

Planning Statement

**37 London Road, Hinckley,
Leicestershire, LE10 1HQ**

Conversion of outbuilding to residential annexe

Client Name: Affitto Ltd

Date of Issue: October 2025

Local Authority: Hinckley and Bosworth Borough Council

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Independent Planning Consultancy Services

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Appendices

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1.0 INTRODUCTION AND SITE DESCRIPTION

- 1.1 This Planning Statement has been prepared on behalf of Mr Manjeet Hayre of Affitto Ltd in support of a planning application for the conversion of the outbuilding to a residential annexe at 37 London Road, Hinckley.
- 1.2 This statement should be read in conjunction with the accompanying planning drawings produced by DRM Architects.
- 1.3 This statement describes the application site, the locality and comments on the relevant Development Plan and national policy framework policies. It goes onto provide an assessment of the proposal in relation to the relevant policies.
- 1.4 The site is located on the western side of London Road and accommodates a two-storey end terrace with rendered elevations under a tiled roof. There is hardstanding to the front of the property for vehicular parking. The outbuilding is located to the rear of the dwelling and there is a small hard-surfaced yard area between the outbuilding and dwelling.
- 1.5 The outbuilding 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 rooflights with two high level windows, one obscurely glazed serving an en-suite facing the enclosed yard and one facing the private communal car park serving a block of flats at the rear. Outbuildings used in association with the existing dwellinghouse have historically been sited in this location.
- 1.6 The property is located within the settlement boundary of Hinckley and close to the town centre.



- 1.7 The application site is not located in a conservation area and is not located in close proximity to any listed buildings. There are no trees on the application site that would be affected by the proposed development. The application site is classed as having a very low chance of flooding as defined by the Environment Agency.

2.0 PLANNING HISTORY

- 2.1 82/00951/4 Conversion of building to two flats , 37 and 37a London Road, Hinckley
– Permitted 25.01.83.

- 2.2 23/00560/FUL Conversion of detached outbuilding to studio apartment – Refused
29.05.24 on the following grounds:

01

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 Policy 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.

02

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.

- 2.3 APP/K2420/C/24/3346915 Appeal Dismissed 12.06.25.

3.0 PROPOSED DEVELOPMENT

- 3.1 The proposal seeks planning permission for the conversion of the outbuilding into a residential annexe, associated with the host dwelling, 37 London Road, Hinckley.
- 3.2 The only physical alteration proposed is the relocation of the door from the western side elevation to the northern front elevation so that the annexe is accessed from the existing yard rather than from a separate side entrance.
- 3.3 The accommodation would comprise an open plan living room/kitchen/bedroom with en-suite.
- 3.4 The accommodation would be used as an annexe to the host dwelling with all facilities shared. The annexe would share the private amenity area, refuse bins, services etc., would not have a separate postal address and would be occupied by members of the host dwelling.

4.0 MAIN ISSUES

4.1 Section 70(2) of the Town and Country Planning Act 1990 requires that when dealing with an application for planning permission, Local Planning Authorities must have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section S38(6) of the Planning and Compensation Act 2004 requires that decisions on planning applications should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

4.2 Having regard to the above, it is considered that the main issues raised by the application are:

1. Principle of the development
2. Design and visual amenity
3. Highway safety and off-street parking
4. Living conditions of neighbouring properties
5. Other matters

4.3 The main planning policies that are relevant to these main issues are included in Section 5.0 below.

5.0 PLANNING POLICIES

- 5.1 The National Planning Policy Framework (2024) (NPPF) confirms that it does not change the statutory status of the development plan as the starting point for decision making. It also confirms its status as a material consideration in determining planning applications. The NPPF continues to advise that proposed development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF also advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 5.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an application for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 5.3 The policy context for this application is provided by the development plan and national planning policy in the NPPF as well as Planning Practice Guidance issued in April 2014 (as subsequently amended) (PPG). The development plan includes the Core Strategy (adopted 2009) (CS) and the Site Allocations and Development Management Policies DPD (adopted 2016) (SADMP).
- 5.4 Those policies which are the most important for determining this planning application are set out below.

Core Strategy (2009) (CS)

- 5.5 No relevant planning policies.

Site Allocations and Development Management Policies DPD (2016) (SADMP)

- 5.6 *Policy DM1 – Presumption in Favour of Sustainable Development* repeats the presumption in favour as found in the Framework.
- 5.7 *Policy DM10 – Development and Design* provides a series of design-based criteria to which new development is required to meet.
- 5.8 *Policy DM18 – Vehicle Parking Standards* confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.

The National Planning Policy Framework 2024 (NPPF)

- 5.9 At the heart of the NPPF is a presumption in favour of sustainable development. There are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. These are an economic objective, a social objective, and an environmental objective. The economic objective seeks to ensure sufficient land of the right types is available in the right places at the right time to support growth. The social objective seeks to support strong, vibrant, and healthy communities by ensuring a sufficient number and range of homes can be provided to meet the needs of the present and future generations and by fostering a well-designed and safe built environment. The environmental objective seeks to contribute to protecting and enhancing our natural, built, and historic environment, including making effective use of land.
- 5.10 Amongst other things, paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.

