

Delegated Report

Planning Ref: 25/00562/FUL

Applicant: Mr Ian Neale

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: Grove House Grove Road Burbage

Proposal: Erection of a single storey garage to replace plot 1 on planning permission 24/00601/FUL

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 the erection of a single storey garage to replace plot 1 relating to extant planning permission (24/00601/FUL) at land to the rear of Grove House, Grove Road, Burbage.
- 2.2. The proposed single storey double garage would measure 6.68 metres in depth and width and would have a fully hipped roof form measuring 2.23 metres to the eaves and 4.59 metres to the ridge. It would be finished in matching external materials to those to plot 5. The openings would consist of a garage door to the south eastern elevation and a personal door to the south western elevation.
- 2.3. The garage is proposed to serve plot 5.

3. Description of the site and surrounding area

- 3.1. The application site comprises what was an area of garden land, now cleared of lawn and in the process of being developed, to the rear of Grove House. It is generally rectangular in shape and was an underused part of the residential curtilage of the property. The proposed site is now separated from the main part of the garden which is immediately to the rear of Grove House.
- 3.2. Site levels are relatively flat with two storey residential properties immediately to the rear (south) and Burbage Methodist Church, which backs on to the south-east corner of the site. There are similarly large, detached dwellings located to the west, along Grove Road. To the north-east, the site is bounded by a public footpath (Wesley Walk), beyond which is Burbage C of E Infant School. With those two exceptions, the area otherwise comprises primarily residential development of varying styles and design. The application site is located within the settlement boundary of Burbage. The eastern boundary of the Burbage Conservation Area is located approximately 50 metres from the proposed access and 80 metres from the north-eastern corner of the proposed site, which shares its boundary with Wesley Walk. A tree preservation order is located to within the neighbouring dwelling, Carlton House, and within the boundary of the access proposed to serve the dwellings (Reference: 96/00011/TPORD).
- 3.3. Grove House is a large dwelling constructed in the 1930s on a plot formerly part of a nursery (part of the Hurst family horticultural business). The dwelling is of high quality with Domestic Revival and Neo-Classical architectural influences, these being typical of dwellings of relatively high status constructed during the inter-war period. The plot also has an extensive width and depth providing it with a large rear garden, this being typical of the former Hurst land along Grove Road as it was sold

off for similar single plot developments. For the reasons specified above Grove House has historic and aesthetic value ensuring it is of heritage interest. The original construction is largely unaltered and retains a great deal of integrity. The width of the dwelling, making full use of the plot, accompanied with its position ensures that the building has a visual prominence in the street scene. There is a clear historic and in part aesthetic association with the similar inter-war dwellings along Grove Road which provides Grove House with group value. Such integrity, landmark quality and group value ensures that the local significance of the building is special and it stands out within the surrounding environment. For these reasons the local planning authority identify Grove House as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this assertion being based on assessing the building against the Council's adopted selection criteria for local heritage assets. The building is also identified as being a local heritage asset within the Burbage Neighbourhood Plan.

4. Relevant planning history

87/00876/4

- Residential development to the rear of grove house
- Refused
- 22.09.1987

87/00253/4

- Residential development to the rear of grove house outline
- Refused
- 02.06.1987

98/00107/TPO

- Removal of dead wood and raising of crown of protected horse chestnut
- Permit Tree Preservation Order Works
- 12.03.1998

00/00223/FUL

- Single storey front and rear extensions
- Planning Permission
- 17.04.2000

19/00743/FUL

- Erection of five dwellings with vehicular access and associated parking and garages
- Planning Permission
- 25.10.2019

24/00601/FUL

- Erection of five new dwellings to the rear of Grove House, Grove Road, Burbage, Leicestershire (retrospective)
- Planning Permission
- 22.10.2024

24/01026/DISCON

- Application to discharge conditions 4 (Waste and Recycling), 6 (Materials), 8 (Surface Water Drainage), 9 (Construction Environmental Management Plan), 15 (Electric Vehicle Charging) attached to planning permission 24/00601/FUL
- Discharged
- 24.03.2025

24/01141/DISCON

- Application to discharge condition 12 (Tree Survey) attached to planning permission 24/00601/FUL
- Discharged
- 21.02.2025

25/00611/NMA

- Non-material amendment to planning permission 24/00601/FUL, relating to Plot 5 elevations and floor plans to include changes to the layout, replacement of the garage door with windows, along with changes to windows on the south facing elevation to remove non-opening requirement to the 1st floor windows, and non-opening, obscure glazing requirement to the 2nd floor window.
- Permit Non Material Amendment
- 01.09.2025

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.

5.2. Following the publication numerous objections have been raised by a neighbour, the planning considerations of which have been assessed below;

- No waste collections provided and no bins marked (**Planning Officer Comment: Due to the nature of the application a separate waste collection is not required, the proposal seeks consent for a detached garage and not a new dwelling. All waste arrangements for plots 2, 3, 4 and 5 approved under 24/00601/FUL remain.**)
- Concerns that the garage will serve the proposed garage to Grove House and will become a dwelling. (**Planning Officer Comment: The Local Planning**

Authority (LPA) can only assess the application before them. If any development takes place that is not in compliance with an approved permission the LPA will investigate the breach accordingly, separate consent would be required to use the garage as a separate dwelling.)

- 5.3 Concerns were raised by another neighbour who noted that whilst it was too late they did not understand why some of the conifers on site had been cut down and raising a question as to who was going to look after the fence.
(Planning Officer Comment: These matters do not specifically relate to the garage application under consideration here, matters of landscaping were dealt under previous consents)

6. Consultation

- 6.1. Burbage Parish Council;

'Burbage Parish Council has no objections to this application.'

- 6.2. HBBC Environmental Health – Pollution;

'No objection'

- 6.3. LCC Highways;

'The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.'

