

Delegated Report

Planning Ref: 23/00443/FUL

Applicant: Ms Michelle Hall

Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 22 Oaks Drive, Newbold Verdon

Proposal: Construction of new one bedroom bungalow with new dropped kerbs to form new footpath crossing.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for a new one bedroom bungalow with new dropped kerbs to form new footpath crossing.
- 2.2. The proposed bungalow will be 7.2m wide and up to 8m deep. The roof is 5.2m at the ridge and 2.6m to the eaves.
- 2.3. The proposed bungalow will be finished with bricks, windows and roof tiles to match older buildings in the immediate vicinity.
- 2.4. The scheme follows refusal of a larger bungalow. The following changes are features of this current application:
 - One bedroom rather than two
 - Reduced size of the dwelling in terms of footprint
 - Parking moved to the side rather than in front
 - Building moved slightly forward
 - Rear garden area increased in size
 - Front door moved to street elevation

3. Description of the site and surrounding area

- 3.1. The site is currently part of the garden area to No. 22 Oaks Drive, which fronts onto Oaks Drive with the rear garden returning round the side along Peters Avenue and which also includes land to the rear of the garden to 20 Oaks Drive.
- 3.2. The site lies adjacent to a row of detached, gabled roof bungalows along Peters Avenue that provides a distinctive character to the area. Properties in the vicinity are constructed of light red facing bricks, brown concrete roof tiles and white uPVC window frames.

4. Relevant planning history

89/00871/4 – Retirement bungalow to rear of 22 Oaks Drive - Approved

17/00026/HOU – Two storey side and single storey rear extension – Approved

22/00730/FUL – Construction of new one bedroom bungalow with new dropped kerbs to form new footpath crossing – Refused

The application was refused for the following reason:

The proposed development represents a cramped overdevelopment of the site that is significantly uncharacteristic of the surrounding area that is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document, the Councils Good Design Guide and the requirements of Section 12 of the NPPF 2021. In addition the proposed outdoor amenity spaces fail to provide future occupiers of the proposed dwelling with sufficient outdoor private amenity space and would be significantly overlooked from existing neighbouring properties. This would result in a significant lack of private, outdoor amenity space for future occupants. The proposed development is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of paragraph 130 of the NPPF 2021.

5. Publicity

- 5.1. Neighbours have been notified of the application. One objection has been received regarding parking and highways safety concerns.

6. Consultation

- 7.1. No objections have been received from:
- HBBC Waste (recommended condition)
 - HBBC Pollution
 - HBBC Drainage
 - LCC Highways

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (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
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
- Good Design Guide (GDG) (2019)
 - National Design Guide (2019)

8. Appraisal

- 8.1. It is considered that the key issues in the determination of this application are:
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon highway safety

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 7 seeks to support key rural centres and ensure they can provide key services housing development within the settlement boundary will be supported. Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.4. Using the standard method as outlined by the MHCLG, Hinckley and Bosworth Borough are unable to demonstrate five years of deliverable housing. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.5. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

Design and impact on the character of the area

- 8.6. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.7. The GDG states that gardens are an important part of the quality of life afforded by a house. A general guideline for garden sizes is a minimum garden length of 7m and a minimum of 60 square metres for a two bedroom dwelling. With regard to infill sites the GDG states that building plots should be of similar size and shape to the wider context, allowing sufficient space between dwellings, and that built development should be of similar footprint, plot position and layout to the wider context, allowing sufficient space between buildings and not adversely impacting upon the prevailing grain of development.
- 8.8. This part of Peters Avenue has a distinctive character provided by the strong similarity in the bungalows to the west of the site and the two storey dwellings on the opposite side of the road. The Good Design Guide sets out that where an existing plot is proposed to be subdivided to create additional development in

'backland' locations it will require clear and convincing justification in relation to its context. While the plot does have a frontage to Peters Avenue no justification for the subdivision of the plot has been provided.

