

Delegated Report

Planning Ref: 25/00352/FUL
Applicant: Ms H Johal
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: The Woodlands, Bradgate Hill, Groby

Proposal: Change of use of existing swimming pool to a dwellinghouse

1. Recommendation

- 1.1. **Refuse planning permission** subject to:
- Planning reasons detailed 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 pool house building into a single storey, two-bedroom dwellinghouse at The Woodlands, Bradgate Hill, Groby.
- 2.2. The application building measures 8.5 metres in width by 17.25 metres in depth with an additional attached plant roof area, and would have a total footprint of 148 square metres. The building would have a flat roof form, would be of brick construction, with feature areas of stone and wood cladding.
- 2.3. The application building is surrounded by a raised terrace area extending from the ground level adjacent the existing dwelling and rising to a maximum height of 3.3 metres above natural ground level where it forms a balcony area to the south of the application building. The application building has a roof height above this terrace level of 2.9 metres.
- 2.4. The proposed conversion of the pool house building involves installation of flooring over the existing internal swimming pool. On the south-western elevation existing openings are to be infilled and reduced to provide an entrance door with sidelights and a large hallway window. An additional four openings are to be created on the north-western elevation to add three doors and a large window. The proposal also involves the creation of one new rooflight.
- 2.5. The existing external materials including facing brick, render and timber sections are to be replaced with matt black/charred timber panel cladding.
- 2.6. The proposal involves a new raised terrace adjacent the north-western elevation of the building, extending to meet the site boundary to be clad in blue/black engineering brick and horizontal hardwood cladding. To the rear of the building the existing rear terrace balcony is to be screened on the south-eastern elevation through the installation of a PPC sheet metal screen in a matt black finish.

- 2.7. The proposal also involves installation of set of new external stairs adjacent the south-eastern side elevation of the building to provide access to the rear amenity space.
- 2.8. The proposal involves expansion of the existing parking area along the north-western boundary of the site, forward of the existing buildings, to create two additional parking spaces for the proposed conversion. The existing double garage on the site is to be retained, and areas forward of the existing dwelling retained and extended to provide associated parking.
- 2.9. The existing four-bedroom dwelling on the site would be altered to remove the existing first floor bay window on the north-western side elevation and to remove the existing first floor rear elevation balcony and replace with a Juliet balcony. The existing rear terrace would be retained.
- 2.10. The resulting plot depth for the existing dwelling, Woodlands, would be similar to that of Thorpe Cottage to the south-east. The rear of the enclosed garden space for Woodlands would be demarcated by 2-metre-high timber fencing.
- 2.11. The proposed dwelling would retain land with a width of around 6 metres along the north-western side of the wider application site. Beyond the rear of the application building the plot associated with the proposed dwelling would then extend to account for the balance of land to the rear Woodlands and Thorpe Cottage, creating an 'L' shaped plot.
- 2.12. The proposed boundary treatment between the existing dwelling and the proposed dwelling predominantly comprises a 2-metre-high stone wall.
- 2.13. The proposal also involves the reconfiguration of the existing external access stairs between the existing dwelling and the proposed dwelling. A courtyard garden is to be installed at the base of the stairs, forward of the proposed dwelling along the north-western site boundary. The courtyard garden is to be enclosed by 2-metre high privacy fencing and a 2-metre high wall, to provide screening from the existing dwelling to the east and the parking area to the north.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is known as Woodlands and is located outside of the identified settlement boundary of Groby, within the designated open countryside. Whilst it has a Groby address, the site is located closer to Markfield, 600 metres southeast of the Markfield settlement boundary and 1.1 kilometres northwest of the Groby settlement boundary.
- 3.2. The application site currently contains an existing two-storey four-bedroom detached dwelling known as 'Woodlands', a pool house building, a detached double garage, and a large parking area to the front of the site adjacent Bradgate Hill.

