

Delegated Report

Planning Ref: 24/00690/HOU
Applicant: Mr Michael Saunders
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Aqueduct Barn Bosworth Road Shenton

Proposal: To remove rear and side garden fence and replace with reclaimed brick not exceeding 2m high.

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 consent to for the removal of the existing rear and side garden fence and replacement with a reclaimed brick wall at Aqueduct Barn, Bosworth Road, Shenton.
- 2.2. The proposed brick wall would host a height of 1.80 metres and would feature the use of Red Clay Brickwork with Blue Brick Capping.
- 2.3. The existing boundary treatment to be removed is a 1.80 metre close boarded timber fence.

3. Description of the site and surrounding area

- 3.1. The application site relates to a farm building recently converted to residential use (15/00068/FUL). The dwelling can be accessed to the north-west of Bosworth Road, via a single width shared access between stone wall and pillars to a courtyard; and is enclosed to the north-west. It comprises of a red clay facing brick and vertical timber cladding to the walls, blue plain clay tiles to the roof and timber flush casement to the windows and glazed timber to the doors.
- 3.2. The site is situated within the Shenton Conservation Area and defined as being within the countryside as Shenton does not have any identified settlement boundary. To the north-east of the site, approximately 91.00 metres from the sites curtilage sits Ashby de la Zouch Canal.

4. Relevant planning history

24/00557/CLP

- Lawful Development Certificate for the proposed removal of garden fence and replacement with reclaimed brick wall not exceeding 2m high
- WDN
- 10.07.2024

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 objections have been received.

6. Consultation

6.1. Sutton Cheney Parish Council:

- No objections have been received.

6.2. HBBC Conservation Officer:

"In my opinion the proposal to replace the fence with a 1.8m high red brick wall with blue brick coping would instate a traditional boundary material into the conservation area which would be a considerable improvement to its character and appearance. The proposal would therefore enhance the significance of the Shenton Conservation Area and consequently the proposal complies with Policies DM11 and DM12 of the adopted SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the planning (Listed Buildings and Conservation Areas) Act 1990."

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and impact upon the character of the area and the Shenton Conservation Area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

- 8.2. Notwithstanding that the application site is located in the countryside as Shenton does not host a defined settlement boundary; the NPPF and Policy DM1 of the Site

Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development.

- 8.3 Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a householder application which leads to the enhancement of the immediate setting and does not impact upon the intrinsic value of the open character of the countryside.
- 8.4 This application proposes the removal of the existing rear and side garden fence and replacement with a reclaimed brick wall and therefore is a sustainable development within the countryside and acceptable in principle. Compliance with the relevant sections of Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area and impact upon the character of the area and the Shenton Conservation Area

- 8.5 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion b) allows for development where it is for the extension of the existing buildings which lead to the enhancement of the immediate setting and therefore the proposal is acceptable subject to 5 sub-criteria that must be also met. Criterion i) is most relevant and requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location. Criterion ii – v of Policy DM4 of the SADMP would not be relevant to this application as the proposal would not undermine the separation between settlements, not create or exacerbate ribbon development and is not located in the Green Wedge or the National Forest.
- 8.6 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.9 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205 - 208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance.
- 8.10 The application seeks full planning consent to remove the existing 1.80 metre close boarded timber rear and side garden fence and replace with a 1.80 metre reclaimed brick wall which would feature the use of Red Clay Brickwork with Blue Brick Capping.
- 8.11 The Councils Good Design Guide states that *“reflecting local boundary treatments, such as brick or stone walls, hedgerows, railings or soft landscape features can provide a beneficial means of integrating new development into the existing environment and can be critical in the overall creation of character within a scheme.”*

- 8.12 The application site consists of a farm building recently converted to residential use which includes a defined garden to the east. The application building is of some local historic and architectural interest and it makes a positive contribution to the character and appearance and thus significance of the Shenton Conservation Area. The front boundary of the garden is a traditional red brick wall with blue brick coping and this feature sits comfortably at the site frontage. However, the side and rear boundaries currently consist of a close boarded timber fence and due to the arrangement of the site the incongruous and uncharacteristic appearance of this boundary treatment is clearly apparent in the conservation area street scene.
- 8.13 The proposal to replace the fence with a 1.80 metre high red brick wall with blue brick coping would instate a traditional boundary material into the conservation area which would be a considerable improvement to its character and appearance.
- 8.14 It is noted that to the north-east of the site sits Ashby de la Zouch Canal, nevertheless by virtue of the above there would be no impact, due the proposal being a much welcomed improvement.
- 8.15 Further to the above, the proposal would therefore enhance the significance of the Shenton Conservation Area and consequently the proposal complies with Policies DM4, DM11 and DM12 of the adopted SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the planning (Listed Buildings and Conservation Areas) Act 1990 and the Councils Good Design Guide.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.17 The proposal would retain the existing height and position of the existing close boarding timber fencing, therefore the main alteration would be the introduction of brick.
- 8.18 By virtue of the nature of the development, there is not considered to be any adverse impacts upon the surrounding neighbouring dwellings and therefore the proposal is considered to be in accordance with Policy DM10 in this aspect.

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 proposal is located within the countryside and seeks consent to remove the existing rear and side garden fence and replace with a reclaimed brick wall at Aqueduct Barn, Bosworth Road, Shenton, therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.
- 10.1 For the reasons given in the report above, it is considered that the proposed scheme would respect the overall scale, character and appearance of the existing dwelling, street scene and Conservation Area. The proposal would not result in any significant adverse overbearing or overshadowing effects or result in any loss of privacy to the occupiers of any neighbouring properties. The proposals are considered to be in accordance with Policies DM4, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework, the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the Councils Good Design Guide, and therefore should be 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 15th July 2024.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), section 16 of the NPPF and the statutory duty of Section 72 of the planning (Listed Buildings and Conservation Areas) Act 1990 and the Councils Good Design Guide.

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
- Design and Access Statement
as received by the Local Planning Authority on the 15th July 2024.
- Proposed Elevations, Drg No. 56806(P-21)001
- Proposed Block Plan, Drg No. 56806(P-20)001

as received by the Local Planning Authority on the 12th August 2024.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), section 16 of the NPPF and the statutory duty of Section 72 of the planning (Listed Buildings and Conservation Areas) Act 1990 and the Councils Good Design Guide.

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.