

Delegated Report

Planning Ref: 24/00516/FUL

Applicant: Mr Kane O'Donnell

Ward: Ratby Bagworth And Thornton

Site: 12 Park Road Ratby Leicester



**Hinckley & Bosworth
Borough Council**

Proposal: Two-storey detached dwelling

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for a detached, two-storey, four-bedroom dwelling at 12 Park Road, Ratby. The dwelling is constructed with a red brick finish on the ground floor, a white rendered finish on the first floor and grey concrete roof tiles. To facilitate this development, an existing garage and off-street parking provision associated with 12 Park Road, Ratby is removed from the site.
- 2.2. The property externally measures 7.5m in width by 15.6m in depth, which creates a total footprint of 112.5sqm. This measurement includes a 3m single-storey rear protrusion that extends the entire width of the dwelling. This protrusion has a flat roof with a height of 3.1m. The main property features a gable-ended dual pitched roof with a ridge height of 8.5m and an eaves height of 4.8m. A gable-fronted pitched roof is also provided on the front elevation of the scheme with a ridge height of 7.4m.

3. Description of the Site and the Surrounding Area

- 3.1. The 353sqm application site is located to the south of, but within the identified settlement boundary, of Ratby. The application site is on the northern side of Park Road, which is an adopted, but unclassified, road that is subject to a 30mph speed limit. Park Road is wholly residential in character, but due to the variety of styles and designs of properties along this road, there is no discernible unique character to the area. However, frontages of properties along this road are predominantly hard surfaced.
- 3.2. The application site consists of a two-storey terrace-end property, 12 Park Road, that is constructed with a red brick finish and concrete roof tiles. The property features a white roughcast render finish with brick quoins on the first floor of its front elevation. The dwellinghouse also consists of a two-storey, flat-roofed, rear extension, and a bay window on its western side elevation.

- 3.3. Works are currently taking place on the existing dwelling under Permitted Development that remove the existing bay window on the western side elevation of the host dwelling and replace the existing conservatory with a single storey, mono-pitched roof rear extension. The ground floor of 12 Park Road now features an open plan layout for its kitchen and dining area.
- 3.4. To the west of 12 Park Road is an associated detached, single storey, flat-roofed, pebble-dashed, single bay garage, and to the rear of the property is a large area of residential garden.

4. Relevant Planning History

- 4.1 The Local Planning Authority stated within pre-application advice, which was sought via 24/10025/PREHMO, that the provision of a bungalow to the rear of 12 Park Road was unlikely to be acceptable, but there was more opportunity for the provision of a two-storey terrace-end dwellinghouse adjacent to 12 Park Road, subject to design, protection of residential amenity and off-street parking matters being addressed.

4.2 75/00486/4

- Erection of dwelling with access
- Refused
- 03.06.1975

The development was refused because the proposal resulted in the loss of garaging facilities and the application site was not considered to be of suitable or shape or size to accommodate a satisfactory form of development. As a result, the Local Planning Authority considered that any dwelling within the site would, out of necessity, have to be set back behind the established building line in the street and result in an undesirable random form of development, which would seriously detract from the residential amenities of neighbouring dwellings along this frontage.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. Two members of the public have objected to the development for the following reasons:
- Construction concerns due to noise and air pollution.
 - The development is too close to the boundary between the neighbouring property.
 - Highway safety issues.
 - Insufficient parking provision.
 - Loss of light.
 - Overbearing impacts.
 - Security concerns due to the loss of the existing fence.
 - The single storey element is too tall.

5.2 One member of the public requested that the development is revised to be either a bungalow or a terrace-end dwelling.

