

Delegated Report

Planning Reference 25/00280/HOU
Applicant(s) Mr David Hooper
Ward Ambien



Hinckley & Bosworth
Borough Council

Application Site 43 Nuneaton Lane, Higham on the Hill

Proposal Single storey rear extension

Case Officer Jack Playle (Technical Planning Assistant)

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 full planning permission for the erection of a white-rendered, single storey, rear extension at 43 Nuneaton Lane, Higham on the Hill. To facilitate this proposal, the existing garden room would be demolished.
- 2.2. The proposal would extend the full width of the existing rear bedroom by 1.8 metres beyond the rear elevation of the existing bungalow. The development would then extend 3 metres from the southern side elevation of, but would not project any further to the eastern rear of, the existing single storey rear extension that currently accommodates the utility, kitchen/breakfast room, and dining room. The scheme would be constructed with a flat roof, which would have a maximum height of 2.7 metres.

3. Description of the Site and the Surrounding Area

- 3.1. The application dwelling, 43 Nuneaton Lane, is a white-rendered detached bungalow on the eastern side of Nuneaton Lane. The application site represents the southern-most dwelling along Nuneaton Lane within the settlement boundary of Higham on the Hill.
- 3.2. To the north of the site is the wider built form of the rural hamlet, which is characterised by residential properties with a mixture of styles and designs. Immediately to the south of the site is Public Footpath T51/1 and allotments, which lead to Higham Village Cricket Club to the southeast. Beyond these features, and to the east and west of the site is designated open countryside.

4. Relevant Planning History

4.1 02/01362/FUL

- Extensions and alterations to dwelling
- Permitted
- 29.01.2003

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. No responses have been received.

6. Consultation

- 6.1 Leicestershire County Council (LCC)'s Ecology Department raised a holding objection to the development until a Preliminary Roost Assessment (PRA) was undertaken. No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 13: Rural Hamlets

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 Stoke Golding Neighbourhood Plan Review 2020 – 2042 ('SGNP') (2024):

- Policy SG1: Decision-Taking
- Policy SG7: Countryside
- Policy SG12: Ecology and Biodiversity
- Policy SG15: Design

7.4 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)
- ODMP Circular 06/2006 (Biodiversity and Geological Conservation)

7.5 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

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:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Impact upon ecology

Design and Impact upon the Character of the Area

8.2 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.

8.3 The proposal would be single storey in massing and located to the rear of the existing property. The scheme would be constructed in materials to match the existing dwelling, and the extension would not project beyond the rear of the existing rear extension within the application site. Whilst public views of the development would be possible from Nuneaton Lane, Public Footpath T51/1 and the allotments to the south of the site, by virtue of its proposed size, scale, massing, height, and design, the proposal would be considered to be subordinate to the existing dwelling and respect the existing character of the site and the surrounding area. The development would therefore be considered to comply with Policy DM10 of the SADMP.

Impact upon Residential Amenity

8.4 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.

8.5 The closet neighbouring residential property, 41 Nuneaton Lane, would be to the north of the site. The development would extend away from this neighbouring property to the south and would be separated from this dwelling by the existing single storey rear extension within the site. In light of these factors, and the 2.7 metre height of the scheme, the extension would not be considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.6 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.
- 8.7 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.8 The development would not make any amendments to the existing site access arrangements and would not create any additional bedrooms. Therefore, the scheme would not be considered to result in any significant adverse impacts upon highway safety or road network in accordance with Policies DM17 and DM18 of the SADMP.

Impact Upon Ecology

- 8.9 The PPG confirms that the ODMP Circular 06/05: Biodiversity and Geological Conservation ('the Circular') should be read in conjunction with the NPPF and the PPG. Paragraph 99 of the Circular confirms that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission."

- 8.10 Chapter 15 of the NPPF confirms that planning decisions should contribute to and enhance the natural and local environment. Paragraph 195 of the NPPF confirms that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 8.11 Policy DM6 of the SADMP states that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long-term future management. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.12 The County Council's Ecology Department confirmed that the application site is located near areas with suitable connective and foraging routes for a number of wildlife species, and the construction proposed development would be likely to impact bats. As such, the Ecology Department had a holding objection to the development on 16 April 2025, subject to the submission of a Preliminary Roost Assessment.

- 8.13 Since the time, the Local Planning Authority have raised these requirements with the Applicant but no further information has been submitted.
- 8.14 As a consequence of this, the Applicant has failed to demonstrate that protected species and their habitats would not be adversely affected by this proposal. The application would therefore be contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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.

11. Recommendation

11.1 Refuse planning permission subject to planning reasons detailed at the end of this report.

11.2 Reasons

1. The Applicant has failed to demonstrate that protected species and their habitats would not be adversely affected by this proposal. The application would therefore be contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant(s)

1. The application has been determined in accordance with the following submitted details, submitted to the Local Planning Authority on 19 March 2025:
 - Application Form
 - B1 Elevations Dwg no. CB-02-25-023
 - B2 Elevations Dwg no. CB-02-25-023
 - B3 Elevations Dwg no. CB-02-25-023
 - B4 Elevations Dwg no. CB-02-25-023
 - C1 – 3D View Dwg no. CB-02-25-023
 - Existing Ground Floor Dwg no. CB-02-25-023
 - Proposed Ground Floor Dwg no. CB-02-23-023
 - Site & Block Plan Parking Dwg no 01a PL-001
 - Site & Block Plan Dwg no 01a PL-001
 - Site Plan