

Delegated Report

Planning Ref: 25/00312/HOU

Applicant: Mr S Woodward

Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 13 The Square Bagworth Coalville

Proposal: Detached garage

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for a detached garage at 13 The Square, Bagworth.
- 2.2. The proposed detached garage would measure 6.40 metres in width and 7.09 metres in depth. It would have a dual pitched gable fronted roof design which would measure 3.33 metres to the ridge and 2.10 metres to the eaves.
- 2.3. Additional alterations include the addition of both a garage and pedestrian door to the front elevation and the addition of four Velux roof lights to the roof.
- 2.4. The proposed external materials would match those of the existing dwelling.
- 2.5. Amendments have been sought during the application process in regard to scale and construction management details have been submitted at LCC highways request. A re-consultation has been undertaken.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within, but on the edge of, the settlement boundary of Bagworth such that the rearmost part of the rear garden is outside the settlement boundary and therefore in the countryside. It is located at the end of a no through road and is a two storey end terraced cottage that has previously been extended. It is constructed of red facing bricks to the front elevation, rough cast light brown render with red brick quoins to the side and rear elevations, slate roof and white uPVC windows.
- 3.2. There is no longer any uniformity to the terrace. The two other dwellings having been rendered, extended in various forms to the rear at both two storey and single storey (No. 14) and single storey (No. 15) and having a variety of replacement windows. The wider street scene is more varied still.
- 3.3. There are residential gardens to the east of the site and open fields to the north and west. There is a public right of way/footpath (R57) that runs from west to east across the front of the proposed site access and into The Square.

4. Relevant planning history

83/00070/4

- Extension to dwelling to form bedroom garage and kitchen

- Planning Permission
- 18.04.1983

22/01074/HOU

- Detached double garage and associated ancillary space
- Withdrawn
- 07.06.2023

23/00427/HOU

- Two storey rear extension and garage conversion
- Planning Permission
- 19.06.2023

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, and a notice was displayed in the local press.
- 5.2. Following the initial publication an objection has been received which has been summarised below;
 - No. 13 already has a single integral garage which is never used.
 - Side access would not be wide enough for a vehicle to pull onto the back garden
 - The footpath along the boundary edge is used all day, every day by dog walkers, families with young children, school children, runners and cyclists which in my opinion is a very high health and safety risk to the general public
 - The turning area used by delivery vehicles on a daily basis outside of properties 13, 14 & 15 is extremely limited and, in the past, has caused damage to several properties including the demolition of my front wall (no 14).
 - There are already 2 cars parked outside no 13 and no 14 on the road everyday so building a garage /workshop that is far bigger than a standard size garage will only increase the amount of vehicles and most likely a work van
 - The plans clearly show a very large garage with a toilet and washbasin which could easily be adapted to living accommodation in the future
 - Overlooking
- 5.3. No further comments have been received as a result of the re-consultation.

6. Consultation

- 6.1. Bagworth and Thornton Parish Council:
 - No comments have been received.
- 6.2. Ramblers Association:

- No comments have been received.

6.3. LCC Highways;

"After reviewing the amended plans, 'Drawing Number 3850-02S, Proposed Plans and Elevations', 'Construction Traffic Management Plan' and 'Construction Traffic Plan Drawing Number 3850-06, the LHA are satisfied the development will have no significant impact on the highways.

The Local Highway Authority (LHA) therefore continue to refer the Local Planning Authority (LPA) to current standing advice provided by the LHA dated September 2011.

The LHA continue to highlight that Public Right of Way R57 runs along the front of the proposed access, the LHA had previously requested for informatives to be added, the LHA find these relevant and have been reproduced below.

Informatives

a) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works, including vehicle movements and parking on the street called The Square.

b) Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.

c) If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.

d) If the developer requires a right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

e) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. F) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.

f) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you 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."

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 21: National Forest

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- 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)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- The Leicestershire Highways Design Guide (2024)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and upon the countryside
- Impact upon neighbouring residential amenity
- Impact upon highway safety, public right of way and parking provision.

