

Delegated Report

Planning Ref: 23/00570/REM

Applicant: Bob Conley

Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: 56 Hollycroft, Hinckley

Proposal: Approval of Reserve Matters (Access, Appearance, Landscaping, Layout, and Scale) for outline planning permission 21/00269/OUT (Erection of one dwelling)

1. Recommendations

1.1. Grant approval of reserved matters subject to:

- Planning conditions attached to outline planning permission reference 21/00269/OUT and additional planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks the approval of reserved matters (access, appearance, landscaping, layout and scale) following the approval of outline planning permission 21/00269/OUT). The application proposes a single storey dwelling to the rear of 56 Hollycroft.

3. Description of the site and surrounding area

- 3.1. This proposal is located within the northern corner of the Hollycroft Conservation Area and is for a single dwelling situated in the rear garden to no.56 Hollycroft. No.56 Hollycroft is a mid-20th century detached dwelling typical of residential properties that surround Hollycroft Park. It is situated towards the front of a relatively large plot with land to the rear within which the application dwelling is proposed. The purpose of the conservation area is to preserve and enhance the character and appearance of inter-war Hollycroft Park and its surrounding properties and streets, with its key characteristics being identified in the Hollycroft Conservation Area Appraisal (2011).

4. Relevant planning history

21/00269/OUT

Erection of one dwelling (Outline - all matters reserved)

Planning permission

19.04.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents, a site notice was posted within the vicinity of the site and the application was publicised in the Hinckley Times.
- 5.2. No letters of objection have been received.

6. Consultation

- 6.1. Comments have been received from:

HBBC Pollution: No objection

HBBC Drainage: No objections, notes to applicant.

LCC Highways: No objections.

HBBC Waste Management: No objections, note to applicant

HBBC Conservation: Objections to uncharacteristic siting and layout. Balancing exercise recommended.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Assessment against adopted strategic planning policies has already been undertaken and the principal of development of the site for the erection of one dwelling has already been established through the assessment and grant of extant outline planning permission reference 21/00269/OUT. The key issues in respect of this application are therefore:

- Appearance, landscaping, layout, scale and impact upon the character of the surrounding area including the Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision and access

Appearance, landscaping, layout, scale and impact upon the character of the surrounding area including the Conservation Area

8.2 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. Landscaping is encouraged where this would add to the quality of design and siting and where parking is included electric charging points are encouraged where feasible.

8.3 Paragraphs 124 and 127 of the NPPF (2019) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and provide a high

standard of amenity for existing and future users, while not preventing or discouraging appropriate innovation or change.

- 8.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.5 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.6 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.7 The vast majority of domestic plots along Hollycroft and within the wider conservation area serve single dwellings only. Although some plots are quite considerable in size very few have been subdivided for additional development and there are no examples of development to the rear of a plot within the conservation area. The proposal would constitute backland development which would be at odds with the urban grain of the conservation area due to the uncharacteristic layout and siting of the dwelling. In addition to the impact upon the conservation area further DM10 (Development and Design) specific considerations may also be to assess the impact that the siting of the development may have on the amenities of the existing and future occupiers at no.56 by virtue of the provision of an access drive to the side of the dwelling and also what appears to be a very small amenity space to serve the proposed dwelling as a result of its siting.
- 8.8 The proposed dwelling is a two-bedroom bungalow with a rectangular plan form, dual pitched roof, and projecting front gable. It has simple fenestration with windows and doors set under soldier brick courses. Architectural detailing is limited but includes a chimney feature on the western end of the front elevation. Details of the construction materials for the dwelling are to be confirmed but will most likely consist of a facing brick and roof tile.
- 8.9 The single storey scale of the dwelling limits the potential for adverse impacts upon the wider area and a single storey height for the dwelling does respect the characteristics of other similarly scaled dwellings within the vicinity of the site including within the conservation area boundary. The dwelling has a simple design resulting in an appearance that is characteristic of other bungalows within the vicinity of the application site. Whilst the potential for architectural detailing is limited by the small-scale nature of the dwelling the use of the chimney upon the western end of the front elevation, with this section of the dwelling likely being the most visible from the conservation area street scene, adds some interest to its appearance. There is the potential for good quality construction materials to be selected which would follow the local vernacular, such as a textured red brick and natural clay tile, and it is suggested that a standard construction materials condition is used if the application is approved. The amended site plans confirms that the existing holly hedge to the wider site frontage (within the blue line) which contributes to the character of the conservation area street scene is to be retained, and a low-level hedge is proposed to divide the existing dwelling plot from the driveway to the proposed dwelling, which would soften the immediate visual impact resulting from the proposed site access at the site frontage.

