

Delegated Report

Planning Reference: 25/01069/HOU
Applicant(s): Mr Manjeet Hayre
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site: 37 London Road Hinckley
Leicestershire

Proposal: Conversion of outbuilding to residential annexe

Case Officer: Gwion Russell (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 retrospective planning permission for the lawful use of an outbuilding within the host residential curtilage to a residential annexe, ancillary to the main host dwelling. There are no structural changes proposed, largely, as the building has already been constructed however a side access door is proposed to be removed and replaced at the front (north) elevation, situated within the rear curtilage of this property and accessed through the rear garden. No further fenestration changes are proposed.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located at 37 London Road within the settlement boundary of Hinckley. The property comprises a rendered end-terrace dwelling, situated on a plot measuring approximately 100m². The application site is not situated within a conservation area and is not in close proximity to any listed buildings.
- 3.2. The previous report describes the site as '*close to the town centre*' with '*one off-street parking space available within the open site frontage off London Road*'. With reference to the outbuilding, describes it as '*located to the rear of a two storey end terraced house*. It also explains '*there is a small hard-surfaced yard area between the outbuilding and 37 London Road and the building that is the subject of this application. The apartment is accessed by a shared gated passageway between it and the neighbouring terraced house. The outbuilding is 7 metres in depth by a maximum of 4.25 metres in width and has a flat roof to a height of 2.8 metres. It is constructed with matching cream rendered walls and a flat roof with white uPVC fascia. It has two large flat roof lights providing natural lighting together with two high*

level windows, one obscurely glazed serving an en-suite facing the enclosed yard and one facing a private communal car park serving a block of flats at the rear’.

4. Relevant Planning History

23/00143/UNBLDS

- Without planning permission, the material change of use of the outbuilding on the Land to a self-contained residential unit
- Enforcement Notice issued 26.06.2023
- Appeal dismissed 12.06.2025

23/00560/FUL

- Conversion of detached outbuilding to studio apartment.
- Refused 21.08.2023
- Appeal dismissed 12.06.2026

82/00951/4

- Conversion of building to two flats, 37 and 37A London Road
- Permitted
- 25.01.1983

The application was subject to conditions that included that the existing garage to the rear of the premises be made available for the use of the occupants of the two flats at all times for the parking of cars and that the use of the garage should remain incidental to the enjoyment of the flats at all times and that no trade or business should be carried out from the garage.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Two neighbours objected due to potential concerns of short-term lets and potential works interrupting shared facilities.

6. Consultation

- 6.1. There have been no consultations as part of this application, given there are limited site constraints and the site is within Hinckley, where there is no active Parish Council.
- 6.2. No further responses have been received.

7. Policy

- 7.1. Core Strategy (2009):
- Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- 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)
- Self-Build and Custom Housebuilding Act (2015)

7.4. Other Relevant Guidance:

- Hinckley and Bosworth Borough Council – The 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:

- Previous planning and enforcement history
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking and highway safety
- Planning Balance

Previous planning and enforcement history

8.2. The reasons for this refusal of 23/00560/FUL are outlined below:

1. The development provides occupiers of the studio apartment with unacceptably poor living conditions and a lack of appropriate levels of amenity as a result of the small amount of floorspace, lack of built-in storage, low ceiling height, lack of garden space, poor outlook as a result of the provision of a high-level window and skylights, and overlooking and loss of privacy as a result of the proximity to habitable room windows at 39 London Road. This is considered contrary to Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Council's Good Design Guide, the Government's Technical Housing Standards and Section 12 of the National Planning Policy Framework.

2. The development represents a severe overdevelopment of the site that has a significant detrimental effect on the character of the local area contrary to Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Council's Good Design Guide and Section 12 of the National Planning Policy Framework.

Following this refusal, the applicant lodged an appeal against this decision and the subsequent enforcement notice. Both appeals were dismissed by the Planning Inspectorate.

- 8.3. The appeal decision (Refs: APP/K2420/C/24/3346915 and APP/K2420/W/24/3346910) for 37 London Road highlights that the outbuilding, when serving as a self-contained residential unit, results in significant harm to both the character of the area and the living conditions of occupiers. The Inspector found that the structure occupies an excessively large proportion of the rear garden, appearing cramped and out of keeping with the established pattern of development, thereby conflicting with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD. In addition, the unit provides poor living conditions due to restricted outlook, substandard internal floorspace well below national technical housing standards, insufficient internal height, and the absence of usable external amenity space. These issues collectively amounted to substantial harm that clearly outweighed the limited benefits of contributing a single unit to housing supply.
- 8.4. The application concerns an existing outbuilding structure located within the rear garden and curtilage of 37 London Road, Hinckley. The proposal seeks permission for the outbuilding to be used as residential accommodation ancillary to the main dwelling, specifically as a residential annexe. The structure would not be considered permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as its total height exceeds 2.5m within 2m of the property boundary. However, the total height is only marginally higher, at only 30cm than what would be permitted (a total height of 2.8m). The footprint however does not exceed 50% of the total area of the residential curtilage of the host property, is single-storey in massing and is not sited forward of the principal elevation of the dwelling.
- 8.5. Given the proposed ancillary nature of the outbuilding, all fixed kitchen and shower facilities have been removed, and the outbuilding has been restored to a space where occupiers can sleep and enjoy. This has been confirmed in an internal floor plan and will be secured via condition.

