

Delegated Report

Planning Ref: 25/00142/FUL
Applicant: Mr Salvatore Zarcone
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 2 Sandringham Avenue, Earl Shilton, Leicester

Proposal: Erection of a two-storey dwelling (self-build)

1. Recommendations

- 1.1. **Refuse planning permission** for the reasons set out at the end of this report.

2. Planning Application Description

- 2.1. The applicant seeks full planning permission for the erection of one two-storey, 3-bedroom self-build dwelling at 2 Sandringham Avenue, Earl Shilton.
- 2.2. The site is within the curtilage of 2 Sandringham Avenue, and the dwelling would be situated on what is currently garden land, to the north of the existing dwelling adjacent to its side elevation.
- 2.3. The dwelling would be on a rectangular plan form, with a fully hipped roof and proposed materials of red brick, white upvc windows, and roof tiles (no colour confirmed). There is off-street parking space proposed at the front of the dwelling for two cars.

3. Description of the Site and Surrounding Area

- 3.1. The site is within the settlement boundary of Earl Shilton and consists of a detached dwelling on a corner plot between Sandringham Avenue and Coronation Road. The existing dwelling features a partially hipped, partially pitched roof, with a single storey rear extension. There are two separate driveways, one fronting Sandringham Avenue and one coronation Drive, with the latter including a garage outbuilding.
- 3.2. There are various means of enclosure on the site, including a 1m brick wall and 1.8m close boarded fence fronting Sandringham Avenue, and a hedgerow fronting Coronation Road. The dwelling is built in red facing brickwork, with white upvc windows, and brown roof tiles.
- 3.3. The site measures approximately 6m x 24m (140m²) and is bound by residential dwellings on all sides. The wider street scene predominantly consists of pairs of semi-detached dwellings with front drives, with 2 Sandringham Road the exception as it is a corner plot. Despite this, it shares the same hipped roof design and general architectural features, such as bay windows, chimneys, and general materials.

4. Relevant Planning History

No relevant history.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.

5.2. One objection has been received making the following comments:

- Various civil matters
- Loss of privacy
- Complaint re. illegal dog breeding business

6. Consultation

- Earl Shilton Town Council – object
 - 1) Not in keeping with the surrounding properties
 - 2) Concerns regarding lack of parking
 - 3) The land will be overdeveloped
 - 4) Concerns regarding space for recycling and refuse bins
- LCC Highways - standing advice
- HBBC Pollution - No objection.
- HBBC Drainage – No objection
- LCC Ecology – No objection.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution & Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. Earl Shilton and Barwell Area Action Plan DPD (2014)
- Policy 22: Development and Design
- 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)
 - Leicestershire Highway Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies (including Custom & Self-Build housing)

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Planning balance

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. 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.
- 8.4. The Planning Policy team are currently reviewing the revised NPPF and implications for the Council's Five-Year Housing Land Supply. A revised position will be published by May 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.5. Therefore, the application should be determined against Paragraph 11(d) of the Framework 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.
- 8.6. The site falls within the settlement boundary of Earl Shilton. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF. The sustainable principle of development is subject to all other material planning matters being appropriately addressed.

Custom and Self-Build Housing (CSB)

- 8.7. Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.
- 8.8. As of 31 January 2024, Section 123 of the Levelling Up and Regeneration Act 2023 (LURA) came into force regarding amendments to the duty in relation to self-build and custom housebuilding within Section 2A of the Self-Build and Custom Housebuilding Act 2015.

- 8.9. 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.
- 8.10. Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:
- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.
- 8.11. The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.12. Section 5 of the Self-Build and Custom Housebuilding Act confirms that a "*Serviced plot of land*," means a plot of land that has access to a public highway, and has connections for electricity, water, and wastewater, or can be provided with those things in specified circumstances or within a specified period. For clarity, "*Specified*" in this instance means specified by regulations.
- 8.13. 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.
- 8.14. The Local Planning Authority notes that the Applicant has signed a self-build declaration form confirming that the proposal is in line with the definition within the regulations, and that the applicant intends to live in the dwelling.
- 8.15. To date, Hinckley and Bosworth Borough Council has a shortfall of self-build and custom housebuilding, requiring 6 suitable cumulative permissions to be granted by 30 October 2025. Moderate weight can be given to the benefits of contributing one self-build dwelling to the supply of self-build and custom build dwellings at this moment in time.