- 3.3. The application site is located in a ribbon of residential development along Bradgate Hill. This ribbon of residential development is notably otherwise separated from the settlement. The application site contains the north-western most dwelling within the ribbon on the south-western side of the highway.
- 3.4. The site is accessed from Bradgate Hill (A50) which is an adopted and classified 'A' road subject to a speed limit of 40mph.
- 3.5. To the south-east of the site is Thorpe Cottage and beyond that, further residences within the ribbon of residential development along Bradgate Hill. There are further residential properties to the north-east across Bradgate Hill.
- 3.6. To the west and north-west of the site are open fields and a cluster of large buildings belonging to neighbouring Groby Parks Farm.

4. Relevant Planning History

4.1 75/00119/4

Proposed garage and swimming pool
Planning Permission
25.02.1975

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2 One response was received. The response neither objected to nor supported the proposal.
- 5.3 The content of the response is summarised below:
- The disposal of foul sewage is unclear as the application form states it will not be by main sewer.
 - The nearby main sewer line runs beneath other neighbouring properties and additional pressures may be put on the system by an additional residential property.
 - The application states there will be a green roof and cedar cladding in sympathy with the "playing fields" on the western boundary. There are no playing fields in the vicinity of the property. The green roof is not referenced in any of the plans submitted.

6. Consultation

- 6.1 The National Forest Company advised that the application site is below the threshold requiring National Forest planting.

- 6.2 Leicestershire County Council (LCC) Highways, the Local Highway Authority (LHA), advised that they consider the existing access from Bradgate Hill suitable to cater to two dwellings. They further concluded that they were satisfied that the proposal provided sufficient parking and turning provision for the two resulting dwellings.
- 6.3 Hinckley and Bosworth Borough Council (HBBC) Drainage have provided notes for the Applicant regarding surface water drainage.
- 6.4 No objections were received from LCC Minerals or HBBC Environmental Services (Pollution).
- 6.5 No responses were received from Groby Parish Council, Severn Trent, the Forestry Commission, Friends of Charnwood Forest, or HBBC Waste.

7. Policy

- 7.1 Core Strategy (2009):
- Nil.
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - National Design Guide (2019)
 - Planning Practice Guidance (PPG)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

- 8.1. Key Issues:
- 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. The NPPF is a material planning 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).
- 8.4 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.5 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.6 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.
- 8.7 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.
- 8.8 The application site is located outside of any settlement boundary within the designated open countryside. The countryside is not typically regarded as a sustainable location for new development. Chapter 15 of the NPPF requires that planning policies and decisions to conserve and enhance the natural and local environment. This is highlighted by Paragraph 187(b) which states that the intrinsic character and beauty of the countryside should be recognised, and the wider benefits from natural capital and ecosystem services.
- 8.9 Policy DM4 of the SADMP states that Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. However, it does outline specific development within the countryside

that is considered to be sustainable. Policy DM4(b) considers the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting to constitute sustainable development.

