

## Delegated Report

**Planning Ref: 24/00544/FUL**

**Applicant: Mr And Mrs Igoe**

**Ward: Cadeby Carlton Market Bosworth & Shackerstone**

**Site: 39 Main Street Carlton Nuneaton**



Hinckley & Bosworth  
Borough Council

**Proposal: Proposed replacement dwelling (resubmission of 23/00526/FUL) (Self Build)**

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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 planning application seeks full planning permission for a replacement dwelling at 39 Main Street, Carlton. The proposal is classified as a self-build/ custom house-build development. This planning application is a resubmission of planning application 23/00526/FUL.
- 2.2. To facilitate this development, the existing building and its associated garage are demolished. The replacement dwelling seeks to largely replicate the form and appearance of the front elevation of the existing property but reposition it 1m to the north, and 3.4m to the east of the existing structure's position. As a result of this, the site's access has been repositioned to run to the west of the site rather than the east as at present.
- 2.3. The replacement dwelling externally measures 10.2m in width x 27.1m in depth, with a total footprint of 232.4sqm. The design of this scheme features a 56.4sqm and 5.8m deep, two-storey structure with a gable-ended pitched roof on the principal elevation, which is connected to a 31.5sqm, 6.7m deep, pitched-roofed, one-and-a-half-storey element to the rear. This part of the scheme is then attached to a two-storey, 88.9sqm, 'L'-shaped building that also features a 87.5sqm, single storey, flat-roofed protrusion to its rear.
- 2.4. The two-storey part of the property on the principal elevation has a roof ridge height of 8.7m, and an eaves height of 5.3m. The one-and-a-half-storey link in the centre of the development has a ridge height of 6m, and an eaves height of 2.7m. This element also incorporates a dormer window on the western side elevation, which has roof ridge height of 5.9m, and an eaves height of 3.9m.
- 2.5. The two-storey building to the rear of this link has a ridge height of 8.2m, and an eaves height of 5.1m on its gable-ended roof structure, as well as a ridge height of 7.6m and an eaves height of 4.7m on its gable-fronted roof that faces towards the northern rear elevation of the development. The single storey flat roofed part of the scheme has a maximum height of 3.2m, and includes a roof lantern.

- 2.6. The scheme is constructed with powder coated aluminium windows with stone cills and lintels, red facing bricks, plain clay tiles, and a red clay ridge, and timber cladding is featured on the single storey element to the rear of the scheme of the scheme.

### **3. Description of the Site and the Surrounding Area**

- 3.1. The 1,300sqm application site features a prominent two-storey detached late-Victorian dwelling and a detached single storey garage in the centre of the historic core of the rural hamlet, Carlton. Other than the modern dwelling located in the plot immediately to the west of the application site, 37 Main Street, 39 Main Street sits within a street scene characterised by historic buildings of various ages and forms including Manor Farmhouse and St. Andrews Church to the east (both of which are Grade II Listed buildings), the Grade II Listed building Stone House Farmhouse and Cheese Barn Cottage to the south, and the various cottages between 27 and 35 Main Street to the west beyond the modern dwelling.
- 3.2. The footprint of the application dwelling is evident on Ordnance Mapping from the 1880s and there is a date stone on the dwelling indicating a construction date of 1886. The original front range of the dwelling is two storeys in scale and has a rectangular footprint with a symmetrical front elevation consisting of three bays with a central door and flanking windows. It is constructed of a mellow red brick laid in a decorative Flemish garden wall bond with a dual pitched slated roof and tall red brick gable end chimney stacks with decorative pots. There is further architectural detailing in the form of a prominent brick and terracotta eaves cornice, moulded stone window headers and cills, and the aforementioned date stone.
- 3.3. Whilst being modern replacements, the sash windows and door (with fanlight above) all replicate the original character of the dwelling. The rear extensions are more functional in appearance but are considered to sit comfortably upon the original front range. Given its position within the historic core of the settlement it is possible that occupation of the application site may pre-date the existing dwelling, however, the current dwelling is considered to be a fine example of a late-Victorian-era villa, being illustrative of the development of Carlton during that particular period of time and reflective of an architectural style adopted on a wider basis.
- 3.4. Within the curtilage of the residential property, the site is enclosed by timber fencing to the west, and a 1m tall fence to the east. There is no formal boundary treatment across the road frontage and the land beyond the residential curtilage of the site to the north of the property is owned by the Applicant. The land to the north of the residential property is enclosed by hedges and vegetation to the northern and eastern boundaries. The site accessed via a gated driveway off Main Street, which is a classified 'C' road subject to a 30mph speed limit.
- 3.5. Main Street is largely residential in character with dwellings to the east, south and west of the application site. To the east of the site alongside Footpath S69, which is adjacent to the site.

