HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY MRS JAYNE BARNES AGAINST THE REFUSAL OF PLANNING PERMISSION FOR DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF A NEW DWELLING WITH ASSOCIATED ACCESS AND PARKING PROVISION AT 6 BOYSLADE ROAD EAST, BURBAGE, HINCKLEY, LEICESTERSHIRE, LE10 2RQ

HBBC REFERENCE 11/00471/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/11/2161146

STATEMENT BY ELEANOR SHAW BSC (HONS) MASP (DISS)

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1.0 Introduction

1.1 This statement is a written submission in support of the decision by Hinckley and Bosworth Borough Council to refuse full planning permission for the demolition of an existing dwelling and the erection of a replacement dwelling and associated vehicular access and parking at 6 Boyslade Road East, Burbage (LPA Planning Application reference number 11/00471/FUL). This statement should be read in conjunction with the information previously supplied as attachments to the Appeal Questionnaire.

1.2 The existing dwelling has a footprint of 132 square metres and comprises a hipped roofed brick property. There is a driveway adjacent to the north eastern boundary leading to a detached flat roofed single garage and a large detached outbuilding situated in the south western corner of the site.

1.3 The proposed replacement dwelling is a 2.5 storey brick dwelling with two projecting gables and pitched roof dormer to the front elevation. An integral double garage is situated with the western most gable, Feature double entrance doors with stone canopy are situated within the central gable, forming the principle entrance and Georgian style fenestration with stone header and cill detail are arranged in a uniform alignment. The proposal has a staggered frontage and is set back from the street by approximately 7 metres. To the west and to front of the property there are three off road parking spaces. A 0.9m brick and stone wall is proposed along the front boundary.

1.4 To the rear there is a non-standard window arrangement, including a Juliette balcony and 7 high level Rooflights, the cill of which is approximately 2 metres above floor level. Externally the existing large enclosed garden is to be retained.

2.0 The Appeal Site

2.1 The site is located within the defined settlement boundary for Burbage as detailed on the Proposals Map of the Adopted Hinckley and Bosworth Local Plan (2001).

2.2 The street scene comprises predominantly large detached dwellings situated on large plots. The properties follow an established building line to the front elevation, but are of varying design, style and age and incorporate a range design features and materials. The area is residential with the plot bounding residential properties to all sides. The street scene is well landscaped with mature trees within the highway boundary. The sites frontage comprises a low level solid boundary. The site has an area of 548 square metres.

3.0 Planning History

3.1 The application site has been subject to an earlier application (not the subject of this appeal) for the demolition of existing dwelling and garage and the erection of a new dwelling with associated access and parking provision. This application was refused on the following grounds and no appeal has been submitted:

1. In the opinion of the Local Planning Authority by virtue of its height and massing the development will have an overbearing effect on neighbouring properties and will appear out of character in the streetscene and this will be contrary to the intentions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 Central Government Guidance

4.1 Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

4.2 Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 13 reflects policy in PPS1, stating that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density layout and access. Paragraph 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. Paragraph 48 states that Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area. Paragraph 49 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.

4.3 PPS3 was updated in June 2010 to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density in order to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

5.0 Development Plan Policies

5.1 The Development Plan policies referred to for the purposes of the application were those provided with the questionnaire, these include:

5.2 Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009)

5.3 Policy 4 of the Local Development Framework Core Strategy 'Burbage' identifies the need to allocate land for the development of a minimum of 295 dwellings focused primarily to the north of Burbage and adjacent to the Hinckley settlement boundary to help support the Hinckley sub-regional centre and to cater for a range of house types as supported by Policy 15 and Policy 16 (where applicable).

5.4 Policy 5 Transport Infrastructure in the Sub-regional Centre sets out transport interventions to support additional development in and around the sub-regional centre, to promote sustainable development. The interventions include improvements to the provision and management of car parking and public transport to support the increased use of Hinckley Town Centre.

5.5 Policy 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton. Paragraph 4.2 sets out a target of 40% of development on previously developed land.

5.5 Policy 24 requires all development within Hinckley, Burbage, Barwelll and Earl Shilton to meet code level 3 of the Code for Sustainable Homes unless it would make the development unviable.