- 8.10 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These, in addition to the proposal's impact upon its immediate setting, are discussed in detail further in the report.
- 8.11 Policy DM15 of the SADMP outlines the requirements for development comprising the re-use and/or adaption of redundant or disused rural buildings outside of settlement boundaries. This requires that an Applicant demonstrate the building is no longer viable in its current use, is structurally sound in its condition and capable of conversion without significant rebuild or alteration, that any alterations or extensions and proportionate to the original building, and that the proposed development accords with Policy DM10 of the SADMP.
- 8.12 Paragraph 14.56 of the SADMP provides some clarity on the intention of Policy DM15 when referring to rural buildings. It notes that the policy is in recognition of the significant number of agricultural and other buildings already existing outside of settlement boundaries. It also notes that the redundant rural buildings often reflect local vernacular and their re-use can protect agricultural land and the wider countryside by reducing demand for new buildings.
- 8.13 The proposal involves the change of use and re-use of an existing pool house building. It is therefore considered that the proposal has the potential to comply with Policy DM4(b) of the SADMP, subject to demonstrating that the scheme leads to an enhancement of the immediate setting.
- 8.14 Notwithstanding this, the application building is a domestic pool house building located on a site used for residential purposes. The planning history of the site demonstrates that the building was constructed as an ancillary domestic building. Further, the Applicant's Planning Statement describes the building as: *"a swimming pool annexe to a single storey 2 bedroom dwelling with extensive meadow garden"*.
- 8.15 It is therefore considered that the building does not constitute a rural building insofar as the intention of Policy DM15 of the SADMP. This is by virtue of the lack of agricultural use of either the application site or the application building, and its clear ancillary domestic function in association with the host dwelling. The proposal is therefore not offered any support by Policy DM15.
- 8.16 Policy DM4(ii) and DM4(iii) of the SADMP state that development in the countryside will be considered sustainable where it does not undermine the physical and perceived separation and open character between settlements, and, where it does not create or exacerbate ribbon development.
- 8.17 The application site is located within a ribbon of residential development located between the settlements of Groby and Markfield. Notably, the residential development within the ribbon is separated from other residential development in

either settlement. The residences within the existing ribbon have Groby addresses but their physical positioning places most residences closer to the Markfield settlement boundary, and as viewed from Bradgate Hill their association with either village is unclear. It is considered the existing ribbon creates spatial uncertainty and therefore undermines the physical separation of the settlements as perceived from the public realm.

- 8.18 The application site is located at the north-western extent of the existing ribbon of residential development, and the existing dwelling is the north-westernmost dwelling in the ribbon on the south-western side of Bradgate Hill.
- 8.19 The application building is located to the north-west of the existing dwelling. This would thereby create a new residential building further north-west than any existing dwelling within this section of the existing ribbon of development.
- 8.20 It is acknowledged that the application building is existing and therefore the proposal does not involve the creation of a new building further to the north-west of extant buildings. Notwithstanding this, it would result in an additional residential property within the ribbon and does mean the final residential building within the ribbon on this side of Bradgate Hill would be brought further north-west. In addition to this, the proposed north-western terrace brings the domestic form associated with the building further north-west.
- 8.21 It is therefore considered that the proposal would result in some exacerbation of the existing ribbon of residential development and intensify the domestication of its north-western extent. This would also lead to some intensification of the impact the ribbon has in undermining settlement separation between Groby and Markfield.
- 8.22 Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development, and its location, and ensure a safe and suitable access to the site can be achieved for all users.
- 8.23 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and where the use of sustainable transport modes can be maximised. Further, it seeks that development proposals ensure convenient and safe access for walking and cycling to services and facilities, and that schemes make best use of existing public transport services.
- 8.24 As established previously in this report, the application site is located outside of any settlement boundary. It is located within a ribbon of residential development that does not provide any services, and therefore the nearest services and facilities are located within or closer to the settlement boundaries of Groby and Markfield.
- 8.25 The application site is located 1 kilometre north-west of the nearest bus stop on Bradgate Hill. The bus route serving this stop operates approximately half hourly Monday through Saturday and hourly on Sundays.

- 8.26 The nearest convenience store is located 1.8 kilometres north-west of the application site within the settlement boundary of Markfield. This increases to 1.9 kilometres to the nearest park and playing fields and 2.3 kilometres to the nearest primary school.
- 8.27 To access these services, pedestrians would need to traverse the narrow footpath along the highly trafficked Bradgate Hill, which is a classified 'A' road. Bradgate Hill is almost entirely unlit by streetlights for the duration of the walk between the application site and the nearest bus stop and is without any significant street lighting between the application site and other services until either the Markfield or Groby settlement boundaries are reached.
- 8.28 It is considered that the location of the application site in isolation from surrounding services and the difficulties for pedestrians and cyclists in accessing services via Bradgate Hill mean future occupants of the scheme would likely depend upon private motorised transport to meet their day-to-day needs. As a result, the proposal is not considered to be in a sustainable location.
- 8.29 It is therefore considered that the proposal represents unsustainable development that would result in harm to the countryside and the environment in principle and which would exacerbate existing residential ribbon development, contrary to Policies DM1, DM4 and DM17 of the SADMP, and Chapters 2, 9 and 15 of the NPPF.
- 8.30 Nonetheless, the acceptability of the development is subject to assessment of all other material considerations. Other material considerations are set out within the following sections of this report.

