

Delegated Report

Planning Ref: 26/00391/FUL
Applicant: Mr Will Lindsay
Ward: Ratby, Bagworth and Thornton

Site: 7 Station Road, Ratby, Leicester



Hinckley & Bosworth
Borough Council

Proposal: Subdivision of existing dwelling into two dwellings (retrospective)

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 proposes the subdivision of one 5-bed dwelling to two separate dwellings – 1x3-bed and 1x2-bed.
- 2.2. Proposed alterations are largely internal to create separate living areas for each dwelling. An existing garage entrance to the front of the property would be altered to allow for a separate entrance door and a window.
- 2.3. The subdivision has already been implemented, with internal alterations being undertaken at the time of consideration of the application.
- 2.4. The applicant states that they purchased the property recently at auction and discovered afterwards that the property was part of a larger dwelling that had been subdivided without planning permission.

3. Description of the site and surrounding area

- 3.1. The application site comprises a Victorian dwelling forming part of a row and terrace of similar dwellings. There are unrestricted parking bays to the front. The site is opposite the Ratby sports club playing grounds. The site backs onto private garden/paddock land. The wider area is predominantly residential in character.

4. Relevant planning history

None

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. No comments have been received.

6. Consultation

- Ratby Parish Council – No comments received
- HBBC Drainage – No objection
- HBBC Pollution (1 & 2) – No objection
- HBBC Waste Management – No comments received
- LCC Highways (LHA) – No objection, subject to kerb reinstatement condition

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres

- 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - 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)
 - National Space Standards (2025)

8. Appraisal

8.1 Key Issues

- Assessment against strategic planning policies
- Design and impact upon heritage
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 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 state 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) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

- 8.5 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. 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.
- 8.6 Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficient 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)
- 8.7 Policy 7 of the Core Strategy identifies Ratby as a Key Rural Centre, whereby housing development is supported within settlement boundaries that provides a mix of housing types and tenures.
- 8.8 The site is located within the settlement boundary of a Key Rural Centre and is therefore considered acceptable, subject to further consideration of the remaining key issues as set out below.

Design and impact upon heritage

- 8.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.10 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.11 Policy DM10 of the SADMP requires proposals to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.13 External alterations are limited to the garage door opening replaced with a door and window. The existing property comprises uPVC framed windows and a timber door.

It is considered that the alterations are minimal and will largely maintain the existing character and form of the property. In addition, the alterations would improve upon the appearance of the existing aged roller shutter garage door. Subject to a condition for matching materials, the proposal is considered to have a neutral impact on the character and appearance of the Ratby Conservation Area and will preserve its significance.

- 8.14 Therefore, subject to a condition for matching materials, the proposal complies with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring and residential amenity

- 8.15 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.16 The subdivision of the dwelling would result in dwelling no. 7 having 3 bedrooms:
- Bedroom-1 – Floor area 6.8 sqm – Width 2.7m
 - Bedroom-2 – Floor area 5.8 sqm – Width 2.6m
 - Bedroom-3 – Floor area 3.3 sqm – Width 1.8m
- None of the bedrooms have built-in storage.
- 8.17 The subdivision of the dwelling would result in dwelling no. 7A having bedrooms:
- Bedroom-1 – Floor area 9.9 sqm – Width 3.7m
 - Bedroom-2 – Floor area 6 sqm – Width 2.3m
- Neither of the bedrooms have built-in storage.
- 8.18 All habitable rooms for each dwelling at both ground and first floor levels would provide an acceptable degree of outlook and daylight. Each dwelling would have a private amenity area to the rear, although below current Good Design Guide standards. However, the original dwelling had a substandard sized garden and there are green spaces, parks and sporting facilities within close proximity of the site.
- 8.19 The proposal does not fully accord with the guideline standards of the NDSS. However, the shortfall is considered minimal. It is acknowledged that proposed Bed-3 falls significantly short of the standards and is not considered feasible to be used as a bedroom more generally. This room is more likely to have an alternative use by occupants due to its limitations. Given that proposed bedrooms 1 and 2 for each respective dwelling utilise the bedrooms of the original dwelling, it is considered that the shortfall is typical and characteristic of dwellings of this period and nature. Furthermore, it is considered that as the Local Planning Authority cannot demonstrate a 5-year housing supply, the net increase in an additional 2-bed dwelling outweighs any minimal non-compliance with the NDSS.
- 8.20 The application site comprises an existing Victorian dwelling located on a uniform row of dwellings that backs onto what appears to be a private paddock or garden area. The proposal would not result in any extensions and additional side facing windows. The proposal would therefore result in a neutral impact on neighbouring amenity.

- 8.21 On balance, it is therefore considered that the proposal complies with Policy DM10 (a) and (b) of the SADMP, with the overall merits in the net gain of an additional dwelling in the Borough outweighing any amenity limitations to future occupants of the dwellings, the limitations of which are considered characteristic of Victorian terraced dwellings.

Impact upon highway safety

- 8.22 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.23 There appears to be no apparent designated parking spaces for properties 7 and 7a but the LHA are aware that this is an existing situation.
- 8.24 The LHA notes from the Existing Ground Floor Plan that no. 7a has a garage that will be removed to form a kitchen/diner which will result in the loss of one parking space.
- 8.25 As a result of the garage being removed, there is no off-street parking facility to access, therefore the LHA require full height kerbs to be reinstated, the H-bar marking removed and the lining for the parking bays either side to be joined up.
- 8.26 With the removal of the garage at no. 7a resulting in a decrease of one parking space, the LHA is satisfied that this would not lead to an unacceptable impact on highway safety taking into account the on-street parking bays. There are also Traffic Regulation Orders (such as double and single yellow lines) on the surrounding roads that would discourage inconsiderate parking.
- 8.27 Therefore, subject to a condition for the abovementioned alterations to the highway, the proposal would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. Equality implications

- 9.1 **Where No Known Implications** 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. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

1. The materials to be used on the external elevations of the proposed alterations hereby permitted shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. Prior to the conversion of the existing garage to residential use the Applicant shall submit a scheme detailing the removal of the existing dropped kerbs and the reinstatement of full height kerbs; the removal of the H bar marking and the continuation of the lining of the parking bays to the LPA for agreement in writing. Thereafter the approved scheme shall be implemented in full within three months of the garage conversion.

Reason: In the interests of highway and pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

3. 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 and as follows:

Site Location Plan, received 1 May 2026

Block Plan, received 1 May 2026

Proposed Ground Floor Plan – Drg. No. 2, received 14 May 2026

Proposed First Floor Plan – Drg. No. 4, received 14 May 2026

Proposed Rear Elevation – Drg. No. 6, received 14 May 2026

Proposed Front Elevation – Drg. No. 5a, received 14 May 2026

Proposed Side Elevation – Drg. No. 7, received 14 May 2026

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).

11.1 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.