

Delegated Report

Planning Ref: 26/00199/HOU

Applicant: Mr G Chadwick

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 40 Crane Ley Road Groby Leicestershire

Proposal: Conversion and extension to existing rear detached garage to provide one bedroom annexe

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks full planning permission for the ancillary conversion and extension of the existing detached garage to the rear of 40 Crane Ley Road, Groby.
- 2.2. The proposed extension would project outwards from the existing garages southern (side) elevation by 7.10 metres for a depth of 3.13 metres. It would have a dual-pitched roof form which would span over the entirety of the existing and proposed garage measuring 2.50 metres to the eaves and 4.25 metres to the ridge. A parapet wall would further sit to the western (rear) elevation measuring 3.80 metres in height, with an accompanying valley gutter.
- 2.3. Associated works include the replacement of the garage door to the northern (side) elevation and partial bricking up to create a window opening alongside the creation of three openings to the eastern (front) elevation. The existing gated access to the north is further to be removed and replaced with solid timber screening and the vegetation to the western boundary is to be removed.
- 2.4. The proposed external materials would correspond to those used on the existing dwelling.
- 2.5. During the course of the application amendments have been sought.

3. Description of the site and surrounding area

- 3.1. The application site is located within the settlement boundary of Groby and comprises a detached two-storey residential dwelling with a dual-pitched/cat-slide roof form. The dwelling features a mix of red facing brick and brown timber cladding to the walls, brown interlocking tiles to the roof and white uPVC to the openings.
- 3.2. A substantial area of block paved hardstanding sits to the front of the dwelling which also leads to an integral single garage. Alongside this, a slabbed area of hardstanding leading to a detached flat roof single garage sits to the south off Mallard Avenue. It is this single garage which is the subject of this pre-application enquiry.
- 3.3. This section of Crane Ley Road is characterised by two-storey detached houses many of a similar design, finish and scale to the application dwelling.

4. Relevant planning history

- None relevant.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Following the publication, one letter of objection has been received which is summarised below:

- Failure to declare impacts on trees; **(Officer comment – Since submission the applicants agent has acknowledged the impacts to the existing trees. The Councils Arboricultural Officer has further been notified for completeness. Attention is drawn to Paragraph 8.29.)**
- Party wall act and excavation; **(Officer comment – This is not a material planning consideration but a civil matter. Attention is drawn to Paragraph 11.3.)**
- Boundary encroachment; **(Officer comment – This is not a material planning consideration, but rather a civil matter. Attention is drawn to Paragraph 11.3.)**
- Potential for independent residential use;
- Drainage and soakaway concerns.

6. Consultation

6.1. HBBC Arboricultural Officer:

No objections.

6.2. Groby Parish Council:

An objection has been received from the Parish which is summarised below:

- Overdevelopment of the site;
- The proposed conversion and extension of the garage into living space would effectively make the property on Mallard Avenue a semi-detached dwelling;
- Opposed to the removal of trees;
- Concerned whether the proposal would conform to fire regulations. **(Officer comment – This is not a material planning consideration and should be appropriately assessed by Leicestershire Building Control Partnership.)**

6.3. LCC Highways:

The Local Highways Authority refer the Council to standing advice.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Flooding and Pollution
- Policy DM10: Development and Design
- 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

- Good Design Guide (GDG) (2020)
- National Design Guide (NDG) (2019)
- Leicestershire Highways Design Guide (LHDG) (2024)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking provision
- Impact upon drainage
- Impact upon trees

Design and impact upon the character of the area

- 8.2 Concerns have been raised regarding the overdevelopment of the site, potential for an independent residential use and the proposals potential terracing effect.
- 8.3 Policy DM10 of the adopted SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 The proposed extension to the garage is considered to integrate well with the design of the existing garage to 38 Crane Ley Road, as well as the surrounding properties, which all have pitched roofs. Its eaves would remain unchanged with the ridge being increased to accommodate the pitched form. The overall height of the garage would be larger compared to the existing garage to no.38, nonetheless, the increase would be minor not appearing significantly notable and as a result the proposal is still considered to be a subordinate addition. The existing garage would be extended to the south and would line the full width of the site. This depth of the existing garage would steadily continue towards the southern shared boundary. Given the sitting of the garage, the extensions in respect to width and depth would not be significantly notable from Mallard Avenue and in turn would not cause any harm to the character of the area. The site further hosts a sizeable plot to accommodate such extensions as to not over dominate the plot.
- 8.5 The accommodation is indicated to host three rooms, a bedroom, shower room and living area/kitchen, technically amounting to having all of the facilities needed for independent living with the exception of a private garden and vehicular access. Despite this, the LPA have worked with the applicant's agent to restrict access to the annex from Mallard Drive, with the only usable accesses being directly through the main dwelling. A condition is further considered necessary to be imposed to ensure that the proposed residential annexe is to remain ancillary to the residential occupation of the application dwelling at all times in the future.
- 8.6 The proposed external materials would correspond to those of the existing dwelling to ensure a unified appearance.
- 8.7 As a result, it is considered that the proposed development would be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.8 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.9 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the

occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.10 The proposed garage as indicated would line the entirety of the site's western boundary but would comply with the 45° test when measured from the nearest ground floor habitable window of 1 Mallard Avenue and 38 Crane Ley Road as to not cause any adverse harm in terms of loss of light or overdominance to the occupiers. To further support this no openings are present to the existing immediate side elevation of 1 Mallard Drive or indicated to the proposals western/southern elevation protecting the occupier's amenity.
- 8.11 A set of bi-fold doors alongside a window opening are indicated to the proposal's eastern elevation, these would face the host property and side garden boundary of No. 38 Crane Ley Road. Given the ground floor nature of the windows and the existing boundary treatments in situ it is, however unlikely that the proposal would lead to adverse overlooking.

Future occupier(s)

- 8.12 The Council's GDG seeks to ensure that the 45° rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight for future occupiers or to a neighbouring property.
- 8.13 The LPA note that the existing garage at 38 Crane Ley Road would extend notably forward of the proposed annexe, breaching the 45° test from the proposed bedroom window. Whilst there would be a degree of impact upon the future occupiers level of amenity, as the proposal is for ancillary accommodation and not to be used as an independent unit on balance the scheme is not considered to merit refusal on these grounds alone.
- 8.14 In light of the above, the proposal would comply with Policy DM10 of the adopted SADMP, the Councils GDG and Paragraph 135(f) of the NPPF.

Impact upon highway safety and parking provision

- 8.15 Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.16 To support this, Policy DM17 of the adopted 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.
- 8.17 Policy DM18 of the adopted SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.18 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) (2024).
- 8.19 The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.
- 8.20 The LHDG seeks to ensure that a dwelling hosting four or more spaces provides an off-street parking provision for a minimum of three vehicles.

- 8.21 40 Crane Ley Road would be altered to a five bedroom dwelling. The conversion would see the loss of the detached single garage to Mallard Avenue; however, the LPA note that the hardstanding forward of the existing garage is indicated to remain alongside the substantial hardstanding and integral single garage to the sites frontage on Crane Ley Road.
- 8.22 Overall, it is considered that the proposal as indicated would be acceptable on highways grounds satisfying Policies DM17 and DM18 of the adopted SADMP, Paragraphs 115(b) and 116 of the NPPF and the LHDG.

Impact upon drainage

- 8.23 Concerns regarding the drainage and soakaway have been raised.
- 8.24 Policy DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that a development would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.25 The application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of development in low flood risk areas is acceptable. The EA Surface Water mapping also indicates that the application site is located in an area at very low risk of flooding from surface water.
- 8.26 The Council's Drainage Officer has no objections. The applicant's attention is drawn to paragraph 11.3.
- 8.27 In light of the above, the proposed development would satisfy Policy DM7 of the adopted SADMP.

Impact upon trees

- 8.28 Concerns have been received regarding the loss of vegetation to the application sites western boundary.
- 8.29 The Councils Arboricultural Officer has reviewed the scheme and does not consider the vegetation to be removed to hold a particularly high level of amenity. The LPA are therefore satisfied that the removal will not have an adverse impact upon the amenity of the area.

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 is for a property located within the settlement boundary of Groby. As such, there is a presumption in favour of sustainable development under Policy DM1 of the adopted SADMP, as long as the proposal is in accordance with the relevant policies of the adopted SADMP.
- 10.2. The proposed development has been assessed and the LPA can conclude that the proposed development would complement the character and appearance of the host dwelling, and would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of occupants surrounding the application site. It would further have no impacts upon highway safety, parking provision, or drainage. On this basis, the proposal is therefore considered to be in accordance with Policies DM7, DM10, DM17 and DM18 of the adopted SADMP, the Councils GDG, LHDG and the overarching principles of the NPPF. The proposal 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 materials to be used externally shall accord with the approved application form, as received by the Local Planning Authority on the 2nd March 2026.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Councils Good Design Guide (2020), and the National Planning Policy Framework (NPPF) (2024).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan as received by the Local Planning Authority on the 2nd March 2026.
- Proposed Elevations/Floor Plans, Drg No. 3418-3B as received by the Local Planning Authority on the 9th June 2026.

Reason: To ensure a satisfactory form of development in accordance with Policies DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Leicestershire Highways Design Guide (2024), the Councils Good Design Guide (2020) and the National Planning Policy Framework (NPPF) (2024).

4. The annexe hereby permitted should be used as ancillary accommodation to the dwelling known as 40 Crane Ley Road, Groby and shall not be occupied,

sold or separately leased or let as an independent unit of residential accommodation.

Reason: To ensure the annexe is not occupied as an independent unit of accommodation which may have additional impacts in accordance with Policies DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

- a) 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.
- b) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control team before development is commenced.

- c) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
- d) Works to party walls, boundary walls and excavations near neighbouring buildings are subject to a specific piece of civil law, The Party Wall etc. Act 1996.