Housing Land Supply

- 8.31 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 aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.32 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. Paragraph 73(d) of the NPPF identifies that local planning authorities should support the development of windfall sites through their decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 8.33 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.34 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.

- 8.35 The Planning Policy team have reviewed the revised NPPF and implications for the Council's Five-Year Housing Land Supply. At present the Council cannot demonstrate a Five-year housing land supply.
- 8.36 In light of this, and 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.
- 8.37 For decision-taking, 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.38 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.
- 8.39 Whilst the Council is unable to deliver a five-year supply of land for housing, the benefit of providing one dwelling within this application site towards the Council's supply of housing is considered to attract limited positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.40 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, 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.
- 8.41 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.42 Policy DM4(b) of the SAMP states that the change of use, re-use, or extension of existing buildings in the open countryside will be considered where they lead to the enhancement of the immediate setting.
- 8.43 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.
- 8.44 The proposed development involves the change of use and conversion of an existing ancillary domestic building to a dwellinghouse.
- 8.45 The existing pool house building is located to the west of the associated existing dwelling, Woodlands, and is adjacent to the north-western side boundary of the wider site. The existing building has a length of 17.25 metres and a width of 8.5 metres with a total footprint of 148 square metres. The building has a flat roof form with a height of 2.9 metres.
- 8.46 The existing building is of brick construction with feature areas of stone and wood cladding. It is sited on an existing terraced level with a side walkway and rear balcony area that reach a maximum of 3.3 metres above the natural ground level, which slopes away toward the rear of the site.
- 8.47 The application site is located within a ribbon of residential development along Bradgate Hill which is separated from the settlements of Groby and Markfield. The ribbon of residential development is characterised by large, detached dwellings on typically wide rectangular plots. The application building is the north-western most building within the ribbon on the south-western side of Bradgate Hill.
- 8.48 The existing character of residential development within the surrounding ribbon of development demonstrates a high level of consistency. Existing surrounding dwellings have typically uniform setbacks to Bradgate Hill and are predominantly two-storey detached dwellings. The dwellings in the locality typically have facing brick or rendered finishes and pitched, tiled roof forms.
- 8.49 The noted exception to the typical character of dwellings in the locality is Stewards Hay, a flat-roofed dwelling located 165 metres south-east of the application site. Notwithstanding this departure from surrounding form, Stewards Hay is a two-storey dwelling comprising brick finishes that reflects the front setback patterns of the wider ribbon of development, and therefore demonstrates other notable consistencies with its surrounds.
- 8.50 The proposed conversion of the application dwelling involves infilling of openings on the south-western elevation and creation of four new openings on the north-western elevation, to accommodate domestic windows and doors. It is proposed that the feature render and timber sections be replaced and the facing brick clad over with matt black/charred timber panel cladding.
- 8.51 The proposal also involves the extension of the existing raised terrace area to the side and rear of the building, to extend along the north-western boundary. The side

