Delegated Report

Planning Reference:	**26/00793/HOU**
Applicant(s):	**Mr Stephen Dempsey**
Ward:	**Groby**
Application Site:	**49 Stamford Drive, Groby**
Proposal:	**Erection of a garden room and annexe**
Case Officer:	**Gwion Russell (Planning Officer)**

Hinckley & Bosworth Borough Council

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1. Recommendations

1.1. **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

2.1. This householder planning application seeks planning permission for the erection of a garden room outbuilding and annexe in the rear garden of the dwelling.

2.2. The garden outbuilding would be sited at the rear (west) boundary of the property, spanning almost the entire 13m of the garden width, with a 30cm clearance at both its north and south boundaries and a 10cm clearance at its southwest shared boundary. It would measure a maximum depth of 5.3m at its shared south boundary and 3.4m at its shared north boundary. The maximum ridge height would be 3.7m, with an eaves height of 3.4m on the southeast elevation (adjacent to No. 47) and an eaves height of 2.9m at its northwest elevation.

2.3. The garden outbuilding would be finished in grey-coloured composite, with windows and doors finished in anthracite grey aluminium. The proposal also sees the replacement of close board timber fencing with grey-coloured composite fencing. At its east elevation, opposite the host dwelling's rear elevation, would be two bi-fold doors, and two entry doorways.

2.4. It is understood that the building would be used be used for non-domestic purposes incidental to the enjoyment of the dwelling, with the proposed floor plan showing TV screens, a dart room, and storage area.

3. Description of the Site and the Surrounding Area

3.1. The application site is located at 49 Stamford Drive, within the settlement boundary of Groby. The property comprises a four-bedroom, detached dwelling situated on a plot measuring approximately 475m².

3.2. The dwelling is finished predominantly using render and features a dual-pitched roof. The property is set back approximately 20m from the highway by a private driveway and is bounded by established vegetation and close board timber fencing.

3.3. The surrounding area is predominantly residential in nature, consisting of similar detached dwellings built around the 1990s. Properties in the vicinity are generally of similar scale and massing, with variety in design.

3.4. To the east of the site lies the Stamford Memorial Park. The site is accessible via the cul-de-sac at the eastern edge of Stamford Drive.

4. Relevant Planning History

10/00016/FUL

- Extensions and alterations to dwelling
- Permitted
- 15.03.2010

11/00023/CONDIT

- Variation of condition 3 of planning permission 10/00016/FUL.
- Permitted
- 30.03.2011

13/00579/HOU

- Extensions and alterations to dwelling
- Withdrawn
- 11.09.2013

13/00835/HOU

- Extensions and alterations to dwelling
- Permitted
- 13.11.2013

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the area of the site.

5.2. A joint/shared objection was received by two neighbouring property occupiers which raises concerns that the proposal represents an overdevelopment of the site, resulting in a large and visually prominent structure that would appear out of keeping with the character of the surrounding area. It is argued that the development would reduce available garden space and parking provision, whilst also raising concerns that the annexe could be used for purposes beyond those stated in the application.

5.3. Further concerns relate to the impact on neighbouring amenity, including potential noise and disturbance associated with the proposed social space, light pollution from external lighting, and the visual effect of the building and associated boundary treatments. Objectors also raise concerns regarding the loss of existing vegetation, impacts on wildlife, and possible drainage issues affecting neighbouring properties.

5.4. The objection additionally highlights concerns regarding parking pressures, the disruption experienced during previous building works at the property, and perceived inaccuracies or omissions within the application relating to trees, hedges and surface water drainage.

5.5. A subsequent objection was received by the neighbouring objectors. Their updated comments have been reflected above.

6. Consultation

6.1. Groby Parish Council have objected to the proposals;

Groby Parish Council's Planning & Development Committee considered the application and resolved to make representations objecting to the erection of a garden room and annexe on the following grounds:

Overdevelopment of the site.

Insufficient parking provision.

Concerns regarding fire safety, not only for the applicant's property but also for neighbouring properties. There is no apparent escape route between the annexe and the main dwelling, and the limited separation distance could exacerbate the spread of fire.

The development would result in a garden that is considered too small, contrary to the Council's Good Design Guide.

Risk of flooding, particularly to the property located to the rear of the site.

6.2. The responses can be read in full on the Council's website.

7. Policy

7.1. Core Strategy (2009):

- No relevant policies.

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

7.3. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2026)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4. Other Relevant Guidance:

- Hinckley and Bosworth Borough Council – The Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. Householder applications within settlement boundaries are generally acceptable in principle. Therefore, the key issues in respect of this application are:

- Design and impact upon the character of the area
- Impact upon residential amenity

<u>Design and Impact upon the Character of the Area</u>

8.2 NPPF Policy DP3(1) confirms that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

8.3 NPPF Policy DP3(3) states that development proposals should be refused if, without clear justification, they conflict with NPPF Policy DP3(1) or relevant aspects of the principles in NPPF Policy DP3(2), or with any explicit design standards set out in the development plan (including those in locally specific policies, guides, codes or masterplans). Substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

8.3 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.4 The proposed outbuilding would extend across most of the full width of the rear boundary. Given its substantial scale and 57m² footprint, the proposed building would take up almost half of the rear garden space, resulting in the overdevelopment of the plot.

8.5 Furthermore, the proposed ridge height of the building is excessive within its context and further contributes to the incongruous appearance of the building and overall poor design.