Design and impact upon the character of the area

- 8.16. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should

achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.17. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.18. Policy DM10(c), (d) and (e) 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 and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.19. Policy 22 of the Earl Shilton and Barwell states that development will be permitted where the siting and density respects the character and layout of the area, development respects the local distinctiveness of existing buildings and landscape settings. Including design, materials and fenestrations which respect the street scene/local area.
- 8.20. The proposed dwelling would occupy a narrow parcel of land between 2 and 4 Sandringham Avenue, measuring 5.1m in width, 8.8m in depth, with an eaves height of 4.9m and a ridge height of 6.3m. The garden would measure 7.7m x 6m – a total area of 46m².
- 8.21. The proposed dwelling would almost entirely fill the gap between 2 and 4 Sandringham Avenue, resulting in an incongruous form of development within the street scene which is currently made up of pairs of semi-detached dwellings with consistent and uniform separation between buildings. Where side extensions have been added, gaps at first floor level remain. This would conflict with the pattern of development and urban grain of the surrounding area.
- 8.22. Furthermore, the design of the dwelling would appear cramped and contrived within the plot, standing as a narrow, detached dwelling with a form and design which is not present in the wider street scene. Whilst 2 Sandringham Way is unique within the street scene, this is a necessity as it acts as a corner plot and has been designed accordingly. The proposed dwelling echoes some of the design characteristics of surrounding dwellings, however due to the necessary proportions of the dwelling, would appear out of character and represent poor design.
- 8.23. Overall, it is considered that the proposed dwelling would fail to complement or enhance the existing street scene with regard to layout, mass, and design, and would result in a cramped and contrived form of development which would have a significantly adverse impact on the character of the street scene. The proposal is therefore in conflict with Policy DM10 of the SADMP, Policy 22 of the ESBAAP, and Paragraph 139 of the NPPF.

Impact upon neighbouring residential amenity

- 8.24. Policy DM10 of the SADMP states that development should be permitted providing that the development would not have a significant adverse effect on the privacy and

amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise, vibration and visual intrusion.

- 8.25. Paragraph 135 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.26. The proposed dwelling would result in loss of light and overbearing impacts to the side elevations of both 2 and 4 Sandringham Avenue, however the affected windows are not principal windows and the rooms they serve have alternative sources of light and is therefore acceptable on balance. There are no additional concerns regarding loss of light/overbearing or loss of privacy.
- 8.27. The garden area for the proposed dwelling would be 46m², and the resultant garden area for 2 Sandringham Avenue would be approximately 70m², with the rest of the site consisting of hard standing for parking and the garage to the rear. The Council's Good Design Guide suggests that 3+-bed dwellings should have a garden size of 80m² and a minimum length of 7m. Whilst the minimum length is achieved with the proposed design, the garden area is significantly smaller than the suggested garden size, and the resultant garden area for 2 Sandringham Avenue would also fall short of the Good Design Guide recommended figure.
- 8.28. Whilst the Good Design Guide states that these figures can vary and should not preclude innovation, the combination of these shortfalls provides further evidence that the site is not capable of accommodating the proposed dwelling both in terms of its proposed design, but also the impact it would have on prospective and existing residents.
- 8.29. In summary, it is considered that the proposed development would provide insufficient private amenity space for both the proposed dwelling and 2 Sandringham Avenue and would therefore conflict with Policy DM10(b) of the Site Allocations and Development Management Policies DPD paragraph 135 of the NPPF.

Impact upon highway safety

- 8.30. Policy DM17 and DM18 of the SADMP require development to accord with the adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be refused on highway grounds where the cumulative impact of the development is severe.
- 8.31. The LHA have no objection and refer to standing advice. The proposed parking arrangement would require a dropped kerb which would be subject to a separate application with LCC Highways.
- 8.32. The LHA are satisfied the Applicant has provided off-street car parking in accordance with Paragraphs 3.151 (Quantum of Spaces), 3.165 (Parking Space Dimensions) of Part 3 of the Leicestershire Highway Design Guide (LHDG). As such, the LHA would not seek to resist the proposals on this basis, subject to the approval of the proposed dropped kerb.