- elevations of the terraced area are to be finished in blue/black engineering brick and horizontal hardwood cladding.
- 8.52 To facilitate the development, the proposal also involves the installation of external stairs to the south-east of the existing dwelling, Woodlands, and the installation of privacy fencing to demarcate these areas between the proposed front private amenity space for the proposed dwelling and for the existing side areas of Woodlands.
- 8.53 The proposal also involves expansion of the existing front car parking area and associated hardstanding to facilitate additional and separated parking areas for both resulting dwellings.
- 8.54 As a result of the proposal the existing dwelling, Woodlands, would be sited on a largely rectangular plot with a rear garden of reduced dimensions. The layout of the resulting plot for Woodlands would otherwise be generally consistent with the neighbouring plot, Thorpe Cottage.
- 8.55 The resulting plot for the proposed dwelling would be irregularly shaped, owing both to the siting of the existing building relative to Woodlands, and to the existing 'L' shape of the wider plot in its current form. The proposed dwelling would be sited within an area of the plot that is comparatively narrow in width in the context of its surrounds, at only approximately 6 metres wide. The balance of the plot is then located to the rear of the proposed dwelling, to the rear of the proposed plot for Woodlands, and to the rear of Thorpe Cottage.
- 8.56 Though the proposal does not introduce a new building to the residential ribbon of development along this section of Bradgate Hill, it does create an additional residence at the north-western extent of the existing ribbon. Furthermore, it intensifies the density of residential development on the existing site and introduces additional domestic built form to the very north-western boundary of the site.
- 8.57 The intensity of parking within the revised front parking area, including additional hardstanding, and the creation of the small courtyard garden, additional fencing and external stairs and the expansion of a solid terraced platform up to 3.3 metres above ground level are not considered to lead to an enhancement of the wider setting. The intensification of domestic features and residential uses on the site, particularly along a boundary directly adjacent to open countryside land, are considered to be negative additions to the setting and character of the site.
- 8.58 It is also noted that the proposal would result in a dwelling with an incongruous setback to Bradgate Hill, set well behind the building line of Woodlands and other dwellings on this side of Bradgate Hill. The siting of the existing building also creates a contrived plot layout that exacerbates this inconsistency with its surrounds.
- 8.59 The proposal would result in a single storey dwelling with a generally rectangular footprint and a flat roof. The building is notably deeper on the site than it is wide. It is set down from Bradgate Hill which reduces its visibility, however this is also contrary to the dwellings within its surrounds.

- 8.60 The conversion of the existing building to a dwelling would therefore represent a notable departure from the large, wide frontages, pitched roof forms, two-storey scale, external material finishes, and plot siting and layout of surrounding dwellings.
- 8.61 It is therefore considered that the proposal would represent development that is uncharacteristic to the surrounding area and which would not complement nor enhance the character of the surrounding area with regard to layout, density, design or architectural features. Furthermore, the proposal does not lead to an enhancement of its countryside setting and by virtue of this and its harm to the surrounding character, would result in an adverse effect on its surrounds. The proposal is subsequently considered contrary to Policies DM4 and DM10 of the SADMP and Paragraph 139 of the NPPF.

Impact upon residential amenity

- 8.62 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.63 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.
- 8.64 The Council's Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.65 The only neighbouring residential property in proximity to the proposed dwelling conversion is the host dwelling, Woodlands.
- 8.66 The proposal is for the conversion of the existing ancillary building to a residential use. This changes the nature of the relationship between the existing building and the host dwelling, Woodlands, which is located in close proximity.
- 8.67 There are no additions to the existing building nor increase in building height. It is therefore not considered that the building itself results in any additional overbearing or loss of light impacts in comparison to the existing situation.
- 8.68 The proposed alterations to the existing building involve a reduction in openings on the south-eastern elevation and the creation of new openings on the north-western elevation. The north-western elevation faces over open countryside land and therefore does not result in any overlooking impacts. The south-eastern elevation contains three hallway windows which are obscured by proposed boundary treatments.
- 8.69 The raised rear terrace is to be screened with a 3.2 metre high and 1.5 metre deep privacy screen on the south-eastern elevation, to prevent views into the rear garden

space of Woodlands. The boundary between the proposed dwelling and Woodlands is to be treated with a 2 metre high stone faced boundary wall.

