

## Delegated Report

**Planning Ref: 23/00621/FUL**  
**Applicant: Mrs Helen White**  
**Ward: Hinckley DeMontfort**



Hinckley & Bosworth  
Borough Council

**Site: 114 Leicester Road, Hinckley, Leicestershire**

**Proposal: Proposed single storey detached bungalow with associated parking, vehicle and pedestrian access.**

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### **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 application seeks full planning permission for a new three bedroom dormer bungalow with detached single garage.
- 2.2. The proposed bungalow will be 6m wide and 9.5m deep. The bungalow roof is 6.5m at the ridge and 3.8m to the eaves. It has three bedrooms, one at ground floor and two within the roof space. The bedrooms in the upper floor have windows to each gable and skylights as opposed to dormer windows. The proposed garage will be 6.1m wide and 3m deep. The garage roof is 3.8m at the ridge and 2.2m to the eaves. Both the dwelling and the garage have a combined proposed footprint of 79.4m.
- 2.3. The proposed garden is to the side of the dwelling and is screened from the road by the proposed garage which is sited between 0.9m and 1.2m from the site frontage. The garden has a depth of 15.5m and a width to the common boundary with 114 Hinckley Road of 8.4m. As a result of this though the rear garden to 114 Hinckley Road is just 5.6m in depth. There is a distance of 14m from the rear elevation of the existing dwelling at 114 Hinckley Road to the proposed side elevation of the proposed dwelling.
- 2.4. The proposed bungalow and garage will be finished with bricks, windows and roof tiles to match other buildings in the immediate vicinity. The proposed dwelling is set back approximately 9.4m from the footway and 8m from the front boundary of the site. Vehicular access would be via Stoneygate Drive.

### **3. Description of the site and surrounding area**

- 3.1. The site is currently part of the rear garden area of 114 Leicester Road. To the northeast lies the boundary of 116 Leicester Road, which is a two storey dwelling with an additional floor of accommodation within the roof space. To the south east is 114 Leicester Road, a dormer bungalow with a small dormer on the front elevation and no dormer or skylights on the rear roof elevation. To the south west is Stoneygate Drive on the opposite side of which are bungalows sited closer to the street than those on the northern side of the street and which have side gardens as opposed to rear gardens. To the north-west is 61 Stoneygate Drive, one of five bungalows set back from the street and with both rear and front gardens.
- 3.2. The proposed dwelling is tucked into the northern corner of the site so that at its closets it is less than 1m from the common boundary to the north-west and between 1.9m and 1.4m from the common boundary to the north-east. The only window to the ground floor bedroom faces the common boundary at a distance of approximately just 1.5m.

- 3.3. There is a grassed verge between the site and the footway that is owned by the Highway Authority. It varies in width across the site frontage from approximately 1.2m to 0.7m
- 3.4. The existing street scene along Stoneygate Road has a distinguishable style of single storey detached bungalows with light brick, white render and brown concrete roof tiles. None of the bungalows in the vicinity of the site appear to have an upper floor of accommodation. On this northern side of the road the bungalows are very similar in design and share the same building line being set back from the highway by 9.8m. They all also have open front gardens with either no, or very low, boundary treatments.

#### **4. Relevant planning history**

21/00755/HOU - Single Storey Rear Extension with Roof Lantern. Approved December 2022.

#### **5. Publicity**

- 5.1. Neighbours were notified of the application. Three objections were received regarding overshadowing, overlooking, not being in character with the area, parking and highways safety concerns.

#### **6. Consultation**

- 7.1. No objections have been received from:
- HBBC Waste (with comment)
  - HBBC Pollution
  - HBBC Drainage (advisory notes)
  - LCC Highways (recommended condition)

#### **7. Policy**

- 7.1. Site Allocations and Development Management Policies DPD (SADMP) (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
- 7.3. Other relevant guidance
- Good Design Guide (GDG) (2019)
  - Leicestershire Highway Design Guide (2022)

#### **8. Appraisal**

- 8.1. It is considered that the key issues in the determination of this application are:
- Principle of Development
  - Design and impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon highway safety

## **Principle of Development**

- 8.2. Paragraph 2 of the 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development and state that development proposals that accord with the Development Plan should be approved unless other material considerations indicate otherwise. 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted SADMP (2016). 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. Both documents are over five years old.
- 8.4. Paragraph 120 of the NPPF states that planning decisions should support the development of under-utilised land, especially if it helps to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lockups, and railway infrastructure).
- 8.5. Using the standard method as outlined by the MHCLG, HBBC are unable to demonstrate five years of deliverable housing, the current supply as assessed on 1 April 2022 being 4.89 years. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF 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. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise. The proposed dwelling is located in a sustainable location within the settlement boundary and is acceptable in principle subject to detailed considerations set out below.

