

Delegated Report

Planning Reference 24/00747/HOU
Applicant(s) Mr and Mrs M and C Burnham
Ward Cadeby, Carlton, M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site The Moorings, Ibstock Road, Odstone

Proposal Two storey rear extension, entrance porch, double garage and new access driveway

Case Officer Sullivan Archer (Senior Planning Officer)

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 householder planning application seeks full planning permission for a two-storey rear/side extension on the southern elevation of the existing residential property that comprises a new timber entrance porch, and an attached double garage with a games room in the roof space, as well as a new access with associated parking and hard surfacing on Ibstock Road at The Moorings Ibstock Road, Odstone. The proposal is required to facilitate an independent vehicle access to the application site and to the adjacent dwelling, The Appleyard, to the north of the site.

2.2. From views of the development from Ibstock Road, the development externally measures 10.6m in width by 6.8m in depth, which creates a total footprint of 66sqm. Both the entrance hall and the double garage have dual pitched roofs that have a ridge height of 6m, and 6.4m respectively. The double garage features two dormer windows on its front and rear elevations. The development is constructed with materials to match the existing dwelling.

3. Description of the Site and the Surrounding Area

3.1. The application site is approximately 50m northeast of the confluence of Newton Lane, Barton Road, Ibstock Road, Hall Lane, and Smithy Lane within the centre of Odstone. Odstone is not a formally identified settlement within the Development Plan and therefore the application site is regarded to be within the designated open countryside. The application site consists of an existing two-storey, brick-built residential property, The Moorings.

- 3.2. The site is currently accessed via an existing access onto Ibstock Road to the north of the dwelling. Ibstock Road is an adopted and classified 'C' road that is subject to a 30mph speed limit at the location of the existing site access. The existing structure to the north of the site was previously an outbuilding associated with the dwelling but has since received planning permission to be converted into an independent dwelling, 'The Appleyard' via applications 22/00066/FUL and 24/00466/FUL and has been excluded from the red line boundary of this application site.
- 3.3. The northern side of the site is bounded by Ibstock Road, and beyond this public highway there is open agricultural fields. Public Right of Way Q74 concludes at Ibstock Road to the west of the site. There are only open fields to the east and south of the site. To the east and northeast of the site is the built form of Odstone and then further open countryside.

4. Relevant Planning History

- 4.1 There is no planning history relevant to this development proposal within this application site in the last twenty years.

5. Publicity

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

6. Consultation

- 6.1 There have been no objections from the following consultants:
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)
 - Local Highway Authority (LHA) (subject to conditions)

Ecology

- 6.2 The County Council's Ecology Department requested a Biodiversity Enhancement Scheme to be secured via planning condition.

Highways

- 6.3 Following nine consultations, and the provision of revised plans and an Automatic Traffic Count, Leicestershire County Council as the Local Highway Authority (LHA) confirmed that in its view, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe, subject to four planning conditions.

6.4 Shackerstone Parish Council did not respond to the planning application. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- N/A.

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 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) (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. Extensions to existing domestic properties are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.

- 8.3 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.
- 8.4 In accordance with the Good Design Guide, two-storey side extension should appear smaller in scale and massing in order to be subordinate to the main dwelling. Any proposal should be set down from the ridge of the existing house and set back from the front elevation at a minimum of 0.5m. Rear extensions should also be designed to be clearly subordinate to the main dwelling.
- 8.5 The development will be visually prominent from public views along Ibstock Road and Barton Road. However, the views from Barton Road shall be at a distance of over 50m and the scheme shall be experienced in the context of the existing dwelling. The scheme is set down from the host dwelling a minimum of 1.1m and whilst the extension is of a considerable size, the development is still considered to appear subordinate to the main dwelling. Therefore, by virtue of its size, scale, height, massing, and use of matching materials, the proposed extension is not considered to result in any significant adverse impacts to the character of the site or the surrounding area.
- 8.6 However, to facilitate the new access into the site, 25.5m of hedgerow and vegetation is removed from the western boundary of the site. The impact of this and the associated surfacing of the site are considered to result in considerable harm to the character and appearance of the surrounding area, particularly from views from Ibstock Road. To reduce the impact of the development, the Applicant has proposed new hedgerows along the eastern and southern boundaries. A planning condition can be utilised to secure the implementation of these works, alongside further planting along these elevations to appropriately mitigate the impact of the development.
- 8.7 Whilst these elements of the scheme may still result in harm to the character of the area despite the provision of additional landscaping, it is considered that, the provision of an appropriate landscaping scheme would reduce and mitigate the impact of the scheme to an acceptable level in these site-specific circumstances.
- 8.8 In light of the above, the proposal is not considered to result in any significant adverse impacts to the character of the site and surrounding area, subject to planning conditions, in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.9 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.
- 8.10 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.