- 8.10 Overall, it is considered that the scale, appearance (subject to confirmation of construction materials) and landscaping of the proposed dwelling would preserve the character and appearance of the Hollycroft Conservation Area. However, due to the uncharacteristic siting and layout of the proposed dwelling not following the traditional urban grain of the conservation area it would have an adverse impact upon its character. There is no clear and obvious means to avoid this harmful impact, but the level of impact is perhaps reduced by the position of the dwelling set back within the plot and being largely contained visually away from the conservation area street scene. The level of harm would be 'less than substantial' in terms of the NPPF and given the above in the opinion of the Conservation Officer this would be towards the lower end of the spectrum of this category of harm.
- 8.11 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long-term conservation
- 8.12 The proposal can demonstrate no heritage benefits. It is likely that non-heritage public benefits would arise from the proposal, such as one dwelling towards the borough's housing supply and some short-term employment from its construction etc. The level of public benefits identified shall need to be weighed against the harm caused in the balancing exercise required by Policy DM11 of the SADMP and para 202 of NPPF, noting that great weight should be given to the preservation of a designated heritage asset (para 199 of NPPF) to reflect the statutory requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that balancing exercise.
- 8.13 The balancing exercise can be seen within this report, and if the exercise comes out in favour of the proposal then it complies with Policies DM10, DM11 and DM12 of the SADMP DPD, section 16 of the NPPF and the statutory requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.
- 8.15 The proposed details submitted under this reserved matters application do not give rise to concerns of any detrimental impacts caused to neighbouring properties in terms of residential amenity. Under the previously approved Outline application, it was also considered that there would not be significant adverse impacts on residential amenity. The proposal is distanced significantly from the host dwelling of 56 Hollycroft and is distanced from other neighbouring properties to a significant degree. The proposal is single storey and therefore impacts on loss of privacy, overbearing impact and loss of light are considered to not be significantly impacted by this development.

- 8.16 By virtue of the layout, scale, design and boundary treatments the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety and parking provision

- 8.17 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.18 Leicestershire County Council were consulted as part of this application and commented referring to their standards. The proposal under this application seeks to use a gravel driveway to access to property and turning head located within the site. Alongside a low level hedgerow to the site frontage. The development will be afforded two off street car parking spaces. These proposals are not considered to have a detrimental impact on parking standards or highway safety and are therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP.

Balancing exercise

- 8.19 It has been acknowledged within this report that the proposed development causes less than substantial harm to the conservation area through its siting and layout, introducing back land development within the conservation area.
- 8.20 Whilst this is generally not supported, the benefits of the development can be observed through the provision of an additional dwelling within the Hinckley settlement boundary, and the mitigated harm of the dwelling upon the conservation area through the setback nature and being contained visually. Whilst only a single dwelling, in the absence of a five year housing land supply this is judged to be of minor positive weight as is the economic contribution the dwelling would bring during construction and through occupation expenditure. Furthermore the principle of back land development has been accepted in the outline consent.
- 8.21 Overall it is considered that the application benefits outweigh the less than substantial harm to the conservation area, and as such the proposals are in general accordance with Policies DM10, DM11 and DM12 of the SADMP DPD, section 16 of the NPPF and failing to reflect the statutory requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Equality implications

- 8.22 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.
- 8.23 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.

- 8.24 There are no known equality implications arising directly from this development.
- 8.25 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).

9. Conclusion

- 9.1 The proposed scheme is considered acceptable in terms of Access, Appearance, Landscaping, Layout, and Scale and following the balancing exercise the less than substantial harm to the Conservation is judged to be outweighed by the benefits, furthermore the proposal is considered to have limited impacts upon the character of the conservation area, neighbouring amenity and highways safety and is therefore in general accordance with Policies DM10, DM11, DM12, DM17 and DM18 of the SADMP DPD, section 16 of the NPPF and failing to reflect the statutory requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. Recommendation

10.1 Grant approval of reserved matters subject to:

- Planning conditions attached to outline planning permission reference 21/00269/OUT and additional planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan
Block Plan Drg No. 1605/BP
Site Layout Drg No. 1605/Rev A
Floor Plans and Elevations Drg No. 1605/Rev A Sheet 1

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).

2. The development hereby permitted shall not be occupied until such time as the off-street parking facilities have been implemented in accordance with the approved Block Plan Drg No. 1605/BP received by the local planning authority, and surfaced in the hard bound permeable materials as specified. Thereafter the on-site parking provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to prevent deleterious materials (loose stones etc.) from being deposited in the highway in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016) and Paragraph 110 of the National Planning Policy Framework (2021).

3. The approved landscaping scheme shall be carried out in accordance with the details submitted on the approved Site Layout Drg No. 1605/Rev A received by the local planning authority, prior to the first occupation of the dwelling hereby permitted and permanently so maintained at all times thereafter. The soft landscaping scheme shall be implemented in accordance with the details submitted on the approved Site Layout Drg No. 1605/Rev A received by the local planning authority, within the first planting season following first occupation of the dwelling and shall be maintained as approved for a period of a minimum of five years from the date of planting. During this period, any plants or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by plants or shrubs of a similar size and species to those originally planted.

Reason: To enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The suitability Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. Any Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. All our collection services are from the boundary to the public highway. Please ensure adequate space on property to store the various containers and also space at the kerbside (where the properties meet the public highway) for the placement of the containers on the collection day. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point, please ensure occupiers are advised of the procedure and bin collection points.