- 5.11 Paragraph 48 of the NPPF indicates that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.12 Paragraphs 56-58 set out that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must only be sought where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
- 5.13 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.14 Paragraphs 124 and 125 of the NPPF seeks to make the effective use of land. It states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It goes on to say that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 5.15 Paragraphs 131-135 of the NPPF seeks to achieve well-designed places. It states the creation of high-quality buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to live. Planning decisions should

ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place using streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. It also states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.16 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 states that Local Planning Authorities should ensure that flood risk is not increased elsewhere when determining planning applications.
- 5.17 Paragraphs 192-195 is concerned with habitats and biodiversity and seeks to protect and enhance. It advises that development which results in significant harm to biodiversity should be refused unless it can be adequately mitigated, or, as a last resort, compensated for. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

Other Policy and Guidance

- 5.18 Although not having the formal status and weight of adopted planning policy there are a number of other pieces of guidance relevant to decision-making within Hinckley and Bosworth:

- Good Design Guide (GDG) (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)
- The Good Design Guide SPD

6.0 PLANNING ASSESSMENT

The principle of development

- 6.1 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted Core Strategy and the Site Allocations and Development Management Policies DPD.
- 6.2 The site is located within the settlement boundary where extensions and alterations to existing residential properties, including annexe accommodation, are considered to be acceptable in principle.
- 6.3 The High Court judgment in *Uttlesford DC v SSE & White* 1992 states that, even if accommodation provides the facilities for independent day-to-day living, whether it is a separate planning unit from the main dwelling is a matter of fact and degree. The annexe therefore needs to be considered in terms of its size and facilities, physical separation and occupancy/need.
- 6.4 The annexe contains facilities essential for day to day living (bedroom, bathroom and living room with kitchen facilities). However, the facilities are of a limited scale and capacity and are all located on one floor. Although the annexe would have a degree of independence it would rely heavily on the host dwelling.
- 6.5 There would remain a number of shared facilities with the main dwelling including the site access off London Road, the shared rear amenity space, refuse bins and service provision such as gas, electricity, water. The same postal address would be used for both the host dwelling and annexe. The annexe would be used for ancillary living accommodation to 37 London Road and a condition could be imposed to restrict the occupation of the annexe to purposes ancillary to the

existing dwelling and for it not to be severed or occupied separately from the dwelling. This would ensure the annexe remains part of the existing planning unit.

- 6.6 Taking into account the assessment provided above, it is clear that the proposals would be acceptable in principle, would not contravene the thrust of policies within the Development Plan and would be in accordance with the advice in the NPPF. The proposal would address the previous reason for refusal in not representing over-development of the site.
- 6.7 The remainder of this statement assesses compliance with various technical matters and then provides a conclusion as to whether the proposal would represent sustainable development.

Design and visual amenity

- 6.8 The need for good design in new residential development is outlined not only in adopted Policy DM10 but also Section 12 of the NPPF. Site Allocations and Development Management Policies DPD Policy DM10 states, amongst other things, c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and d) The use and application of building materials respect the materials of existing, adjoining/neighbouring buildings and the local area generally; add to the quality of the design and siting;
- 6.9 The proposed annexe would utilise the existing outbuilding. This is located to the rear of the dwelling and is of limited proportions. Although of a flat roof design, the building is in keeping with the site and surroundings, having the appearance of an ancillary outbuilding, subservient to the host dwelling in terms of size, massing and location.

- 6.10 Furthermore, the outbuilding does not occupy a prominent location, being to the rear of the terrace and only being glimpsed from the public realm. The use as an annexe would not result in any physical changes to the building.
- 6.11 In terms of wider design considerations, the annexe sits comfortably within the size of the plot and is not over-development of the site.
- 6.12 The proposed materials consist of render to match the host dwelling and double-glazed composite fenestration. The use of these materials would complement the existing dwelling and the surrounding area.
- 6.13 The proposal is considered to respect the character of its surroundings in terms of scale, design, density, height, massing and materials of construction. It is considered therefore that the visual impact of the annexe is acceptable and would be consistent with the aims of Policy DM1 of the Site Allocations and Development Management Policies DPD and Section 12 of the NPPF.

Highway safety and off-street car parking

- 6.14 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.15 There would be no alterations to the existing access arrangements at the property. The proposal is for a residential annexe to be used in connection with the existing dwelling and, therefore, is considered as a residential extension in planning terms.
- 6.16 In assessing the previous application, the Council stated: "Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design. The application site provides no off-street parking space.

Notwithstanding this, by virtue of the small size and scale of the studio apartment and its sustainable location on the edge of Hinckley Town Centre with access to a full range of services and facilities by foot, the lack of any additional parking provision is considered to be acceptable in this particular case”.

