

Delegated Report

Planning Ref: 24/01118/FUL
Applicant: Mr Knapp
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 16 – 18 The Lawns, Hinckley, Leicestershire

Proposal: Change of use from a shop (Class E) to a residential dwelling (Class C3), including rear single storey extensions and alterations

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. This planning application seeks full planning permission for the change of use of a shop (Use Class E, No. 16) to a two-bedroom dwellinghouse (Use Class C), along with two single storey rear extensions to both 16 and 18 The Lawns, Hinckley.

3. Description of the site and surrounding area

3.1. The application site includes two neighbouring terraced dwellings located centrally on The Lawns, directly east of but outside of Hinckley town centre. No. 16 was formerly a record store which served the community for many decades. Given the relative proximity to the town centre, the road features a small number of non-residential uses that include an insurance firm and community gym. The properties are surrounded by residential development on all sides, and there is some limited off-street parking on the opposite side of The Lawns.

4. Relevant planning history

4.1 There is no relevant planning history.

5. Publicity

5.1. The application has been publicised via a site notice and notification letters to neighbours.

5.2. One response was received highlighting that the wastewater pipe proposed on the side elevation of the rear extension to No. 16 would overhang the boundary with No. 14. Whilst this is a civil matter, the agent was made aware as part of the determination process.

6. Consultation

6.1. No objection has been received from:

- LCC Highways
- HBBC Environmental Health (Pollution)
- HBBC Waste Management (no comment received)
- HBBC Drainage

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (Dec 2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - Highway Design Guide

8. Appraisal

- 8.1. Key Issues
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. 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.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.5. The site lies close to the defined town centre of Hinckley, walkable to many nearby services and amenities, and is therefore in a sustainable location.

- 8.6. The proposal seeks to change the use of a shop, which was originally built as a dwelling, back to residential use. Together with this, it is proposed to add rear extensions to both No. 16 and No. 18 The Lawns.
- 8.7. Whilst the change of use to one dwelling would not make a significant contribution to the borough's housing supply, it is acknowledged that the Council will be unable to demonstrate a Five-Year Housing Land Supply. This is once the revised position is published following the publication of the revised NPPF and the new housing requirement figures.
- 8.8. This proposal seeks to change the use of an existing shop to a dwelling which falls within a sustainable location, as well as adding extensions to the property and neighbouring dwelling (under the same ownership). In summary, the principle is considered to be acceptable, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/ neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.9. Paragraph 135 of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.
- 8.10. The scheme proposes two separate extensions, both single storey. The first spans across the boundaries of 16 and 18 the Lawns with the bulk of the floorspace on the side of No. 16, designed with a pitched roof and eaves height of 2.4m and a ridge height of 3.7m, projecting 2m from the existing rear boundary of No. 16. The extension to the rear of No. 18 is single storey and features a hipped roof with an eaves height of 2.2m and a ridge height of 3.1m, projecting 4m from the rear elevation. The extensions are to the rear of the dwellings and would not impact the character and appearance of the street scene, and the proposed materials would match the existing dwellings and surrounding area.
- 8.11. Overall, the proposal will have a minimal impact on the character and appearance of the existing house and the street scene in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.12. 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.

- 8.13. The Good Design Guide SPD outlines that development may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45-degree rule.
- 8.14. The rear extension to No. 16 would project 2m beyond the rear elevation of neighbouring No.14, breaching the 45-degree rule to the window on the rear elevation. However, when accounting for boundary treatments and the limited projection of the extension (2 metres), it is considered acceptable on balance.
- 8.15. Similarly, the additional extension to No.18 would technically fail the 45-degree rule against the rear windows of No. 16, however due to separation distances and the existing relationship between neighbouring dwellings in this area, it is considered acceptable on balance. Both gardens feature adequate private amenity space which would remain acceptable with the proposed extensions.
- 8.16. To ensure that there are no further unrestricted extensions to the dwellings without planning permission which could lead to overbearing or loss of light impacts on neighbouring dwellings, a condition has been included to restrict permitted development rights for householders (Class A-E).
- 8.17. Overall, the proposed extensions would have an acceptable impact on residential amenity in compliance with policy 10 of the SADMP and the Good Design Guide SPD.

Impact upon highway safety

- 8.18. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.19. Policy DM18 states that all proposals for new development will be required to provide an appropriate level of parking and that development within Hinckley town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.20. The Highway Authority have referred to standing advice for this application. The LPA is satisfied that the scheme would have no significant detrimental effect on on-street parking or on highway safety and that as such the proposals will satisfy policies DM17 and DM18 of the SADMP and the requirements of the NPPF.

Conclusion

- 8.34. The proposed development is for a property located within the settlement boundary of Hinckley. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.
- 8.35. The proposed change of use would involve a retail use changing back to the original use of a residential dwelling, in a sustainable location but outside of the designated town centre of Hinckley.

- 8.36. The proposed development would complement the character and appearance of the existing dwellings and surrounding area and would not cause any unacceptable adverse impacts on the amenity of neighbouring residents. The proposed development would not have any significant impacts upon parking. The proposal is therefore considered to be in accordance with policies DM1, DM10 and DM18 of the SADMP and the Good Design Guide SPD.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

- 10.1. **Grant planning permission subject to the following planning conditions.**

11. 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 plans received by the Local Planning Authority as follows:

- Proposed Plans and Elevations – Dwg. No. AVD-855-TLH-PL02 (submitted 09.12.24)

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 materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwellings.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to E; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to numbers 16 and 18 The Lawns, Hinckley LE10 1DY, shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).