Assessment against strategic planning policies

- 8.2 Notwithstanding that part of the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area and upon the countryside

- 8.2 Policy DM4 of the Site Allocations and Development Management Policies DPD allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.

- 8.3 Policy DM10 of the Site Allocations and Development Management Policies DPD seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 The application seeks full planning consent for a detached garage at 13 The Square, Bagworth.
- 8.5 The Council's Good Design Guide seeks to ensure that *"Garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene."*
- 8.6 The proposed garage would be set well back (16.52 metres) from the highway to the side and rear of the dwelling. It would have a considerable, but not inappropriate footprint for a double garage of 45.37 square metres (6.40 metres in width and 7.09 metres in depth) when taking into account its siting, the scale/presence of the existing garages within the immediate street scene and the 24.44 square metre reduction when compared to the initial scheme. It would have a dual pitched gable fronted roof design with an eaves height of 2.10 metres and a ridge height of 3.33 metres appearing subordinate and appropriate to reflect the pitched design of the dwelling. It would be constructed in matching corresponding external materials of white render and brown tiles as the existing dwelling to ensure a satisfactory and uniform appearance.
- 8.7 The proposal would also retain approximately 304.00 square metres of private amenity space at the rear which would remain adequate to serve the dwelling.
- 8.8 By virtue of its siting, scale, design and the proposed use of matching corresponding external materials the proposed detached garage would respect and complement the scale, character and appearance of the existing dwelling and the surrounding area and would be in accordance with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9 Policy DM10 of the Site Allocations and Development Management Policies DPD seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.10 Concerns have been raised by a neighbouring property that the proposal would result in overlooking.
- 8.11 The Councils Good Design Guide states that *"The 45 degree rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a neighbouring property. This rule ensures consistency and fairness between applicants and their neighbours."*
- 8.12 The proposed detached garage would extend past the existing rear elevation of 14 The Square, by 9.83 metres and would be set in from the shared boundary by 7.27 metres, so to ensure compliance with the Councils Good Design Guide the 45 degree rule has been applied to the mid-point of the nearest ground floor habitable window which in this case is a conservatory leading into a kitchen. The rule has concluded that the extension would not have an impact upon the outlook from or daylight to no.14. Two Velux roof light would sit to the immediate facing roof slope, however, given angle of the roof slope (15 degrees) and the separation distance the roof lights would not result in the loss of privacy to no.14.

- 8.13 The proposed detached garage would be situated a minimum of 17.77 metres from 10-12 The Square, whilst also being situated on land levels which are significantly lower and therefore would have no adverse overbearing or overshadowing impacts or result in any loss of privacy to the occupiers of no. 10-12.
- 8.14 Concerns have been raised by a neighbouring property that the proposal could be adapted to living accommodation in the future due to the proposed toilet area.
- 8.15 Whilst the application seeks consent for a detached garage, due to the nature of the previous submissions, the scale and the facilities present within the unit the Local Planning Authority sees fit to implement a condition to ensure that the outbuilding shall only be used for purposes ancillary to the residential occupation of the application dwelling known as 13 The Square and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation. This is further the avoidance of doubt as the proposal has been assessed as a garage, with a separate dwelling or habitable accommodation requiring further assessment as to impacts on neighbouring amenity and those for any prospective future occupiers.
- 8.16 By virtue of its siting, single storey scale and separation distances it would have no adverse impacts upon the residential amenity or privacy of any other neighbouring dwellings. The proposal would therefore be in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD and the general principles of the adopted Good Design Guide. No objections have been received from any neighbouring properties.