#### **4. Relevant Planning History**

##### **4.1 23/00526/FUL**

- Outline Application for partial demolition and erection of replacement dwelling (Access, Layout and Scale only)
- Withdrawn
- 12.10.2023

##### **4.2 23/00186/CLP**

- Erection of ancillary outbuilding
- Lawful Development Certificate.
- 27.04.2024

##### **4.3 22/00675/OUT**

- Outline Application for partial demolition and erection of replacement dwelling (Access, Layout and Scale only)
- Permitted
- 23.12.2022

#### **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 No responses have been received.

#### **6. Consultation**

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- Leicestershire County Council (LCC)'s Ecology Department (subject to conditions)

6.2 Carlton Parish Council had no objections to the proposals subject to appropriate conditions being imposed to ensure that the footway and carriageway in the vicinity of the application site are kept free from obstruction during construction. On 04 August 2024, Carlton Parish Council responded to the application again to reiterate their strong support for this application.

6.3 The Parish Council stated that the existing dwelling is unremarkable, and the proposal would be more sustainable, provide better living conditions for the occupants, reduce the existing property's enclosing effect on 37 Main Street, and preserve the character of the street scene and the significance of the adjacent Listed Buildings.

6.4 The Council's Conservation Officer identified, in summary, that the development is likely to result in the total loss of a non-designated heritage asset and advised that the decision taker needs to apply the relevant tests contained within Local and National Planning Policy when determining the planning application.

6.5 The Local Highway Authority referred to standing advice. The Council's Waste Management Officer did not respond to the planning application. 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 DM6: Enhancement of Biodiversity and Geological Interest
- 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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

8.1. The key issues in respect of this application are therefore:

- Principle of the development
- Custom and self-build housing
- Design, impact upon the character of the area and on heritage assets
- Impact upon residential amenity
- Impact upon parking provision and highway safety

*Principle of Development*

- 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.
- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document. In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 The development is within the identified settlement boundary of Carlton, and given the site is currently utilised for a residential use, the principle of providing a new dwelling in this location is acceptable in principle.

*Custom and Self-Build Housing (CSB)*

- 8.5 Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals to be occupied by as homes by those individuals.
- 8.6 The Applicant claims that the proposed development is classified as a 'self-build; within the definition provided within the Self-Build and Custom Housebuilding Act 2015. This is supported by a Self- and Custom-Build Evidence Form in support of this application.
- 8.7 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 8.8 To date, Hinckley and Bosworth Borough Council does not have a shortfall of self-build and custom housebuilding.
- 8.9 Whilst the Council require 19 suitable cumulative permissions to be granted by 30 October 2024, it must be noted that, as of 01 May 2024, the Council has currently granted 12 permissions for custom and self-build housing in this period so only 7 further permissions need to be granted before 30 October 2024. In addition, the Council will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date.
- 8.10 Given the above, it is considered that no weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.

*Design, Impact upon the Character of the Area and on Heritage Assets*

- 8.11 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All proposed development affecting the setting of Listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible.
- 8.12 Policy DM11 of the SADMP requires all development proposals that have the potential to affect a heritage asset or its setting to demonstrate:
- (a) An understanding of the significance of the heritage asset and its setting; and
  - (b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - (c) How the benefits will outweigh any harm caused.
- 8.13 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.
- 8.14 There is no direct inter-visibility or any known key or relevant relationship between the Grade II Listed St Andrews Church and the application site. There is however inter-visibility between the Manor Farmhouse to the east and Stone House Farmhouse and Cheese Barn Cottage to the south. Although the application site makes no direct contribution to the significance of these two Grade II Listed buildings, due to its local heritage significance, 39 Main Street is considered to be a positive presence within their wider setting.
- 8.15 Whilst the replacement of 39 Main Street is likely to result in a change to their settings, subject to the successful construction of the replacement dwelling (based on details seeking to largely replicate the front range on a 'like-for-like' basis in terms of its appearance), then it is likely that the proposal would result in no more than a negligible and not adverse impact upon the significance of the two Listed Buildings
- 8.16 However, Paragraph 14.45 of the SAMDP confirms that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.17 Paragraph 209 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining planning applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.18 Although the Borough Council's Local Heritage Assets List is yet to be formally ratified, the formal selection criterion was adopted in 2017, and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering proposals. As specified within Planning Practice Guidance, local planning authorities may identify non-designated heritage assets as part of the decision-making process.
- 8.19 The existing dwelling is considered to be of historic value (due to its illustrative interest) and aesthetic value (due to its architectural interest); it has been well maintained and subject to few physical changes and alterations meaning that the integrity of the original late-Victorian construction has been retained.
- 8.20 Given its position behind a shallow open front garden and its relatively tall scale, the dwelling has a visual prominence and can be singled out as a landmark within the local, predominantly historic, street scene. Such integrity and landmark quality ensure that the local significance of the building is special, and it stands out within the surrounding environment. For these reasons the building is considered to be a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this finding being based on assessing the building against the Council's adopted selection criteria for local heritage assets.
- 8.21 Therefore, the current proposal leads to the total loss of a non-designated heritage asset and its local heritage significance. As a result, this scheme would result in an adverse impact on a non-designated heritage asset and therefore the proposal does not conserve, nor enhance the historic environment, which is contrary to and in conflict with Policies DM11 and DM12 of the SADMP.