- 6.17 Although the proposal now relates to use of the outbuilding as an annexe and not as a studio apartment, the above assessment remains relevant. The proposed annexe would not generate a significant demand for parking and the site occupies a sustainable location in terms of access on foot to a full range of services and facilities.
- 6.18 Overall, therefore the highway safety and car parking aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation to policy DM18 of the Site Allocations and Development Management Policies and advice in paragraph 116 of the NPPF.

Living conditions of neighbouring properties

- 6.19 The outbuilding is existing and therefore the physical impact of the building would not alter from the current situation. The outbuilding is of a traditional size and scale, located to the rear of the building. It has no adverse impact on the residential amenities of occupiers of neighbouring properties through any overbearing or overshadowing impact and does not harm the amount of daylight/sunlight received by neighbouring properties.
- 6.20 The proposed annexe use would be ancillary to the host dwelling and provide additional living quarters, forming part of the wider use of the building and site as a single dwelling. This would not result in undue noise or disturbance, overlooking or be harmful to privacy enjoyed by neighbouring properties. The use would not be any more intensive than using the outbuilding for any other ancillary residential purpose such as a games room, gym etc.

- 6.21 Furthermore, the proposed accommodation would provide a satisfactory level of amenity to future occupiers, providing a spacious annexe, well illuminated by natural light. Occupiers of the annexe would enjoy an acceptable level of amenity without any undue overlooking or lack of privacy; they would also benefit from sharing facilities with the host dwelling.
- 6.22 Policy DM10 of the Site Allocations and Development Management Policies DPD states development is supported where, amongst other things: a) 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, air quality (including odour), noise, vibration and visual intrusion; be adversely affected by activities in the vicinity of the site; architectural features, b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 6.23 Having regard to the above, the proposals would not have a significant impact on the living conditions of occupiers of nearby dwellings. The impact on the living conditions of existing residents close to the proposals would be minimised and their amenity would be safeguarded. Furthermore, the future amenity of occupiers of the annexe would be acceptable. The proposal addresses the previous reason for refusal and the scheme is in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD. The proposals also comply with the general thrust of the NPPF so far as it seeks to ensure acceptable living standards.

Other matters

- 6.24 The application to use the building as a studio apartment was refused on the grounds that the proposal would have provided 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.

- 6.25 The proposal now comprises using the outbuilding as an annexe, ancillary to the host dwelling. As such, the assessment of amenity is different from the proposed use as a separate dwelling. Occupiers of the annexe would be connected to the host dwelling, would not require separate private amenity space (as this would be shared with the host dwelling) or such levels of internal storage or even the same level of amenity overall. The accommodation would provide sleeping and living accommodation as an extension of the host dwelling only. As such, it is not considered that this refusal reason is relevant to the current proposal.
- 6.26 The second reason for refusal related to a severe overdevelopment of the site, having a significant detrimental effect on the character of the local area. As the proposal now relates to an ancillary use of the existing outbuilding, subservient to the host dwelling, again this reason is not considered relevant.
- 6.27 In dismissing the appeal, the Planning Inspector stated: “Part 4.4 of the Council’s “The Good Design Guide” Supplementary Planning Document, adopted 2019 (“SPD”) states that space standards for new residential development should be specified to exceed those set by the Department for Communities and Local Government’s Technical Housing Standards (2015)³ (“THS”), including providing for residential amenity and internal storage”.
- 6.28 As the proposal now relates to an ancillary residential annexe, these standards do not apply as the proposed use is not a new, separate residential unit.

Trees

- 6.29 There are no trees on the application site that would be affected by the proposed development.

Flooding

- 6.30 The site has a low risk of flooding as defined on the Environment Agency's Surface Water Flood Maps.

7.0 CONCLUSIONS

- 7.1 At the heart of the NPPF is a presumption in favour of sustainable development such that development proposals that are in accordance with the development plan should be approved. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Section S38(6) of the Planning and Compensation Act 2004 requires that any decision on a planning application should be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 7.2 The assessment of the application has identified that there would be no conflict with Development Plan policies or with the guidance in the NPPF as extensions to dwellings and residential annexes are considered to be acceptable within the limits to development.
- 7.3 Subject to the imposition of conditions where necessary, the proposed scheme would not result in any significant adverse impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, highway safety or flooding. There are no other material planning considerations that indicate that planning permission should not be granted.
- 7.4 The proposals are in accordance with the development plan for the reasons set out above and when viewed in their wider context, they make a positive contribution towards each of these three objectives of sustainable development in a mutually supportive way.
- 7.5 In conclusion, the proposal is in accordance with the relevant policies of the development plan and it is also in accordance with the NPPF taken as a whole and the presumption in favour of sustainable development. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the

proposal and any outstanding concerns that the Council might have are capable of being addressed by negotiation and/or the imposition of conditions.

- 7.6 In accordance with S38(6) of the Planning & Compensation Act (2004), S70(2) of the Town & Country Planning Act (1990) (As Amended) and the advice throughout the NPPF and PPG, planning permission should be granted in accordance with the terms of the application.

8.0 APPENDICES

Appendix 1 Photographs of the site







