rear extension with balcony
- Permitted
- 27.11.2019

4.4 **18/00028/FUL**

- Erection of one new dwelling
- Withdrawn
- 06.03.2018

This application was withdrawn due to the development being out of character with the surrounding area.

**5. Publicity**

5.1 The application has been publicised by sending out letters to local residents.

5.2 No responses have been received.

**6. Consultation**

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer

6.2 The Local Highway Authority (LHA) have referred to standing advice. However, the LHA have also noted that the Applicant will need to apply for a Vehicle Access (dropped kerb) permit before undertaking any works.

6.3 No further responses have been received.

**7. Policy**

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 (2020)
  - Leicestershire Highway Design Guide (LHDG) (2022)
  - 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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.4 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.6 The development is within the identified settlement boundary of Hinckley and is therefore considered to represent sustainable development in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

### *Housing Land Supply*

- 8.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.10 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.11 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.12 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.13 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 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.
- 8.14 Section 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.
- 8.15 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 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.
- 8.16 Whilst the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight should be given to the provision of the proposed dwelling.

#### *Design and Impact upon the Character of the Area*

- 8.17 Paragraph 134 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.

- 8.18 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.
- 8.19 The development converts a residential outbuilding into a residential dwelling within an area characterised by residential dwellings. The proposal makes very limited alterations to the external appearance of the existing structure, which preserves the character of the area. Therefore, the change of use is not considered to cause any significant adverse impacts to the character of the area.
- 8.20 However, the scheme utilises a clipped gable, which is contrary to the approved plans within 20/01203/FUL. There is no other example of this roof form along Coventry Road or Paddock Way, and therefore the design of the development does not respect the character of the surrounding area.
- 8.21 In addition, the development utilises the front elevation of the scheme solely for off-street vehicle parking and the submitted plans do not indicate any proposed soft landscaping to front of this principal elevation that faces towards Paddock Way.
- 8.22 The Good Design Guide states that where hardstanding is proposed at the front of a property, this should not constitute more than 50% of the total area.
- 8.23 Whilst the hard surfacing of the principal elevation may have been acceptable to the Local Planning Authority for a detached garage, the lack of soft landscaping is not considered to be acceptable or represent good design for the development of a new residential dwelling.
- 8.24 Given the above, whilst the proposed change of use is acceptable within the character of the area, the development is not considered to respect the character of surrounding area or represent good design by virtue of its incongruous roof design and the complete hard surfacing at the front of the principal elevation. Given the above, the development is not contrary to, and in conflict with, Policy DM10 of the SADMP, and the Good Design Guide.

#### *Impact upon Residential Amenity*

- 8.25 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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.
- 8.26 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.
- 8.27 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.28 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be

a minimum of 21m. However, the Good Design Guide also states that, “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.”

- 8.29 To support the residential amenity of future occupiers of the scheme, proposals for two-bedroom, two-storey dwellings should provide a minimum of 70sqm of floor space and 2sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.30 The scheme provides 68.5sqm of floor space and 2sqm of in-built storage, which is less than the overall floor space requirements of the THS.
- 8.7 In accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.8 The Master Bedroom has a width of 2.5m and a total floor area of 10.9sqm, which is in accordance with Paragraph 10(c) of the THS, but not Paragraphs 10(d) or (e). Whilst Bedroom 2 has a width of at least 2.15m, the bedroom only has a floor area of 6.8sqm, which is below the floor standard requirements of the THS.
- 8.31 In spite of this, it is acknowledged that the Technical Housing Standards are afforded limited weight in terms of the NPPF as well as the emerging Local Plan.
- 8.32 Nevertheless, Bedroom 2 is only provided with one 0.6sqm roof light, and Bedroom 1 is only provided with two of these rooflights. This is not considered to provide an adequate outlook from, nor adequate light for, these principal habitable room.
- 8.33 In addition, the development is only 15.4m from the six principal habitable windows on the first floor, and two dormer windows on the second floor of the apartment complex on Danelaw Court to the south, and only 20.2m from the rear elevation of the host dwelling. This likely to result in overlooking into the private outdoor amenity area of 502 Coventry Road, and loss of privacy impacts for the future occupants of the scheme, for the residents of 502 Coventry Road and the residents of Danelaw Court.
- 8.34 To comply with the Good Design Guide, two-bedroom houses must also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m.
- 8.35 The development provides private outdoor amenity space with a length of 7m, and a total area of 93.9sqm, which is compliant with the Good Design Guide. The scheme also retains a private outdoor amenity area for the host dwelling that has a length of 13.2m, and a total area of 170.8sqm, which is compliant with the Good Design Guide.
- 8.36 To summarise, the development does not provide adequate floor space to meet the requirements of THS, nor does it provide sufficient floor space for the provision of a second bedroom. Moreover, neither bedroom within the scheme is provided with adequate fenestration that provides sufficient natural light or visual outlook to these habitable rooms. Therefore, the development is not considered to provide the future occupants of the scheme with adequate levels of amenity. Furthermore, the

development does not comply with the Good Design Guide's separation distances and is likely to cause significant harm to the residential amenity of the future occupants of the scheme, 502 Coventry Road, and the residents within Danelaw Court as a result of overlooking, and loss of privacy issues.