*Impact upon Residential Amenity*

- 8.22 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.
- 8.23 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.24 There are no residential properties to the immediate north or east of the site, and the dwellings to the south of the site are separated from the development by Main Street. Therefore, the scheme is not considered to result in any adverse impacts to neighbouring residential amenity in these areas.
- 8.25 The proposal relocates the dwelling 1m to the north and 3.4m east of the position of the existing property. This is considered to reduce the site's enclosing impact on 37 Main Street to the west, which is a minor benefit of the scheme.

- 8.26 However, the property now extends 3.7m further to the rear of 37 Main Street at two-storey massing. Whilst this large two-storey blank side elevation could result in some harm to the neighbouring amenity of the occupants of 37 Main Street, this massing only extends 0.5m further to the rear than 37 Main Street's existing conservatory.
- 8.27 In addition, this blank side elevation is separated from the property by 4.5m. Consequently, the scheme is not considered to result in any loss of light or any overbearing impacts that would result in significant harm to the residential amenity of the occupants of this neighbouring dwelling.
- 8.28 Whilst there are windows on the western side of the single storey element of the scheme, these are on the ground floor and located 4.5m beyond the rear elevation of 37 Main Street and 4.6m to the east of their shared boundary. Therefore, the scheme is not considered to result in any loss of privacy or any overlooking impacts to 37 Main Street or the future occupants of the scheme on this elevation.
- 8.29 Although the windows to the reception and landing area of the proposal are less than 14m from the two-storey blank side elevation of 37 Main Street, as these windows are not to a habitable room, this is not considered to have an adverse impact on the residential amenity of the future occupants of the scheme. Furthermore, although there are windows on the ground floor of the eastern elevation of the scheme, which faces towards the Public Right of Way, as these windows are also not to habitable rooms, this is not considered to result in any overlooking or loss of privacy in these site-specific circumstances.
- 8.30 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.31 The development accords with the minimum internal space standards of the THS.
- 8.32 To comply with the Good Design Guide, four-bedroom houses should also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.33 The development provides sufficient outdoor private amenity space in accordance with the Good Design Guide.
- 8.34 By virtue of these factors, the proposal does not result in any adverse effects to the residential amenity of neighbouring properties, nor the future occupants of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

*Impact upon Parking Provision and Highway Safety*

- 8.35 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.
- 8.36 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)).
- 8.37 The proposed new access is 2.9m in width, which is slightly above the minimum effective access width requirement of 2.75m for a single dwelling, as required by Figure DG17 of Part 3 of the LHDG. Whilst the Applicant has not provided any visibility splays for the new access, it is considered that there is sufficient visibility from this access in either direction.
- 8.38 Given the fact that the development does not result in an intensification of the use of the site or its access, it is considered that the replacement dwelling does not result in an unacceptable impact on highway safety.
- 8.39 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.40 Whilst the Applicant has not dimensioned their proposed parking and turning facilities within the site, this area externally measures 8.6m in width x 8.7m in depth. There is also an area to the west of the proposed reception that is 6.7m in width by 5m in depth. Although this is slightly short of the required parking depths as stated within the LHDG, there is 4m between from the western elevation of the property and the shared site boundary for 37 Main Street. Therefore, it is considered that this area could also be utilised for additional off-street parking. As a result, the scheme is considered to provide suitable off-street parking and turning facilities for three vehicles, in accordance with the LHDG.
- 8.41 By virtue of these factors, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