- 8.33. As such the proposal satisfies the requirements of Policy DM17 & DM18 in regard to appropriate levels of parking provision & highway safety.

Planning Balance

- 8.34. The Council cannot demonstrate a 5-year housing land supply, therefore 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.
- 8.35. Policy DM10 of the SADMP is considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 8.36. The development would result in a permanent significant harmful impact on character of the street scene by virtue of the cramped and contrived design of the dwelling which would appear incongruous and out of character. This is contrary to Policy DM10(c) of the SADMP, and paragraph 139 of the NPPF. Therefore, this harm is considered to attract significant weight in the planning balance.
- 8.37. Additionally, the proposed development would provide insufficient garden and private amenity space for the proposed dwelling, whilst also leaving insufficient garden space for 2 Sandringham Avenue. The combination of these shortfalls result in a development which would cause unacceptable harm to the amenity of both existing and prospective residents and would therefore be in conflict with Policy DM10(b) of the SADMP, Paragraph 135 of the NPPF and the aims of the Council's Good Design Guide.
- 8.38. Despite this, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. The proposal would also make a minor contribution towards the LPAs identified 5YHLS shortfall and a moderate contribution towards the LPAs custom and self-build shortfall. Notwithstanding this, as the application proposal is for the provision of a single dwelling, these social and economic benefits are afforded limited weight and the provision of a single self-build dwelling is afforded moderate weight.
- 8.39. It is acknowledged that the Council has a minor shortfall in the supply of custom and self-build developments of 6 dwellings for Base Period 10 31st October 2024 to 30th October 2025. The framework states that small and medium sized sites can make an important contribution to meeting housing requirements of an area and can be built out quickly. The proposal would deliver one new dwelling which would make a positive contribution to addressing the minor shortfall in self-build plots. As the scheme is only for one dwelling and the shortfall is not considered to be significant, the LPA affords moderate weight to this aspect of the proposal.

- 8.40. In summary, it is considered that the proposed dwelling would result in a development which would cause significant and permanent harm to the character and appearance of the street scene, whilst also resulting in unacceptable levels of private amenity for both the prospective and existing residents. Whilst the provision of one self-build dwelling would help towards the Council's housing land supply shortfall and self-build shortfall, the adverse impacts of this proposal are considered to significantly and demonstrably outweigh its benefits.
- 8.41. As a result, it is considered that the development conflicts with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy 22 of the ESBAAP and Paragraphs 135 and 139 of the National Planning Policy Framework (December 2024) and should be refused.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed development would result in a cramped and contrived design which fails to complement or enhance the character of the area. Additionally, the proposal would not provide sufficient private amenity space for the proposed dwelling and would result in insufficient resultant amenity space for the existing dwelling (2 Sandringham Avenue).
- 10.2. There are social benefits associated with the proposal, such as providing housing, and economic benefits associated with the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. The proposal would also make a minor contribution towards the LPAs identified 5YHLS shortfall and a moderate contribution towards the LPAs custom and self-build shortfall. Notwithstanding this, as the application proposal is for the provision of a single dwelling, these social and economic benefits are afforded limited weight, and the provision of a single self-build dwelling is afforded moderate weight.
- 10.3. The proposal is therefore in conflict with Policy DM10 of the SADMP, Policy 22 of the ESBAAP, Paragraphs 135 and 139 of the NPPF and the aims of the Council's Good Design Guide. The conflict identified with these Policies is considered to significantly and demonstrably outweigh the benefits, and the application is therefore recommended for refusal.

11. Recommendation

11.1. **Refuse planning permission** for the following reasons:

1. By virtue of the design, scale and layout of the proposed dwelling, it is considered that the proposed development would result in a cramped and contrived relationship within the existing street scene and would therefore represent poor design, failing to complement or enhance the character of the street scene. The proposed development would therefore cause significant harm to the character and appearance of the area and would therefore conflict with Policy DM10(c) of the SADMP, Policy 22 of the ESBAAP, and Paragraph 139 of the NPPF.
2. By virtue of the design and layout of the proposed dwelling, it is considered that the proposed development would fail to provide sufficient private amenity space for both prospective and existing residents. The proposed development is therefore in conflict with Policy DM10(b) of the SADMP, Paragraph 135 of the NPPF and the aims of the Council's Good Design Guide.