- 8.70 The proposal involves the creation of new private amenity space to the front and rear of the proposed dwelling, and a reduction to the private amenity space to the rear of the host dwelling.
- 8.71 The existing dwelling, Woodlands, has habitable room windows on the ground and first floors of its north-western elevation which would otherwise overlook the proposed courtyard and garden space of the proposed dwelling. These windows are proposed to be removed, which would significantly reduce the ingress of natural light to impacted rooms, including a room on the ground floor understood to be a habitable room.
- 8.72 The existing dwelling, Woodlands, also has two first-floor rear elevation habitable room windows and one rear elevation doorway and balcony. The proposal involves the removal of the existing balcony and replacement with a Juliet-style balcony. It is considered that these windows and the revised balcony would have some potential for high-level views toward the side elevation of the proposed dwelling, its outdoor terraces walkways and portions of the garden area to the rear, though these views would not be direct.
- 8.73 The Good Design Guide seeks that two-bedroom houses provide a minimum of 60 square metres of private outdoor amenity space, this increases to 80 square metres for houses of three-bedrooms or more. In either case, private outdoor amenity space should have a minimum length of 7 metres.
- 8.74 The development satisfies the private outdoor amenity space requirements of the Good Design Guide.
- 8.75 To support the residential amenity of future occupiers of the scheme, the Good Design Guide seeks to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.76 In accordance with the NDSS, a two-bedroom, single-storey dwelling should provide a minimum of 70 square metres of floor space and 2 square metres of built-in storage.
- 8.77 To provide sufficient space for one bed space, a single bedroom should have a floor area of at least 7.5 square metres, and a width of at least 2.15 metres. To provide two bed spaces, a double (twin) bedroom should have a floor area of at least 11.5 square metres, and a width of 2.75 metres for a master bedroom or a width of 2.55 metres for every other bedroom thereafter.
- 8.78 The proposal complies with the minimum requirements of the NDSS.
- 8.79 Given the above, it is considered that the alterations required to the existing dwelling to mitigate potential overlooking result in an unacceptable loss of natural light ingress to an existing habitable room. The proposal therefore cannot demonstrate an

acceptable level of residential amenity to future occupiers of the existing dwelling. The proposal is considered to be in conflict with Policy DM10 of the SADMP and Paragraph 135 of the NPPF.

Impact upon Parking Provision and Highway Safety

- 8.80 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.
- 8.81 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. The relevant guidance is currently the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.82 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.83 The LHDG requires that dwellings with up to three bedrooms provide a minimum of two off-street parking spaces. This increases to three off-street parking spaces for dwellings with four or more bedrooms. Any reduction below the minimum standards will require robust justification.
- 8.84 The proposal utilises the existing access to Bradgate Hill (A50). The conversion of the existing building into a two-bedroom dwelling is not considered to significantly increase the intensity of the use of this access at any detriment to highway safety, as per LHA advice.
- 8.85 The proposal provides two off-street parking spaces for the proposed two-bedroom dwelling conversion. There are five off-street parking spaces provided for the existing four-bedroom dwelling, though noting that only one of the two parking spaces shown within the existing detached garage can be counted under LHDG standards.
- 8.86 It is therefore considered that the proposal would not result in any significant adverse impacts upon highway safety, and that the cumulative impacts of the development on the transport network would not be severe. The proposal is consequently in accordance with Policies DM17 and DM18 of the SADMP, and the wider policies of the LHDG.