- 8.9. The design, scale and massing of the proposed bungalow is considered appropriate and in keeping with the distinctive character of that side of Peters Avenue as the frontage to Peters Avenue is similar to that of the other bungalows albeit that the large windows on other bungalows are not replicated here.
- 8.10. The rear garden, which provides private amenity space, meets the minimum garden length set out in the GDG and meets the requirement for a two bed property in terms of its size. The plans show a 1.8m fence bordering the rear garden, which would provide some screening but this private amenity space is overlooked to a significant extent by the first floor habitable room windows of the surrounding houses, 16 to 22 Oaks Drive to the north and east and which are oriented such as to exacerbate the sense of enclosure and overlooking of the proposed rear garden.
- 8.11. The first floor windows at 22 Oaks Drive are less than 9m from the site and the rear elevation of the pair of dwellings at 18 and 20 Oaks Drive is just 11m from the site at its closest point.
- 8.12. The proposed plot size is markedly different to its neighbours and to the prevailing character of the surrounding area. In order to address the concerns raised the dwelling has been brought closer to Peter Avenue so that it is noticeable forward of the building line established by other bungalows on the street with just over 4.6m being provided between the dwelling and the footway.
- 8.13. It is considered that the proposal represents a contrived form of development that would be at odds with the existing pattern of development, diminishing the character and appearance of the area.
- 8.14. As such the development would fail to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016). Amongst other things, this policy seeks to ensure development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The proposal would also conflict with the Council's Good Design Guide Supplementary Planning Document, which, amongst other things, seeks to encourage high quality design and ensure that local identity is preserved and enhanced. In addition the proposal would fail to accord with the design objectives of the National Planning Policy Framework (2021).

Impact upon residential amenity

- 8.15. By virtue of the height and siting of the proposed bungalow it is considered that this proposal would not have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties. Paragraph 130 f) requires that decisions should ensure that developments create places that have a high standard of amenity for future users. The Nationally Described Space Standards set out government requirements for minimum floorspace in new dwellings.
- 8.16. By virtue of the height and siting of the proposed bungalow it is considered that this proposal would not have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties. The bungalow meets the minimum space standards for a new dwelling.

- 8.17. Policy DM10 at part b) states that development will be permitted where the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.18. As is set out above the small private rear garden is to a greater or lesser degree overlooked by the four two storey dwellings comprising 16 to 22 Oaks Drive. The combined effect of this degree of overlooking is considered to result in a significant detrimental effect on the amenity of future occupiers of the proposed dwelling.
- 8.19. It is considered therefore that the proposed development would fail to comply with the requirements of Policy DM10 b) and paragraph 130 f) of the NPPF.

Impact upon highway safety

- 8.20. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking. The Leicestershire Highways Design Guide states houses of one bedroom should have at least one parking space.
- 8.21. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking. The Leicestershire Highways Design Guide states houses of 2 or more bedrooms should have at least two parking spaces.
- 8.22. The proposed plans provide off-street parking for three vehicles. This parking provision would be unaffected by the current proposal. Notwithstanding that the proposal would provide an additional bedroom, this level of provision is considered to be adequate to serve the resulting five bedroom dwelling and to be in accordance with Policies DM17 and DM18 of the SADMP and the local highway authority design guide.

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 and Planning Balance

- 10.1. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.2. The development represents a contrived form of development that would be at odds with the existing pattern of development, diminishing the character and appearance of the area and would fail to accord with Policy DM10 of the SADMP which seeks to ensure development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The proposal would also conflict with the Council's Good Design Guide Supplementary Planning Document, which, amongst other things, seeks to encourage high quality design and ensure that local identity is preserved and enhanced. In addition the proposal would fail to accord with the design objectives of the National Planning Policy Framework. Significant weight is given to this harm in the planning balance.
- 10.3. The proposal would also fail to provide future occupiers with adequate amenity as a result of the effect of the significant degree of overlooking of the proposed dwelling from the habitable first floor windows of dwellings at 16 to 22 Oaks Drive. Significant weight is given to this harm in the planning balance.
- 10.4. In terms of the scheme's public benefits, one additional unit of housing would be provided that would contribute to the lack of a five-year supply of houses in the borough. The dwelling has only one bedroom though and so the benefit is considered to attract limited to moderate weight.
- 10.5. The development would also create jobs during the construction phase and would, once occupied, support the local economy and local community facilities. These benefits attract only limited weight though given that the proposal is for a small, one-bedroom bungalow.
- 10.6. The benefits associated with the scheme would be modest and would not outweigh the significant harm that has been identified which in this instance significantly and demonstrably outweighs the benefits of the scheme.

11. Recommendation

- That permission be **refused** for the reasons set out below
1. The proposed development represents a contrived form of development that is significantly uncharacteristic of the surrounding area contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document, the Councils Good Design Guide and the requirements of Section 12 of the NPPF 2021. In addition the proposed private rear garden would fail to provide future occupiers of the proposed dwelling with sufficient amenity as a result of significant overlooking from habitable room first floor window at 16 to 22 Oaks Drive. The proposed development is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of paragraph 130 of the NPPF 2021.