- 8.37 By virtue of these factors, the development is not considered to promote health and wellbeing, nor provide a high standard of amenity for existing and future users. It is considered that this harm attracts significant weight. The development is considered therefore to be contrary to, and in conflict with, Policy DM10 of the SADMP, the Good Design Guide, and Paragraph 130(f) of the NPPF.

*Impact upon Parking Provision and Highway Safety*

- 8.38 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.39 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, "The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use."
- 8.40 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.41 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.42 The development proposes no amendments to the existing access that was approved via planning permission 20/01203/FUL. Although no details have been provided about the access within this application, the Applicant provided plans in the previous application that demonstrated that the garage was 5.5m back from the footway, and that vehicle visibility splays of 2.4m x 43m, and pedestrian visibility splays of 2m x 2m were achievable from the site access in accordance with the requirements of the Local Highway Authority.
- 8.43 However, the original application did not include off-street parking in front of the development, nor did it incorporate a gate onto the new site access.
- 8.44 Paragraph 3.199 of Part 3 of the LHDG states: "Where an access is to be gated, the gates should be set back 5m where they open inward and 6m where they open outwards. This is to ensure that the public highway (particularly areas used by pedestrians) is not obstructed if a vehicle is parked on the access in front of the gates."

- 8.45 The proposed gates are not set back 5m from the highway, and therefore they are contrary to, and in conflict with Paragraph 3.199 of Part of the LHDG. As a result of this gate, the development cannot provide 2m x 2m pedestrian visibility splays.
- 8.46 Furthermore, in accordance with Paragraph 3.165 of Part 3 of the LHDG, minimum parking sizes are 2.4m in width x 5.5m in depth, and an additional 0.5m is required if the parking is bounded by a wall, fence, hedge, line of trees or other similar obstructions on 1 side, and 1m if bounded on both sides.
- 8.47 The Block Plan suggests that that the parking spaces are only 5m in depth, which is contrary to the LHDG. Whilst a depth of 5.5m is possible between the development, and the gates, the parking spaces would be impossible to access via the 4m wide gate if one of the parking spaces was already occupied.
- 8.48 Given the above, the development is not considered to provide adequate off-street vehicle parking for the proposal, nor does it provide a safe vehicular access that has appropriate pedestrian visibility splays or ensures that the public highway is not obstructed. Consequently, the scheme has a detrimental impact upon highway safety for all road users, and is therefore contrary to, and in conflict with Policies DM17 and DM18 of the SADMP, the Good Design Guide, and the LHDG.

#### *Planning Balance*

- 8.49 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in Paragraph 11(d) of the NPPF applies and 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 the Framework taken as a whole.
- 8.50 It is 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. Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, this is given limited weight within the planning balance.
- 8.51 The development does not safeguard the residential amenity of the future occupants of the scheme and is likely to result in significant detrimental impacts to the residential amenity of 502 Coventry Road, and the flats within Danelaw Court. Furthermore, the proposed development is detrimental to highway safety because the scheme does not provide adequate off-street parking for the dwelling, and, due to the provision of the gated access, the proposal cannot demonstrate an appropriate and safe vehicular access. The development also features a roof design that incongruous to the character of the surrounding area, and the scheme does not represent good design as a result of the absence of soft landscaping to the front of the principal elevation. By virtue of these factors, it is considered that the benefits of the scheme do not outweigh the significant adverse effects of the scheme. Given the above, the development is considered to contrary to, and in

conflict with, Policies DM10, DM17, and DM18 of the SADMP, the Good Design Guide, and Section 12 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 The proposed development is not considered to be compliant with the relevant national and local policy as it:

- Is not an appropriate scale and design.
- Has an adverse impact upon the character and appearance of the area.
- Retains over 80sqm of rear amenity space.
- Has a significant adverse impact upon residential amenity.
- Has an adverse impact upon highway safety.
- Does not provide sufficient vehicle parking spaces for off-street parking.

10.2 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 outlined at the end of this report.

### **11.2 Reasons**

1. As a result of the development's siting and detailed design the development fails to provide the future occupiers of the scheme with adequate levels of amenity and causes significant harm as a result of overlooking and loss of privacy to the residents of 502 Coventry Road, and the residents of the flats to south of the site within Danelaw Court. This is contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies

Development Plan Document (2016), the Good Design Guide (2020), and the National Planning Policy Framework (2021).

2. The Applicant has failed to demonstrate that an appropriate and safe vehicular access can be provided for the proposed development, or to demonstrate that adequate off-street parking can be provided within the site contrary to, and in conflict with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Good Design Guide (2020), and the Leicestershire Highway Design Guide (2022).

a. **Notes to Applicant:**

1. The application has been determined in accordance with the following submitted details:
  - Application Form (submitted: 06.07.2023)
  - Block Plan – Drg No. 1612/BP (submitted: 06.07.2023)
  - Existing & Proposed Plans & Elevations – Drg No. 1612 (submitted: 06.07.2023)
  - Site Location Plan – Drg No. 1612/SL (submitted: 06.07.2023)