5.3 Hinckley and Bosworth Local Plan (adopted February 2001) saved policies:-

5.4 Policy RES5: ‘Residential Proposals on Unallocated Sites’ states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

5.6 Policy BE1: ‘Design and Siting of Development’ seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

5.7 Policy T5: ‘Highway Design and Vehicle Parking Standards’ refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

5.8 Supplementary Planning Guidance / Documents :-

5.9 Supplementary Planning Guidance: ‘New Residential Development’ provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

5.10 The Council’s Supplementary Planning Document (SPD): ‘Sustainable Design’ aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

5.11 Burbage Village Design Statement Supplementary Planning document (SPD) states that the site is designated within the Zone 4 and Policy GN2 states that house should be matched in terms of design and scale of neighbouring properties, and that the siting of new buildings should be examined from all directions. The aim of this is to consider how new development would appear in relation to their overall surroundings and adjacent properties.

6.0 The Case for the Local Planning Authority

6.1 On the basis of the reasons set out below, the Council contends that planning permission should be refused.

6.2 Reason for Refusal:

6.3 In the opinion of the Local Planning Authority by virtue of its height and massing the development will have an overbearing effect on neighbouring properties and will appear out of character in the streetscene and this will be contrary to the intentions of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6.4 The south side of Boyslade Road East is characterised by relatively large detached properties occupying regular plot sizes, following a uniform building line. Although there are a range of property styles and ages, there is a recognisable 1930's style, and dwellings are either rendered or incorporate part rendered elevations. The north side of Boyslade Road East is characterised by dormer bungalows where the ridge line of properties is relatively low. Towards the north eastern end of the road the character changes; the development here is of higher density, and comprises of pitched roofed, gable fronted bungalows and houses of 1980's style, situated on smaller plots.

6.5 The adjacent dwelling to the east of the application site comprises a relatively large, detached hipped roofed rendered property. This is individual in design and extends for the majority of the width of the plot. This property has had various extensions, resulting on an overall footprint of 110.54 square metres. The ridge height of the property is 7.5 metres. The property to the east of the site comprises a modern detached 2.5 storey pitched roofed property. This has a considerably smaller footprint than the application property, measuring 73 square metres and a ridge height of 8.5 metres.

6.6 The replacement dwelling occupies a wider plot than those adjacent. The dwelling has an extensive, roughly rectangular footprint measuring 142 square metres. This extends for the majority of the width of the plot. The height of the dwelling will be 9.2 metres to the ridge. The property is brick built and has a pitched roof. The principle elevation will follow the front building line of the adjacent properties; however to the rear, the proposal will project 1.8 metres past the rear elevation of the property to the east. By virtue of its pitched roofed design, the shape and size of the footprint, its brick construction, the proposed height and its extension past the rear boundary of the adjacent property to the east; the massing of the development appears substantial and the development will

have an overbearing impact on the neighbouring properties and will appear out of character in the street scene.

6.7 The scale of the proposal and its incongruous appearance in the street scene is further signified by the considerable proportions of the projecting gables on the front elevation and the dimensions of the fenestration and entrance, which appear excessive and oppressive in comparison to those on adjacent plots and within the wider streetscene.

6.8 Planning Policy Statements 1 and 3 specifically require new development to integrate with and compliment the existing built form while respecting and enhancing the distinctive character of an area, and similarly policy BE1 requires development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. These intentions are also reflected within the Burbage Village Design Statement Supplementary Planning document. The proposed development is considered contrary to the guidance contained within the above mentioned documents and is therefore considered unacceptable.

7.0 Comments on Appellant's Grounds of Appeal

7.1 Case of the Appellant: The appellant claims that the design of the proposal is in accordance with advice contained within Planning Policy Statements 1 and 3. It is felt that the design of the scheme and the reasons for refusal have been fully discussed and justified in section 6 of the report.

8.0 Conclusion

8.1 With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However if the Inspector is minded not to do so, the Local Planning Authority requests that the conditions submitted with the appeal questionnaire be imposed.