*Planning Balance*

- 8.42 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024. However, due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

- 8.43 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.44 Paragraph 201 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should then take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal.
- 8.45 The proposal leads to the total loss of a non-designated heritage asset, its associated historic and aesthetic value, and its local heritage significance.
- 8.46 The submitted Planning and Heritage Statement suggests that the relocation of the property is to improve the amenities enjoyed by its occupants. In a previous email from the Agent on 01 August 2023 during the determination of the previously withdrawn planning application 23/00/FUL, the Agent confirmed that the positioning of the dwelling was to mitigate noise and vibrations from the road, and that it was not cost effective to retain the existing dwelling.
- 8.47 To mitigate these concerns raised by the Applicant, the development only repositions the new dwelling 1m to the north, and 3.4m to the east of the existing structure's position. It is considered that this is likely to have a negligible impact on the residential amenity of the future occupants of the scheme. In addition, planning permission 22/00675/OUT has demonstrated that the retention of the heritage asset can be achieved in a practicable and eminently feasible way through its conversion into a residential annex.
- 8.48 As a result, it is not considered that the loss of a non-designated heritage asset for an attempt at a 'like-for-like' designed replacement dwelling in a marginally different position to the existing dwelling protects the historic environment, uses natural resources prudently, nor minimises waste. Therefore, the proposal does not achieve the environmental objective of sustainable development as defined within the NPPF. Therefore, the scheme is also contrary to Paragraph 8(c) of the NPPF.
- 8.49 There are heritage benefits to scheme, and the development does not provide any further housing to the Council's supply of land for housing. Whilst the development can provide one dwelling towards the Borough's supply of custom and self-build housing, the Council does not have a shortfall of self-build and custom housebuilding and therefore no weight is given to the contribution to this supply.
- 8.50 Ultimately, the social and economic benefits associated with the development of one replacement dwelling are considered to be modest and are not considered to enhance the local community.

- 8.51 Whilst the proposal is likely to slightly improve the residential amenity of the occupants of 37 Main Street, Carlton, this neighbouring property was built after the construction of 39 Main Street and therefore the impacts of 39 Main Street could have been mitigated at the time. Nevertheless, the occupants of this dwelling have always lived with the existing blank side elevation of 39 Main Street. Therefore, the improvement to their residential amenity is not considered to attract more than very limited weight within the planning balance.
- 8.52 The Applicant has also referred to a fall-back position whereby they can demolish the existing structure via permitted development rights under Class B of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).
- 8.53 However, in light of the Applicant's ability to pursue permission for the Reserved Matters of their development approved within 22/00675/OUT, the Local Planning Authority do not consider the Applicant's option to demolish the existing dwelling to be a more than merely a theoretical prospect. This is because if the Applicant demolishes the dwelling, then this does not guarantee that they will be able to rebuild a structure to the same size and scale as previously approved or proposed.
- 8.54 In addition, the Applicant is still required to undertake prior notification to the Local Planning Authority before they demolish the structure, and the Local Planning Authority would be able to issue an Article 4 Direction on the site to remove the property's permitted development rights that enables them to demolish the structure so that the Local Planning Authority can protect the historic and aesthetic value of the dwelling.
- 8.55 The value of the dwelling has also previously been highlighted by the Agent on 09 November 2022 during the determination of the outline planning permission 22/00657/OUT, which retained the front of the existing dwelling because they, *"Felt strongly that the front section of the house contributes positively to the street scene when viewed from both directions."*
- 8.56 By virtue of these factors, the development results in the unnecessary total loss of a non-designated heritage asset and represents unsustainable development due to its failure to protect the historic environment, use natural resources prudently, and to minimise waste. Therefore, the development is considered to be contrary to, and in conflict with, Policies DM11 and DM12 of the SADMP, and the overarching environmental objective of sustainable development as defined by the NPPF. These adverse impacts are considered to significantly and demonstrably outweigh any benefits associated with a single replacement dwelling.

## **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 development results in the unnecessary total loss of a non-designated heritage asset and therefore represents unsustainable development due to its failure to protect the historic environment, use natural resources prudently, and to minimise waste. Therefore, the development is considered to be contrary to, and in conflict with, Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the overarching environmental objective of sustainable development as defined by the National Planning Policy Framework (December 2023). These adverse impacts are considered to significantly and demonstrably outweigh any benefits associated with the single replacement dwelling.