7. Policy

- 7.1. Burbage Neighbourhood Plan (BNP) 2015-2026

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking

- 7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

- 7.3. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

- 7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

- 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area, conservation area and heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 8.2 Being within the defined settlement boundary of Burbage, the development is regarded as a sustainable location for development. The principle of development has been further established by extant permission 24/00601/FUL for the erection of five dwellings. As such, the principle of development is acceptable in accordance with Policy DM1 of the SAMDP and Policy 1 of the BNP, subject to all other planning matters being satisfactorily addressed.
- 8.3 The original assessment against strategic planning policies can be viewed within the officer report issued under application reference 24/00601/FUL. As this proposal relates to a detached garage which would serve Plot 5, the principle of development is acceptable.

Design and impact upon the character of the area, conservation area and heritage assets

- 8.4 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.7 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 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.
- 8.8 Policy 2 of the BNP seeks to ensure any future residential development respects its surroundings, follows the existing pattern of development and retains existing important natural features on the site.
- 8.9 The proposed single storey double garage would replace the two-storey dwelling (plot 1) previously approved under extant permission 24/00601/FUL and would serve the immediately adjacent dwelling (plot 5). It would have a hipped roof form to complement the form of its host dwelling, plot 5. In terms of materials, the garage would be finished in matching external materials to plot 5. The openings would consist of a garage door to the eastern elevation and a personal door to the southern elevation.
- 8.10 The proposal would be surrounded by approximately 46.25m² of block paved hardstanding, with approximately 51.45m² of open grassed amenity space to the north-east and approximately 75.06m² to the north-west with a tree to the mid and

a paved walkway to the south-west of the proposal abutting the shared boundary between Grove House providing access to the personnel door.

- 8.11 Grove House to the north-west of the site is identified as a Local Heritage Asset within the Burbage Neighbourhood Plan. For these reasons the building is of historic and aesthetic value, and given its age, integrity, landmark quality and group value, Grove House is of special local significance, therefore it should be considered as a local heritage asset (a non-designated heritage asset in terms of the NPPF (para.209). Alongside this, Burbage Conservation Area is situated approximately 80 metres from the site.
- 8.12 Given that the extant permission granted consent for a two-storey residential dwelling in this exact location and identified no impact upon the significance of Grove House, Burbage Conservation Area or upon the character of the surrounding area the proposal as presented for a single storey detached double garage is considered to be acceptable especially when considering its modest scale, design and use of appropriate materials.
- 8.13 The proposals are therefore considered to be in accordance with Policy DM10, DM11 and DM12 of the SADMP, Policy 2 of the BNP and the general principles of the Councils Good Design Guide.

Impact upon neighbouring residential amenity

- 8.14 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.
- 8.15 The Councils Good Design Guide states that *'Habitable rooms within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 12m for a two storey property, and 15m for a three storey property. Habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart.'*
- 8.16 The proposed garage would be situated 6.63 metres away from the front elevation of plot 2, reducing the separation distance between the two plots by 5.37 metres when compared to the extant permission. Whilst not ideal due to proposed single storey nature of the garage compared to the extant two-storey permission, along with no openings being placed to the immediate facing side elevation the proposal is not considered to bear any further adverse impacts upon the amenity of plot 2 and more so is considered to be an improvement.
- 8.17 The proposed garage is not considered to bear any additional significant impacts upon the neighbouring amenity of plot 3, plot 4, Grove House or Carlton House due to its considerable reduction in scale and reduction in openings with those proposed being a solid roller shutter garage door and a solid personal door. Furthermore the separation distance would ensure no loss of light or overdominance to surrounding residents.
- 8.18 The proposals are therefore considered to be in accordance with Policy DM10 of the SADMP and the general principles of the Councils Good Design Guide.

Impact upon highway safety

- 8.19 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.

- 8.20 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.
- 8.21 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. 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).
- 8.22 In respect of garages the LHDG seeks to ensure that double garages have minimum internal dimensions of 6m x 6m, with minimum door width of 4.2m. A roller-shutter, sliding or inward opening door is also required to be minimum of 5.50 metres from the highway boundary
- 8.23 The proposed single garage would internally measure 6.05 metres for a width of 6.05 metres and would have a door width of 5.00 metres satisfying the Local Highways Authority's Guidance. It would have a roller-shutter door which would be situated less than 5.50 metres from the highway boundary but given the said highway would be unadopted with only three further plots and that an additional 3 parking spaces would be available immediately adjacent to plot 5 the proposal is not considered to have impacts upon highway safety and would not result in dangerous obstruction of the unadopted highway.
- 8.24 The proposals are therefore considered to be in accordance with Policy DM17 and DM18 of the SADMP, the LHDG and the general principles of the Council's Good 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

- 10.1. The application is considered to be acceptable in terms of its impacts on the character of the area and have no detrimental impact on neighbouring amenity or highway safety. As a result, the proposal is considered to be in accordance with Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the SAMDP and Policies 1,2 and 4 of the BNP, the scheme is therefore recommended for approval subject to conditions.

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 this permission.

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 on the external elevations of the proposed extension and alteration shall match the corresponding materials of plot 5.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM10, DM11 and DM12 of the SAMDP and Policies 1 and 2 of the BNP.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the below submitted application details ;

- Site Plan 198-TAA-XX-ZZ-DR-A-1000 P13
 - Site Location and Block Plan 198-TAA-XX-ZZ-DR-A-0001-P02
 - Proposed Floor Plans and Elevations 198-TAA-XX-ZZ-DR-A-1102 P02
- All as received by the Local Planning Authority on the 30th June 2025.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the SAMDP and Policies 1,2 and 4 of the BNP.

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.
- b) Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site, neighbouring dwellings and highway.