- 8.11 There are no neighbouring residential properties to the south or west of the site, and the existing dwellings to the north are separated from the proposal by the public highway and a distance of over 21m in accordance with the Good Design Guide.
- 8.12 Therefore, the only neighbouring dwelling that is likely to be affected by the development is the converted outbuilding to the north of the site, The Appleyard.
- 8.13 The proposed development is 23m from, and extends away from, The Appleyard, and is separated from this neighbouring property by the built form of the host dwelling. The scheme includes two new windows on the first floor of both the north-western front elevation and the south-eastern rear elevation, which do not face towards this neighbouring dwelling. By virtue of these factors, the scheme is not considered to result in any significant adverse impacts to neighbouring residential amenity.
- 8.14 The development does not include any additional bedrooms, and the scheme is not considered to reduce the provision of private outdoor amenity space below the 80sqm minimum standards detailed within the Good Design Guide for a property of this size.
- 8.15 Given the above, the scheme is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.16 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.
- 8.17 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)) (2024).
- 8.18 The Local Highway Authority (LHA) reviewed their Personal Injury Collisions (PICs) database and have not found any collisions recorded in the last five years that occurred within 500m in all directions of the proposed access.
- 8.19 To support their application, and the request of the LHA, the Applicant has undertaken a speed survey between 04 April 2025 and 10 April 2025 at a location that the LHA considered to demonstrate a more reflective 85th percentile speed at the location of the proposed access. The speed survey demonstrated recorded 85th

percentile speeds of 21mph northbound and 24.2mph southbound. The LHA have examined this raw data and do not dispute its findings.

- 8.20 Table 6 of the LHDG states that visibility splays should for locations within 85th percentile speeds of between 21mph to 25mph should provide visibility splays of 2.4m by 33m in each direction. However, The Proposed Site Plan demonstrates vehicular visibility splays of 2.4m by 23m to the south of the access and 2.4m by 26m to the north of the access. This is considered to be substandard in comparison to the requirements of Table 6 of the Leicestershire Highway Design Guide (LHDG), and the LHA have raised concerns about this.
- 8.21 Notwithstanding this, Paragraph 10.5.9 of the Manual for Streets Two (MfS2) states that unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.
- 8.22 The LHA have therefore taken the above, and the site-specific circumstances below into consideration:
- The recorded 85th percentile speed of 21 mph; and
 - The proximity of the proposed access to the junction; and
 - The unlikelihood of overtaking manoeuvres at this location; and
 - The lack of any PIC data within the vicinity of the proposed access which could demonstrate an existing concern with road safety; and
 - The small-scale nature of the development on what could not be considered a highly trafficked road.
- 8.23 As such the LHA do not seek to resist the application, subject to four planning conditions.
- 8.24 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.25 The LHDG states that garages will not normally be counted as a parking space for the purpose of calculating parking provision for:
- The garage meets the minimum dimensions
 - Planning conditions are imposed to control the use of the garage; or
 - Restrictions are placed on converting the garage to a room that can be lived in.
- 8.26 In accordance with the LHDG single bay garages should have a minimum internal dimension of 3m in width by 6m in depth, with a minimum door width for 2.3m. This increases to 6m in width with a minimum door width of 4.2m for double garages. Therefore, the proposed double garage can only be counted as one off-street vehicle parking space. However, the LHA are satisfied that there is adequate space for a further two vehicles to the front of the garage for the proposal to comply with Table 28 and Figure 44 of the LHDG.

- 8.27 In light of the above, the proposal is not considered 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, subject to planning conditions.

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:

- Existing Floor Plans & Elevations (297 PL-02) (submitted: 01.08.2024)
- Existing Site Plan (297 PL-04) (submitted: 21.11.2024)
- Proposed Elevations & Floor Plans (297 PL-03D) (submitted: 02.06.2025)
- Proposed Site Plan (297 PL-05G) (submitted: 04.06.2025)
- Site Location & Block Plan (297 PL-01A) (submitted: 21.11.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development hereby permitted shall be brought into use until such time as the access arrangements and the parking and turning facilities have been implemented as shown on Proposed Site Plan, drawing number PL-05G have been implemented in full and thereafter shall be kept available for such use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other in a slow and controlled manner and 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 general highway safety and in accordance with the National Planning Policy Framework (2024).

4. The development hereby permitted shall not be brought into use until such time as vehicular visibility splays of 2.4 metres by 23 metres to the south and 2.4 metres by 32 metres to the north have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of

general highway safety, and in accordance with the National Planning Policy Framework (2024).

5. The development hereby permitted shall not be brought into use until such time as the access drive 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 (2024).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 6 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

7. No part of the development hereby permitted shall be brought into use until a Biodiversity Enhancement Scheme has been submitted to, and approved in writing by, the Local Planning Authority. Enhancements should include but should not be limited to: an external lighting plan with details relating to the type of units to be used and their associated outputs, two incorporated bat bricks on the eastern and southern elevations, three swift bricks in close proximity to the eaves of the property (two of which should be in the development hereby permitted), and shrubbery and hedgerow planting. The Biodiversity Enhancement Scheme should clearly illustrate the location of the enhancements along with specifications. All works are to proceed strictly in accordance with the approved scheme.

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).

8. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, has been submitted in writing to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of

the development or the completion of the development, whichever is sooner. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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).

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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
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).