

Delegated Report

Planning Ref: 26/00272/CONDIT
Applicant: Mrs Sarah Hotchkiss
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Station House Station Road Shackerstone

Proposal: Variation of condition 3 attached to 24/00456/HOU. Amendments to the fenestration.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 24/00456/HOU granted full planning permission for the installation of two new dormers, front porch, 2 french doors, new windows and other alterations to Station House, Station Road, Shackerstone.
- 2.2. Condition 3 of the planning permission required that the proposed scheme be carried out in accordance with the proposed plans. This application seeks planning permission for the variation of condition 3 (Plans).
- 2.3. The alterations relate to the fenestration on the rear elevation only, consisting of moving the position of one of the sets of approved French doors, reducing the width of both sets of French doors, and removing an approved roof light from the scheme.

3. Description of the site and surrounding area

- 3.1. The application site relates to a residential dwelling situated outside of the settlement boundary of Shakerstone. The dwelling is constructed in red facing bricks with contrasting buff brick window headers, cills and eaves detailing, a slate roof and a mix of white painted timber windows and grey aluminium windows.
- 3.2. The site is situated approximately 25 metres to the south west of Shackerstone Railway Station, a Grade II listed building. It is located within the Ashby Canal Conservation Area boundary in a large plot that includes some mature trees. A public footpath runs adjacent to the west boundary of the site which is defined by a three metres high hedgerow with the Ashby Canal to the west beyond.
- 3.3. Station House is the former Station Master's House for Shackerstone Railway Station. It was constructed in c.1865 to serve the functioning of the station on the newly established Ashby and Nuneaton Joint Railway, this being an essentially faster form of transport than the nearby Ashby Canal. The house is located within the Ashby Canal Conservation Area, with the Conservation Area Appraisal identifying it as a "fine Victorian brick building that has retained its original chimney stack."

4. Relevant planning history

14/00305/HOU

- Extensions and alterations to dwelling

- Planning Permission
- 22.07.2014

24/00456/HOU

- Installation of two new dormers, front porch, 2 french doors, new windows and other alterations to the dwelling
- Planning Permission
- 22.07.2024

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 publications no representations have been received.

6. Consultation

6.1. HBBC Conservation Officer:

- The comments received from the Councils Conservation Officer have been incorporated into the body of this report.

6.2. Shackerstone Parish Council:

- No representations have been received.

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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)
- Ashby Canal Conservation Area Appraisal (2009)

8. Appraisal

- 8.1. Notwithstanding its countryside location, extensions and alterations 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 neighbouring residential amenity
- Impact upon highway safety

- Conditions

Design and impact upon the character of the area

- 8.2 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.
- 8.3 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.
- 8.4 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.5 Policy DM4 of the adopted SADMP 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.
- 8.6 Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 Since the drafting of the Ashby Canal Conservation Area Appraisal, unfortunately the chimney stack has been removed, but despite other unfortunate alterations over time, such as replacement windows, the house retains some architectural value and is of historic interest due to its former function and clearly discernible relationship with the railway station. For these reasons the house contributes positively to the character and appearance and thus significance of the conservation area.
- 8.9 The alterations relate to the fenestration on the rear elevation only, consisting of moving the position of one of the sets of approved French doors, reducing the width of both sets of French doors, and removing an approved roof light from the scheme.
- 8.10 These amendments would result in a negligible change to the approved scheme and given the location of the altered fenestration being on the rear elevation the proposed development would have a neutral impact upon the character and appearance of Station House. Overall, it is considered that the proposals would ensure that the house continues to contribute positively to the character and appearance of the countryside, the wider Ashby Canal Conservation Area and its significance would be preserved. The proposal therefore complies with Policies DM10, DM11 and DM12 of the SADMP DPD, section 16 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Council's Good Design Guide.

Impact upon neighbouring residential amenity

- 8.11 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.
- 8.12 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 There are no neighbouring residential properties within the immediate vicinity of the site.
- 8.14 To the north-east of the site sits Shackerstone Railway Station, a Grade II Listed Building. A public footpath (S68) also runs through the site from Barton Road, north of Market Bosworth to Turn Bridge, Shakerstone which is defined by a three metres high hedgerow with the Ashby Canal to the west beyond. By virtue of the proposals minor amendments and the screening in place the proposal will preserve the setting of Shackerstone Railway Station and the views from the adjacent public footpath as in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.15 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.16 Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.17 To support this, 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. Policy DM18 of the adopted SADMP further seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.18 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).
- 8.19 The proposed alterations would not bear any adverse impacts upon highway safety or the sites parking provision.
- 8.20 The proposal would therefore remain in accordance with Policies DM17 and DM18 of the adopted SADMP, the NPPF and the LHDG.

Conditions

- 8.21 The previously approved planning permission 24/00456/HOU was subject to 3 conditions. The development has not been implemented and therefore Condition 1 (Time) remains necessary, however, the applicant would need to refer to the original 3 year time scale for implementation of the development, implementing the permission on or before 22nd July 2027. Condition 2 (Materials) would remain necessary to ensure a satisfactory form of development. Condition 3 (Plans) would need to be amended to refer to the plans submitted and approved under this application to define the new permission.

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

- Site Location Plan, Drg No. 2024-03-14-03
- Site/Roof Plan, Drg No. 2024-03-14-04 as received by the Local Planning Authority on the 10th May 2024.
- Proposed - Station House - Scheme 3 - Elevations, Floor Plans, Drg No. 25/126 04 as received by the Local Planning Authority on the 20th March 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM10, DM11, DM12 and DM18 of the SADMP, Section 16 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Part 4 of the Leicestershire Highways Design Guide and the Council's Good Design Guide.

- 8.22 No other conditions are considered to be necessary to ensure satisfactory development.

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 proposals are for variations to a previously approved planning permission for the installation of two new dormers, front porch, 2 french doors, new windows and other alterations to an existing dwelling within an established residential curtilage and therefore there is a general presumption in favour of sustainable development as set out in Policies DM1 and DM4 of the adopted SADMP and the overarching principles of the NPPF.

- 10.2. The variations to the previously approved extension are considered to continue to respect and complement the scale, character and appearance of the existing dwelling, wider street scene, open countryside and ensure that the house continues to contribute positively to the character and appearance of the wider Ashby Canal Conservation Area and its significance. It would further respect the residential amenity of any neighbouring properties and the highway safety or parking provision at the site. The proposal would therefore adhere to Policies DM1, DM4, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, Section 16 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Part 4 of the Leicestershire Highways Design Guide and the Council's Good Design Guide and is

recommended for approval subject to amended condition 3 (Plans) to define the new planning permission.

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 the original permission 24/00456/HOU (22/07/2024).

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 10th May 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Section 16 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan, Drg No. 2024-03-14-03
 - Site/Roof Plan, Drg No. 2024-03-14-04 as received by the Local Planning Authority on the 10th May 2024.
 - Proposed - Station House - Scheme 3 - Elevations, Floor Plans, Drg No. 25/126 04 as received by the Local Planning Authority on the 20th March 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM4, DM10, DM11, DM12 and DM18 of the SADMP, Section 16 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Part 4 of the Leicestershire Highways Design Guide and the Council's 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.