Design and Impact upon the Character of the Area

- 8.6. Paragraph 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.
- 8.7. 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.8. DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions.
- 8.9. The original refusal report states that the *'intensification in the use of the outbuilding is considered to represent a significant overdevelopment of the site that is clearly at odds with the grain of development in the local area'*. Given that the application proposes the outbuilding to be used ancillary to the residential dwelling, this significantly mitigates any intensification of the outbuilding and plot. It will be used solely by occupiers of the host dwelling through that building, rather than via a separate side access which is to be removed.
- 8.10. The structure itself has not changed and still appears incongruous within the residential curtilage of the host property. Its scale and footprint create an unattractive addition to the rear of the property and this is exacerbated by the light-coloured render which makes it a stark and visually prominent feature at the end of the plot.
- 8.11. It is recognised that the outbuilding has been in place for a considerable period, with evidence of its presence dating back to at least 2006. Many of the comments received focused on its intensification of use (as a short term let) which has been rectified by the proposed ancillary use. Although the outbuilding presents an incongruous addition the host dwelling (which results in an unsightly property) its long-standing presence and limited visibility mean that the operation development is immune from enforcement action and, in any event, has a negligible impact on the wider street scene.
- 8.12. It is acknowledged that the previous outbuilding was unsightly and had fallen into a significant state of disrepair. The applicant has improved the outbuilding to an acceptable standard, including rendering its exterior, which represents a positive enhancement in design terms.

Impact upon Residential Amenity

- 8.13. Paragraph 135(f) of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.14. Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.15. The original refusal report states *'the combination of the small amount of floorspace, the lack of any built-in storage, the low floor to ceiling height, the lack of outlook as a*

result of the use of a single high-level window or skylights only, and the proximity to habitable room windows in the flats to the south which results in overlooking and loss of privacy provides any occupier of the studio apartment with a significantly unacceptably poor level of residential amenity’. As the outbuilding is intended for ancillary use in connection with the main dwelling, any potential impact on future occupiers is significantly reduced. Its ancillary status means that users would naturally rely on the main house and would not be restricted to the occupation of the outbuilding alone. This is further supported by the removal of fixed kitchen and shower facilities, ensuring that occupiers would use the main dwelling’s amenities.

- 8.16. The Council’s Good Design Guide requires that occupiers and neighbours are provided with adequate amenity. Page 33 of the Guide states that delivering well-designed internal and external amenity space is critical to quality of life for residents, as it provides the setting for day-to-day home life. Page 44 states development should ensure adequate distance between and around buildings and this is recognised as a core component of residential amenity and that the minimum distance between principal windows to habitable rooms of neighbouring properties should not be less than 21 metres.
- 8.17. The Good Design Guide states that rear private gardens should have a minimum of 60m². Although, the application concerns the conversion of an existing outbuilding. Given that it only retains 9m² of rear garden footprint and this alone would deprive the occupiers of 37 London Road of external private enclosed space that they might reasonably expect to have available with the occupancy of a terraced dwelling. This is somewhat mitigated by the accessibility of Queen’s Park which is located a short distance to the south and within walking distance. Despite this, the absence of any dedicated outdoor space contributes to the overall inadequacy of the amenity provision resulting from the development, but the immunity of the outbuilding itself makes this point moot.
- 8.18. The single high-level window provided is located just 11.2 metres from the three-storey flats at 39 London Road. This is obscure-glazed and does not result in loss of privacy for nearby residents or for the occupiers of the application dwelling.
- 8.19. Given the above, the proposal is therefore considered to be compliant with Policy DM10 of the adopted SADMP.

Impact upon Parking Provision

- 8.20. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design. The Leicestershire Highway Design Guide state that dwellings with four or more bedrooms should provide a minimum of three off-street car parking spaces.
- 8.21. The application site provides no further off-street parking space. Notwithstanding this, by virtue of the small size and scale of the ancillary building and its sustainable location on the edge of Hinckley Town Centre with access to a full range of services and facilities by foot, this is considered to be acceptable.

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. Taking into account the planning history of the site, the long-standing presence of the structure and the reduced intensity of its proposed ancillary use, it is acknowledged that the outbuilding still appears somewhat incongruous to the main dwelling and the surrounding area. However, it no longer functions as a standalone unit, as previously refused, but instead now operates as a conventional outbuilding. As a result, the level of harm is significantly diminished.

10.2. On balance, the remaining impact is not considered so substantial as to justify refusal. The immunity of the building itself, and the appropriateness of the proposed use when secured with conditions, results in an acceptable form of development.

10.3. 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:

8.1.1. Planning conditions detailed at the end of this report.

11.2 **Conditions**

1. 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:

- Proposed Block Plans, Drg No. 170/PL06_PLANNING
- Proposed Floor Plans, Drg No. 170/PL05_PLANNING
- Proposed Elevations, Drg No. 170/PL03A_PLANNING
- Site Location Plan, Drg No. 170/PL01_PLANNING
- Application Form
- All received by the Local Planning Authority on 4th November, 2025.

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).

2. The outbuilding hereby approved shall be used solely for purposes ancillary to the residential use of 37 London Road. It shall not at any time be occupied, let, sold or otherwise disposed of as a self-contained residential unit. The outbuilding shall not contain any kitchen fittings and appliances or bathroom facilities.

Reason: To ensure the outbuilding remains ancillary to the host dwelling and does not result in the creation of an independent residential unit, in the interests of protecting the character and appearance of the area, neighbouring amenity and maintaining an appropriate standard of development, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the approved plans, the south-facing window serving the main room shall be fitted with obscure glazing to a minimum of Pilkington Level 3 (or equivalent). The window shall be permanently retained in this form thereafter. No part of the window shall be capable of being opened below 1.7 metres above internal floor level.

Reason: To protect the privacy and amenity of neighbouring occupiers in accordance with Policy DM10 of the Site Allocations and Development Management Policies Plan (SADMP).

11.3 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.