## **Design and impact on the character of the area**

- 8.7. Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.8. Paragraph 130 of the NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 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.

- 8.9. The existing street scene along Stoneygate Road has a distinctive character of single storey detached bungalows with attached garages set back from the street by 9.8m on a common building line. The proposal is for a bungalow with an upper floor of accommodation within the roof space with a detached garage. While the proposed dwelling is oriented in the same way to the street so that its gable fronts the street the proposed dwellings is considerably taller than the bungalows to the north-west. The dwelling is much taller and has a first floor window facing the street. In addition the dwelling is appreciably closer to the street than the other bungalows on this side of the road. The proposed dwelling would share few of the characteristics of other dwellings that front the highway and will be noticeable at odds with the existing character of built development on Stoneygate Drive.
- 8.10. The GDG sets out that where an existing plot is proposed to be subdivided to create additional development in 'backland' locations it will require clear and convincing justification in relation to its context. It also states that some sites may be able to accommodate this type of development, whereas some will not. It is considered that the proposed development falls into this latter category.
- 8.11. While the site is created to the rear of 114 Leicester Road it does have a frontage to Stoneygate Drive. The GDG also provides guidance on infill sites. It states that they must be carefully considered in relation to their potential impact on their setting. It states that building plots should be of similar size and shape to the wider context – that is not considered the case in this instance, the plot is significantly smaller than adjacent plots and smaller than plots on the opposite side of Stoneygate Drive. It states that that built development should be of a similar footprint, plot position and layout to the wider context allowing sufficient space between dwellings – that is not considered the case in this instance, the dwelling is pushed into the northern corner of the site but is still appreciably closer to the highway than the adjacent line of bungalows and the garden to 114 Leicester Road is of insufficient depth. It states that built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene – that is not considered the case in this instance, the building being significantly taller and having two floors of accommodation contrary to the smaller bungalows on both sides of Stoneygate Drive with the contrasting massing being emphasised in the street scene by the first floor gable window facing the street. It also states that wherever possible, development should respect building lines – that is not the case in this instance as the site is simply not big enough.
- 8.12. The GDG states that gardens are an important part of the quality of life afforded by a house. The proposed bungalow will have none or very limited garden space to the front at best, it being taken up by parking and turning space for the proposed garage which has its long elevation to the street. The GDG states that a general guideline for garden sizes is a minimum garden length of 7m and 60 square metres for a two bedroom dwelling. The proposed bungalow meets these requirements.
- 8.13. The GDG also provides advice regarding garages. Although this is in relation to existing dwellings it states, at page 50, that garages should generally be set back from the existing dwelling so as not to dominate the street scene. In this instance the garage would be set completely forward of the proposed dwelling at marked contrast with the rest of the street, particularly on this north side where front boundary treatments are non-existent or very low wooden rail fencing. The proposed garage would be significantly uncharacteristic of the street scene.

- 8.14. Given the proximity of the building to its boundaries and the limited space not taken up by parking space any trees or shrubs on or immediately adjacent to the site would be lost and would be at risk through foundation works.
- 8.15. It is considered that the proposal represents a significant overdevelopment of the site resulting in a cramped and uncharacteristic development that is at odds with the character of the surrounding area which is of single storey bungalows with attached single garages and comparatively generous front and rear gardens.
- 8.16. Taking all the above issues into account it is considered that the proposal is a cramped overdevelopment of the site that is significantly uncharacteristic of the prevailing character of the surrounding area, thus conflicting with SADMP Policy DM10, the Good Design Guide and government advice as contained at paragraphs 130 and 134 of the NPPF (2021).