5.3 No further formal 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
- Leicestershire County Council (LCC)'s Archaeology Department
- LCC's Ecology Unit (subject to conditions)

6.2 The County Council as the Local Highway Authority (LHA), referred to standing advice.

Ecology:

6.3 Leicestershire County Council (LCC)'s Ecology Department confirmed that mandatory biodiversity net gain (BNG) applied to the application site. The Ecology Department confirmed the creation of new habitats within private gardens cannot be considered as anything other than 'vegetated garden' because the management and retention of the biodiversity measures cannot be ensured. Therefore, the Applicant was required to seek offsetting strategies to achieve their statutory 10% net gain requirements.

6.4 In light of this, the Applicant submitted a revised Proposed Habitat Plan, a BNG Cover Letter, and a BNG Small Site Assessment Metric on 27 September 2024.

6.5 Following this, the Ecology Department confirmed that the revised small sites metric was acceptable and confirmed that offsite units will need to be purchased at the condition stage prior to commencement to ensure mandatory 10% net gain is achieved. Alongside this, the County Council requested details of bat and bird boxes that are to be integrated within the new building.

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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) (December 2023)
- 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

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.

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 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.

- 8.5 The development is located in a sustainable location within the identified settlement boundary of Ratby. Therefore, the development is acceptable 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

- 8.6 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024. However, due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.7 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless 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 development is for one residential property, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.9 Given the Council can deliver a five-year supply of land for housing, it is considered that very little weight should be given to the benefit of the provision of one dwelling in this site to the housing land supply within the Borough

Design and Impact upon the Character of the Area.

- 8.10 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.
- 8.11 Park Road is wholly residential in character and therefore the provision of a new dwellinghouse is acceptable in principle. The street scene also features detached dwellings, such as 6 Park Road, and is therefore unlikely to result in a significant adverse impact to the character of the area due to its scale, size, volume, or massing.
- 8.12 The development utilises similar materials to the properties in the surrounding area, such as 8, 10, and 12 Park Road. The proposal is also in line with the building line of these adjacent properties and set back from 16 Park Road by 1.8m. These features are considered to preserve the character of the area.
- 8.13 Although the frontage of the scheme is proposed to be entirely hard surfaced, this is a prevalent feature along Park Road. Therefore, whilst this is contrary to the guidance with the Good Design Guide, this is not considered to have a significant adverse impact on the character of the area in these site-specific circumstances.

- 8.14 By virtue of the size, scale, volume, massing, design, and the proposed use of external materials, the proposal respects the character of the surrounding area in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.15 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.
- 8.16 There are no windows on the western side of the property. Whilst there are two windows on the eastern side of the property, these are not to principal windows of habitable rooms and can be obscure glazed via planning condition. Therefore, the development is unlikely to cause any significant adverse impacts to neighbouring residential amenity as a result of overlooking or loss of privacy.
- 8.17 Works are currently being undertaken on 12 Park Road, which have removed the existing bay window on the western side elevation of this property, which was a principal window to the dining room. However, internal alterations have been undertaken to ensure that sufficient natural light is provided to this habitable room. The details of these works to the existing dwelling have been submitted as part of this planning application.
- 8.18 As 12 Park Road is within the ownership of the Applicant, a Grampian planning condition can be utilised to ensure that these works to the existing dwelling are completed prior to the occupation of the new dwelling to protect the residential amenity of the future occupants of the host dwelling.
- 8.19 The development extends 1.8m further at two-storey than 16 Park Road and 1.1m to the north and rear of 12 Park Road. At this distance, this two-storey massing is not considered to contravene the 45-degree rule of either property, nor is it likely to cause any significant adverse impacts to neighbouring residential amenity as a result of overbearing or loss of light impacts. Whilst the single storey element of the scheme extends a further 3m, this is also not considered to cause any significant adverse impacts to neighbouring residential amenity as a result of overbearing or loss of light impacts. Moreover, although the dwellinghouse is sited directly adjacent to the shared boundary of the property, this does not affect 16 Park Road's 1.2m access to its rear, nor any accessibility impacts to this neighbouring dwelling.
- 8.20 Given the above, the development is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties.
- 8.21 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.

