

Delegated Report

Planning Ref: 24/01046/HOU

Applicant: Mr and Mrs Smith

Ward: Cadeby, Carlton, Market Bosworth & Shackerstone

Site: The Dower House, 39 Main Street, Market Bosworth



Hinckley & Bosworth
Borough Council

Proposal: Demolition of brick wall and replacement timber gate to front elevation. Alterations to wall, replacement of double doors and blocked up windows to be reinstated in the garage.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks planning permission for the demolition of an existing section of brick wall at the frontage of The Dower House and replacement with timber gates to replace the existing, smaller timber gates. It also seeks planning permission for the demolition and relocation of an existing wall, replacement of double doors, and reinstatement of blocked up windows to the existing garage.
- 2.2. The proposed relocation of the existing garage wall involves the demolition of the existing odd-angled western and south-western garage walls and reconstruction of the wall in a straight line to create a rectangular garage structure. The removal of the existing double doors is required to facilitate the relocation of the wall, and the proposal includes their replacement with new timber garage doors.
- 2.3. The proposed reinstatement of existing blocked windows involves removal of existing brick and installation of replacement timber windows, to match the existing windows on the main dwelling. There are two windows to be reinstated, one on the southern elevation facing toward the internal driveway and another on the northern elevation within the roof gable.
- 2.4. The proposal involves the demolition of an existing brick wall along the site frontage, between the eastern wall of the garage and the existing timber entrance gates. The demolition of the brick wall is to allow for the widening of the vehicle entrance and replacement of the existing gates with new, wider timber gates.
- 2.5. The Dower House is a Grade II listed building, and the proposed development occurs within the curtilage of the building. As such, a related Listed Building Consent application for the same development (reference 24/01047/LBC) has also been submitted and is pending consideration.

3. Description of the site and surrounding area

- 3.1. The development site contains The Dower House, a Grade II* Listed dwelling located on the western side of Main Street in Market Bosworth, and within the Market Bosworth Conservation Area. The Dower House is located north of the town centre of Market Bosworth and is within the settlement boundary.
- 3.2. The Dower House is a notable feature in the streetscene and contributes positively to the heritage value of the locality. The listed building contains outbuildings and walls within its curtilage, including the garage and entrance gates and wall to which this proposal relates.

- 3.3. The Dower House is a three-storey building of 18th Century construction. It is of brick construction with a plain tiled roof. These material finishes are replicated on the detached garage. A brick pier and iron rail fence fronts Main Street forward of the Dower House itself and attaches to black timber gate to the north, with brick wall both freestanding and part of the garage wall extending the remainder of the site frontage.
- 3.4. The existing garage on site is detached from the dwelling and of irregular shape. It is located directly on the front boundary on its eastern elevation and on the site's side boundary to the north. It is bounded by the existing driveway on site to the south and west, which separates the building from the Dower House.
- 3.5. To the north of the site is a free church and beyond that a nursery school. The rest of the immediate surrounds are predominantly residential, with a row of two storey terraced dwellings to the south and detached or semi-detached dwellings to the east along Church Street.

4. Relevant planning history

None.

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 and a notice was displayed in the local press.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. No comments have been received from Leicestershire County Council Highways.
- 6.2. The Market Bosworth Parish Council have responded that they have no objections to the proposal.
- 6.3. The Market Bosworth Society have indicated that they have no objections to the proposal provided that it is ensured materials used will be sympathetic to the existing structure.
- 6.4. The comments received from HBBC's Conservation Officer are addressed in the appraisal section below.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (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
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Market Bosworth Neighbourhood Plan (2015)
- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact on neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2 The National Planning Policy Framework (NPPF) identifies that planning law requires that all 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.

8.3 The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016).

Impact upon the character of the area

8.4 Policy DM10 of the 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 with the intention of preventing development that is out of keeping with the surrounding area.

8.5 The Dower House is an important Grade II* listed building of special architectural and historic interest. The listed building entry (National Heritage List England (NHLE) ref 1361288) identifies the building as “*House. Early C18. Raised in the late C18 when the doorcase was probably also added. Brick with plain tiles roof.*” And further that “*Boundary wall to street has brick piers with stone copings and ball finials, and wrought iron railings above with spearheads*”.