#### **Impact upon residential amenity**

- 8.17. Policy DM10 of the SADMP requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents by reason of visual intrusion.
- 8.18. Paragraph 130 of the NPPF requires 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. By virtue of the height, siting and detailed design of the proposed dwelling, which including the obscuring of windows on the north-east elevation, it is considered that this proposal would not have a significant detrimental impact on the residential amenity of the occupiers of the neighbouring properties.
- 8.19. Paragraph 130 f) of the NPPF requires that decisions should ensure that developments create places that have a high standard of amenity for future users.
- 8.20. The proposed outdoor amenity space would be overlooked by existing first floor windows to the rear of 116 Leicester Road. It would also be possible for any occupier of 114 Leicester Road to insert dormer windows within the roof slope to the rear of their dwelling under permitted development rights that cannot be removed via this application. As set out above the rear elevation of 114 Leicester Road is just 5.6m from the garden of the proposed dwelling. The existing property at 114 Leicester Road has just one small dormer to the front elevation and it is very likely that any future occupiers might want to extend the dwelling by the insertion of a dormer window to the rear which would have no impact on the amenity of occupiers of that dwelling but which would have a very significant overlooking effect on the occupiers of the dwelling that is proposed. The proposed development would fail significantly to provide future occupiers with garden space that affords sufficient privacy and therefore sufficient amenity that should reasonably be expected when any new dwelling is provided.
- 8.21. Additionally, the proposal would result in 114 Leicester Road having a garden depth of 5.6m, significantly below the recommended minimum requirement of 7m as set out in the GDG.
- 8.22. For the reasons set out above it is considered that the proposal would fail to provide future occupiers with adequate private amenity space thus failing to provide an

adequate level of amenity for future occupiers. The proposal would also have a significant detrimental effect on the outdoor amenity space of 114 Leicester Road.

- 8.23. In light of the above and as set out above the proposal would fail significantly to comply with Policy DM10 of the SADMP, the GDG and paragraph 130 of the NPPF.

#### **Impact upon highway safety**

- 8.24. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking. The Leicestershire Highways Design Guide states that three bedroom dwellings should have at least two parking spaces.
- 8.25. The proposed plans provide off-street parking for one vehicle on the driveway, with another in the single garage which meets LCC Highways space requirements. This level of provision is considered to be adequate to serve the proposed dwelling and to be in accordance with Policies DM17 and DM18 of the SADMP and the local highway authority 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 proposed development represents a cramped overdevelopment of the site that is significantly at odds with the prevailing character of the area. In addition, the proposed outdoor amenity space would be significantly overlooked by existing neighbouring properties and possibly to an even greater extent by occupiers of 114 Leicester Road should a rear dormer be provided under permitted development rights. This would result in a significant lack of private, outdoor amenity space for future occupants. The proposal is significantly at odds with the street scene as a result of the siting and massing of the proposed dwelling and the provision of the garage so far forward of the existing building line on this north side of Stoneygate Drive. The proposed development is therefore contrary to Policy DM10 of the SADMP, the GDG and the requirements of paragraph 130 of the NPPF.
- 10.2. The Council does not have a five year supply of housing land and therefore paragraph 11 of the NPPF is engaged. This states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

- 10.3. Given the lack of five year land supply the provision of a single dwelling is considered to be a benefit to which limited weight should be given. There would also be a limited benefit in terms of economic activity during the construction phase and in spend by future occupiers.
- 10.4. There are considered to be significant detrimental effects of the proposed development on both future occupiers and existing neighbours and on the street scene and character of the area. It is considered that these weigh significantly against approval of the development. In the planning balance it is considered that the adverse effects of the proposed development greatly outweigh the benefits of the proposal. In this instance the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

## **11. Recommendation**

### **Refuse planning permission for the following reasons:**

1. The scale and siting of the proposed development represents a significant overdevelopment of the site resulting in a contrived, cramped and uncharacteristic development that is at odds with and significantly detrimental to the street scene and the prevailing character of the surrounding area. As such the proposal is considered to conflict with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document, the Good Design Guide and government advice as contained in Section 12 and paragraph 130 of the NPPF (2021).
2. The siting of the proposed development is considered contrived and poorly designed resulting in garden space that is overlooked by existing and potential first floor windows in neighbouring dwellings. As such it is considered to provide future occupiers of the proposed development with significantly inadequate private amenity space that is not in accordance with Section 12 and Paragraph 130 of the NPPF, Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document, and the Good Design Guide.
3. The proposal significantly reduces the size of the garden to 114 Leicester Road to such an extent as to have a significant adverse impact on the residential amenity of the occupiers of that dwelling. This conflicts with Policy DM10 of the SADMP, the Good Design Guide and paragraph 130 of the NPPF (2021).