Impact upon highway safety, public right of way and parking provision

- 8.17 Policy DM17 of the Site Allocations and Development Management Policies DPD requires development to not have a significant impact upon highways safety.
- 8.18 Policy DM18 of the adopted Site Allocations and Development Management Policies DPD seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.19 Paragraph 105 of the National Planning Policy Framework states that *“Planning policies and decisions should protect and enhance public rights of way and access.”*
- 8.20 The Leicestershire Highways Design Guide seeks to ensure that single garages have minimum internal dimensions of 3.00 x 6.00 metres with a minimum door width of 2.30 metres.
- 8.21 The proposed garage would have minimum internal dimensions 5.70 x 6.39 metres, with a garage door width of 2.70 metres and would not impact the pre-existing parking arrangements at the site, meeting the requirements as set out by the Leicestershire Highways Design Guide and the Councils Good Design Guide.
- 8.22 Concerns have been raised by a neighbouring property in regard to the site access, turning area, increase in vehicular traffic, and health and safety risk to the general public using the adjacent public right of way/footpath (R57).
- 8.23 The Local Highways Authority has assessed the scheme and are satisfied the development will have no significant impact on the highways. A scheme for the treatment of the public right of way including a construction traffic plan (Drp No. 3850-06) and a construction traffic management plan was submitted the Local Planning Authority on the 13th May 2025. A condition has been implemented ensuring full compliance to protect and enhance the public right of way. The Local Highways Authority have also requested for informatives to be added (Para.11.3 b-g) to further ensure the protection and enhancement of the public right of way.

- 8.24 Furthermore, it is deemed that the proposed development is unlikely to lead to a notable increase if any in the vehicle movements to the site. The condition restricting the use to ancillary usage would also ensure any intensification could be assessed in the future.
- 8.25 It is therefore considered that the proposed detached garage would not cause any material impacts upon the parking provision at the site or upon pedestrian or vehicular safety in compliance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD, the Leicestershire Highways Design Guide and paragraph 105 of the National Planning Policy Framework.
- 8.26 Concerns have been raised by a neighbouring property that the application dwellings existing single integral garage is never used. There is no defined limit for the number of garages on a residential plot. Furthermore, as long as the use remains incidental to that of the application dwelling the owner/occupier has the right to use the space as they see fit.

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.

10. Conclusion

- 10.1. The proposed development is for a property located within, but on the edge of, the settlement boundary of Bagworth. 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.
- 10.1 The proposed development has been assessed, and the Local Planning Authority can conclude that the proposed development would complement the character and appearance of the host dwelling and would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site. It would neither have any significant impacts upon the parking provision or pedestrian or vehicular safety.
- 10.2 On this basis, the proposal is therefore considered to be in accordance with Policy DM1, DM4, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, the Leicestershire Highways Design Guide, Paragraph 105 of the National Planning Policy Framework and the general principles of the Councils Good Design Guide. The proposal is, therefore, recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 25th March 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with DM1, DM4, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, the Leicestershire Highways Design Guide, Paragraph 105 of the National Planning Policy Framework and the general principles of the Councils Good Design Guide.

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

- Proposed Plans and Elevations, Drg No. 3850-02S
- Construction Traffic Plan, Drg No. 3850-06
- Construction Traffic Management Plan
as received by the Local Planning Authority on the 13th May 2025.

Reason: To ensure a satisfactory form of development in accordance with DM1, DM4, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, the Leicestershire Highways Design Guide, Paragraph 105 of the National Planning Policy Framework and the general principles of the Councils Good Design Guide.

4. The garage hereby permitted shall only be used for purposes ancillary to the residential occupation of the application dwelling known as 13 The Square, Bagworth and shall not be occupied, sold or leased or let, on a permanent or temporary basis, as an independent unit of residential accommodation at any time.

Reason: To ensure compatible use and that the building hereby permitted is not occupied as an independent unit of residential accommodation which may have additional impacts in accordance with DM1, DM4, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD, the Leicestershire Highways Design Guide, Paragraph 105 of the National Planning Policy Framework and the general principles of the Councils Good Design Guide.

11.3 Notes to applicant

- a) 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.
- b) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works, including vehicle movements and parking on the street called The Square.
- c) Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- d) If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- e) If the developer requires a right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- f) Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001. F) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- g) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way, and the County Council may be obliged to require its immediate removal. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you 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.
- h) Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application dwelling neighbouring properties or public highway.