8.6 HBBC’s Conservation Officer was consulted on the proposal and commented that: “The loss of the section of brick wall is considered to result in a loss of a feature of low level heritage interest and no more than a negligible impact [on] the significance of the conservation area. The replacement gates, although wider than the existing, would be of traditional material and finished in black as the existing, thus maintaining the traditional aesthetic and sense of enclosure along the front boundary.” Furthermore: “It is considered that these works [to the garage] are appropriately designed and specified as to respect its status as a curtilage listed building and its overall character and appearance, ensuring that its positive contribution to the character and appearance of the area is not reduced.”

8.7 The comments from HBBC’s Conservation Officer conclude that the proposal would preserve the character and appearance of the Market Bosworth Conservation Area.

8.8 The proposal involves reconstruction of the elevation of the existing garage that faces away from Main Street and therefore the visuality of the building from the street scene will be maintained. The reintroduction of the currently covered windows

revive a historic element of the building and are not considered detrimental to its character given they will match those used on the main building.

- 8.9 The removal of the brick wall along the site frontage does not impact the legibility of the site as viewed from Main Street as the remainder of this boundary forward of the Dower House has pier and railing fencing, rather than solid brick. The replacement gate, being of identical materials and paint finish to the existing, maintains the established character at the vehicle entrance to the site.
- 8.10 The proposal is not considered to have an adverse effect upon the significance of the listed building or upon the character and appearance of the Market Bosworth Conservation Area. The proposal is therefore considered to comply with Policy DM10 of the SADMP and Section 12 of the NPPF.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the SADMP states that proposals should not adversely impact the privacy and amenity of occupiers of neighbouring properties.
- 8.12 The proposal involves the reinstatement of a window on the northern elevation that is oriented toward a neighbouring property. Notwithstanding this, the window is located within the roof gable of the single storey garage and as such casual views through the window are highly unlikely. It is therefore considered that the reinstatement of the window would not give rise to privacy concerns.
- 8.13 The proposed alterations to front brick wall and entrance gate generally retain the existing visual character. The alterations proposed to the garage have limited visibility from Main Street.
- 8.14 It is therefore considered that the proposal would not cause adverse impact upon residential amenity, consistent with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impact on highway safety. DM18 of the SADMP requires new development provide an appropriate level of parking provision.
- 8.16 The Leicestershire Highways Design Guide (LHDG) (2024) requires that garages have internal dimensions of a minimum of 6 metres by 3 metres for a single and 6 metres by 6 metres for a double. The LHDG also seeks that gates be set back from the highway such that a car could be parked forward of the gates without overhanging the highway.
- 8.17 The proposed alterations to the garage would result in internal dimensions of 3.65 metres by 6.7 metres which is insufficient to meet the standards in the LHDG for either single or double garages. It is noted that the garage is not a new building and that in its current form it is already in shortfall of the required dimensions. The agent has confirmed that the building is intended for garden storage and not for parking of cars. As such, it is not considered that the proposal results in a loss of an existing parking space.
- 8.18 The siting of the entrance gate is not directly in accordance with the LHDG as a car cannot stop on the highway side of the gates without overhanging the pavement and the highway. Nonetheless, this is again consistent with the existing situation on site as the gates are already in this position. The Local Highway Authority has reviewed the proposal and have responded that they have no objections.
- 8.19 The proposal is therefore considered to appropriately address Policies DM17 and DM18 of the SADMP.

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. It is considered that the proposal will have limited impacts upon the character of the area and will maintain the significance of the listed building, the Dower House. There are not considered to be any adverse impacts to the amenity of occupiers of neighbouring properties arising from the proposal. The application is considered to be in accordance with DM1, DM10, DM17 and DM18 of the SADMP, Section 12 of the NPPF and 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Site Plan 2403P111_110, Design and Access Statement, Existing and Proposed Ground Floor Plan 2403P111_120 and Proposed Elevations

2403P111_130 received by the local planning authority on 18 November 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. 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.