8.6 Whilst the proposed anthracite grey finish would contrast with the lighter brick finish and light-coloured render material of the host dwelling, limited public visibility from the rear means that the choice of materials, would not result in further visual harm.

8.7 However, when taken cumulatively with the excessive scale of the building, the dark anthracite finish would further exacerbate the prominence of the outbuilding, resulting in a stark and discordant outbuilding.

8.8 The fenestration is generally well-proportioned and arranged in a symmetrical manner along the principal (east-facing) elevation. Furthermore, the roof form reflects that of the host dwelling, although the differing roof pitch introduces a more modern appearance which is not characteristic of the local area.

8.9 Public views of the proposed outbuilding would be minimal given its location within the rear garden. However, private views of the structure would prominent, predominantly from the rear elevations and gardens of both neighbouring Nos. 47 and 51 Stamford Drive. The proposed design the outbuilding would represent an excessive form of development within the plot and contribute to an overdeveloped appearance, and, as such, would result in visual harm to neighbouring dwellings.

8.10 To summarise, by virtue of its excessive scale and siting, the proposed outbuilding would result in the overdevelopment of the plot and would result in a poorly designed development, failing to complement or enhance the character of the site or surrounding area. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD, Policy DP3 of the NPPF (2026) and the Council's Good Design Guide.

Impact upon Residential Amenity

8.4 NPPF Policy P3 (1) states that development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. In assessing the potential effects of pollution, consideration should be given to the potential sensitivity of the site, and its intended occupiers and users, as well as that of the environment and population in the surrounding area (including where certain groups could be particularly vulnerable to its effects, such as children and older people).

8.5 In accordance with NPPF Policy P3(2)(a) and (b), development proposals should therefore:

(a) Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life. Where necessary suitable mitigation measures should be incorporated to secure acceptable living conditions;

(b) Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution

affecting the wider area (such as through traffic and travel management or improved external lighting);

8.11 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.

8.12 The Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.

8.13 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.

8.14 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.

8.15 No. 47 Stamford Drive lies to the southeast of the application site. The proposed outbuilding would be positioned approximately 9m from the nearest window serving No. 47. Whilst this separation distance is limited, the relationship is perpendicular and would not result in a significant loss of light.

8.16 Notwithstanding this, the proposed outbuilding would extend for approximately 5.3m in depth along the shared boundary, occupying over a third of the depth of No. 47's rear garden at a significant height. Therefore, due to its scale and proximity to the boundary, the building would have an unacceptable overbearing impact and would represent an unneighbourly form of development upon No. 47.

8.17 No. 51 Stamford Drive lies to the northwest of the application site. Whilst the proposed outbuilding would be positioned close to the shared boundary, the shorter depth of approximately 3.4m along the shared boundary and the surrounding open space to the north of No. 51 mitigates any sense of enclosure or unacceptable overbearing impact.

8.18 No. 37 Stamford Drive is located to the rear of the application site on a separate cul-de-sac. The outbuilding would be positioned approximately a minimum of 5m from the side elevation of No. 37.

8.19 Whilst this relationship is relatively close, there are no habitable windows within the elevation facing the application site. As such, the proposal would not result in a loss of light, outlook or privacy to the occupiers of No. 37.

8.20 The shared boundary adjoins a smaller secondary garden area serving No. 37. Although this space appears in use, it is subordinate to the property's principal rear garden. As such, the outbuilding would not pose a harm to the occupiers at No. 37 given the main garden space is sited to the rear of the property.

8.21 The proposed outbuilding would occupy a substantial proportion of the remaining rear garden and would create a narrow area of external amenity space between the building and boundary treatments. However, the resultant garden would still meet the criteria in the Council's Good Design Guide for private amenity space, and part of the proposed function of the building is for recreational uses. Therefore, it is concluded that the proposal would not have unacceptable harm to the amenity of the occupier.

8.22 To summarise, by reason of its excessive scale and siting, the proposal would result in an overbearing and unneighbourly impact upon No. 47 Stamford Drive, thus causing unacceptable harm to neighbouring amenity. As such, the proposal is contrary to Policy DM10 of the SADMP (2016) and Policy P3 and of the NPPF (2026).

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 national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused for the reasons outlined at the end of this report.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 **Reasons**

1. The proposed outbuilding, by virtue of its excessive scale, would represent overdevelopment of the site and demonstrate poor design, thus failing to complement the character of the existing site or surrounding area. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD and Policy DP3 of the NPPF (2026).

2. The proposed outbuilding, by virtue of its siting and scale, would result in an overbearing and unneighbourly impact upon No. 47 Stamford Drive, thus causing unacceptable harm to neighbouring amenity. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies DPD and Policy P3 of the NPPF (2026).

a. **Notes to Applicant:**

1. This application has been assessed and determined with reference to the submitted documentation below:

    - Application Form – received by the Local Planning Authority on 07/09/26
    - Proposed Front Elevation 003 P1 – received by the Local Planning Authority on 07/09/26
    - Landscaping Remedial Works 004 P1 – received by the Local Planning Authority on 07/09/26

- Proposed Layout Plan 001 P1 – received by the Local Planning Authority on 07/09/26
- Site Plan - 000 P1 – received by the Local Planning Authority on 07/09/26
- Technical details-002 P1 – received by the Local Planning Authority on 07/09/26
- Proposed Elevations Drg 003 – received by the Local Planning Authority on 17/09/26
- Site Location Plan 005 – received by the Local Planning Authority on 17/09/26