- 8.22 Proposals for four-bedroom, two-storey dwellings should provide a minimum of 97sqm of floor space and 3sqm of built-in storage in accordance with the Technical Housing Standards (THS). The scheme provides 99.9sqm of floor space on the ground floor alone and 4.4sqm of in-built storage which complies with the requirements of the THS.
- 8.23 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.
- 8.24 All bedrooms comply with Paragraph 10(c) and (e) of the THS.
- 8.25 To comply with the Good Design Guide, four-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.26 Both the host dwelling and the proposed dwelling are provided with sufficient outdoor amenity space, which is compliant with the Good Design Guide.
- 8.27 Therefore, the development is not considered to result in any significant adverse impacts to the residential amenity of the future occupants of the scheme. By virtue of these factors, the proposal is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.28 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.29 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)).
- 8.30 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.31 The development utilises an existing access for the proposed dwellinghouse and a new access for the host dwelling onto Park Road. It is not considered that the provision of one new property is likely to have any significant adverse impact on highway safety in the local area.

- 8.32 The development provides three off-street parking spaces for the new dwelling and two off-street parking spaces for the host two-bedroom dwelling. This is considered to be in accordance with Paragraph 3.151 of Part 3 of the LHDG.
- 8.33 However, based on the plot spaces, the depth of the parking spaces is less than 5.5m which is contrary to Paragraph 3.165 of Part 3 of the LHDG. It is noted that parking spaces with a depth of 5.3m can be achieved for all spaces if they extend to the red line boundary of the site.
- 8.34 Whilst this is slightly less than the requirements of the LHDG, it is noted that properties 8, 10, 16, and 18 all feature substandard off-street parking depths to their front elevations. Park Road also does not feature any Traffic Order Regulations (TRO) and therefore on-street parking is possible to accommodate any further parking requirements. Given the above, the off-street parking provision is considered to be acceptable in these site-specific circumstances.
- 8.35 To conclude, proposal is unlikely to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Baseline Habitat Plan 137-05 (submitted: 09.09.2024)
- Block Plan 137-001 A (submitted: 21.05.2024)
- Floor Plan and Elevations – 137-003 B (submitted: 21.05.2024)
- Location Plan 137-002 A (submitted: 21.05.2024)

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).

3. The proposed works to the existing dwelling, 12 Park Road, as detailed within Existing Dwelling Floor Plans and Elevations (137-07) (submitted: 21.10.2024) and Existing Dwelling Proposed Floor Plans and Elevations (137-08) (submitted: 21.10.2024) shall be fully undertaken prior to the occupation of the new dwelling hereby permitted.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overbearing and loss of light impacts in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall take place until details of a bird box and bat box to be integrated within the new building has been submitted to, and approved in writing by, the Local Planning Authority. Details should include type of boxes and box positioning. Any boxes need to be shown on all relevant submitted plans and elevations. All works are to proceed strictly in accordance with the approved scheme. Photographs of the integrated bird and bat boxes within the new dwelling should be provided in order to discharge this condition.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Block Plan 137-001 A (submitted: 21.05.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

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 enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

7. The windows on the side elevations of the dwelling that are utilised for WC on the ground floor and Bedroom 1's en-suite shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below 1.7m above the floor of the room. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. **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 building.control@blaby.gov.uk or call 0116 272 7533.
2. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) states that every planning permission granted for the development of land in England is subject to a condition that secures a 10% net gain in the biodiversity value of the development in comparison to existing onsite habitat. Development may not begin unless a biodiversity gain plan has been submitted to, and approved by, the Local Planning Authority.
3. The Applicant should be advised that, notwithstanding planning permission, to facilitate the proposed new access the Applicant still needs to apply to the Local Highway Authority for a vehicle crossover (dropped kerb) permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/road-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>. The Applicant should note that the approval of planning permission does not guarantee permission for the required works permit.
4. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
5. 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).
6. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.