Planning Balance

- 8.87 For clarity, it is noted again that the 'tilted' balance is engaged in accordance with Paragraph 11(d)(ii) of the NPPF. Therefore, 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 NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 8.88 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.89 It is acknowledged that there are potential benefits arising from the proposal such as the provision of housing for a range of occupants, and economic benefits associated with the construction of the dwelling and the future occupant's engagement with local businesses and services.
- 8.90 It is also acknowledged that the Council cannot currently demonstrate a five-year housing land supply.
- 8.91 Nonetheless, the social and economic benefits associated with the provision of one dwelling are very limited, and the provision of one dwelling in this location toward the Council's supply of housing is considered to attract limited positive weight in the planning balance.
- 8.92 The proposal represents new and unjustified residential development in an unsustainable location that would, by virtue of its design and siting, result in a detrimental impact to the character of its setting. Notwithstanding that the proposal is for a conversion of an existing building, the proposal would not lead to an enhancement of the immediate setting, and would intensify residential development at the end of an existing ribbon of residential development within the countryside. Furthermore, the siting and appearance of the building and resulting plot layout would represent development uncharacteristic to its surrounds. The development would also result in an insufficient level of residential amenity to occupiers of the existing dwelling.
- 8.93 Overall, the level of harm caused by the proposed development is considered to be significant, and significant weight should be given to this harm in the planning balance. The harm identified significantly and demonstrably outweighs the limited benefits identified with the proposal.
- 8.94 Therefore, the proposal is considered to be contrary to and in conflict with, Policies DM4, DM10, DM15, and DM17 of the SADMP, and Chapters 2, 9, 12 and 15 of the NPPF, including Key Policy Paragraphs 115(a) and 135 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 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 detailed at the end of this report.

11.2 Reasons for Refusal

1. The proposal would result in significant and permanent adverse harm to the character of the application site and to its setting within the designated open countryside by virtue of its uncharacteristic and incongruous siting, layout, design and architectural features. This harm would be exacerbated by its contribution to undesirable ribbon development outside of settlement boundaries. The proposal is therefore contrary to and in conflict with Policies DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Chapters 2 and 12 of the National Planning Policy Framework (2024), and the Council's Good Design Guide (2020).
2. The proposal represents new and unjustified residential development in an unsustainable location outside of any identified settlement boundary thus failing to promote sustainable transport, the best use of public transport, or provide safe walking and cycling access to services and facilities. The proposal is

therefore contrary to and in conflict with Policies DM4 and DM17 of the adopted Site Allocations Development Management Policies Development Plan Document (2016), as well as Paragraph 8 and Chapters 9 and 15 of the National Planning Policy Framework (2024).

3. The proposal would result in a loss of natural light ingress into a habitable room on the ground floor of the existing dwelling which would be detrimental to the residential amenity of future occupiers of that dwelling. The proposal is therefore contrary to and in conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (2024), and the Good Design Guide (2020).

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 02.04.2025)
 - Site Location Plan, Drg No. 24566-Location Rev 0 (submitted: 02.04.2025)
 - Block Plan, Drg No. 24566-Location Rev 0 (submitted: 02.04.2025)
 - Existing Site Plan, Elevations and Section BB, Drg No. 24566-13 Rev A (submitted: 07.04.2025)
 - Existing Ground Floor, Roof Plan, Drg No. 24566-10 Rev 0 (submitted 02.04.2025)
 - Existing Front and Rear Elevations, Sections, Drg No. 24566-12 Rev 0 (submitted: 02.04.2025)
 - Existing Side Elevations, Drg No. 24566-11 Rev 0 (submitted: 02.04.2025)
 - Proposed Site Plan, Side Elevations and Section BB, Drg No. 24566-23 Rev B (submitted: 05.01.2026)
 - Proposed Parking, Drg No. 24566-24 Rev 0 (submitted: 02.04.2025)
 - Proposed Ground Floor, Roof Plan, Drg No. 24566- 20 Rev B (submitted: 05.01.2026)
 - Proposed Side Elevations, Sheet 1 of 2, Drg No. 24566-21 Rev C (submitted: 05.01.2026)
 - Proposed Front and Rear Elevations, Sheet 2 of 2, Drg No. 24566-22 Rev B (submitted: 05.01.2026)
 - Planning Statement (submitted: 02.04.2025)
 - Design and Access Statement (submitted: 02.04.2025)