

Delegated Report

Planning Reference: 25/00683/HOU
Applicant(s): Mr Paul Collier
Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Application Site: 2 Pasture Lane, Newbold Verdon

Proposal: Proposed alteration and erection of front boundary wall keeping existing vehicular access drive

Case Officer: Gwion Russell (Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This householder planning application seeks planning permission for the alteration and erection of a front property boundary wall.
- 2.2. The boundary wall is proposed to match the existing property boundary wall in height, depth, width and materials. The proposed wall will extend outward on the front left-most wall elevation (encompassing about 40% of the original straight wall), adjacent to the existing property driveway and form an 'L' shaped property frontage.
- 2.3. Given the cobbled stone materials proposed along the wall, the height of the wall varies somewhat. The average dimensions of the proposed wall are 1100mm in height and 216mm in depth, which is broadly consistent with the original existing wall.
- 2.4. The proposals include the removal of a walled section to make way for the proposed wall and the retention of a wall clearance (gap) in order to provide vehicular and pedestrian access.

3. Description of the Site and the Surrounding Area

- 3.1. The application dwelling is a two-storey, detached property on Pasture Lane in the eastern section of Newbold Verdon and within its settlement boundary. The host dwelling is set back 6.3m from the highway at its closest. The dwelling has three bow-bay windows at its ground floor principal elevation, and five windows of varying dimensions at first-floor level. The dwelling is finished in white render, with white uPVC windows and a grey tiled roof. The application dwelling, itself, is situated on a

peculiar corner plot, which interconnects Pasture Lane with Oaks Drive and Main Street. It has two distinct grassed areas forward of the existing boundary wall with a 'No Through Route' sign facing Main Street (referring to the road terminus of Oaks Drive and Peters Avenue). There are various degrees of foliage and vegetation along both side boundaries of the property.

- 3.2. Properties along Pasture Lane (and neighbouring streets) have some variety in massing and as a result there is no discernible unique character, also due to the variety of styles and designs of buildings.
- 3.3. Pasture Lane, itself, is wholly residential in character although there are a number of local services, a day club and public library along the Main Street, perpendicular and in close proximity to the site.
- 3.4. Although part of Newbold Verdon is identified as within a conservation area, the application property is not. Development within Newbold Verdon is not governed by a Neighbourhood Plan presently.

4. Relevant Planning History

78/00108/4M

- ERECTION OF TWO STOREY EXTENSION
- Withdrawn
- 21.04.1978

81/00497/4

- ERECTION OF GARAGE WITH BEDROOMS OVER
- Permitted
- 29.06.1981

76/00269/4M

- INSTALLATION OF BOW WINDOWS
- Permitted
- 15.03.1976

74/00925/4M

- ALTERATIONS AND EXTENSIONS
- Permitted
- 28.01.1975

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultees:

- Newbold Verdon Parish Council:
- *'We have no objection to this established wall being extended using like for like materials in keeping with the existing.'*

However, we believe the land that the new wall will enclose belongs to Leicestershire County Council - it appears on their verge mowing map and both pieces of land (either side of the driveway) have road signs installed. We believe that services may run under this land and should be checked for before any digging takes place.'

6.2 Leicestershire County Council Highways have provided the following summarised comment:

- *'The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024), subject to the conditions and/or planning obligations outlined in this report.'*
- With specific regard to Public Highway Extents the following comments were raised by Leicestershire County Council Highways:
- *'Based on available records to the LHA, a large section of the Applicants red line boundary includes the public highway. It is unclear if the Applicant is aware of this. Whilst this would not be a reason for the LHA to resist the proposals, the Applicant will need to extinguish highway rights prior to constructing the wall. Formal opinion of the extents of the public highway can be confirmed by contacting hre@leics.gov.uk (Highway Record Enquires).'*

The area of highway would need to be under Section 247 of the Town & Country Planning Act 1990. Applications to stop up the highway under S247 cannot be done retrospectively, so the Applicant cannot undertake any works until the stopping up order has been made. This is processed by the Department for Transport, with further information available at:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>.

The Applicant would also need to acquire title to the land, if they haven't already done so, as the stopping up application reverts control of the land to its original

landowner and not the Applicant. Leicestershire County Council can provide help assistance with the process by contacting hre@leics.gov.uk.

There is a 'No Through Route' sign located within the vicinity of the proposal that, if approved, would need to be relocated. It is advised that all costs associated with the relocation of any street furniture will be the sole responsibility of the Applicants.

There may also be statutory undertaker apparatus located within the verge/footway fronting the site; the Applicant will need to undertake surveys and potentially works to relocate these services. Any additional cost that arises because of this, which could be significant, would be entirely at the Applicant's expense. A free search of utility assets can be undertaken by visiting [LineSearchBeforeUDig](https://lsbud.co.uk) at <https://lsbud.co.uk>.'

6.3 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2 Site Allocations and Development Management Policies Development Plan Document (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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Hinckley and Bosworth Borough Council – The Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Open Space and Recreation Study (2016)

8. Appraisal

8.1. Extensions to existing domestic properties are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area
- Impact upon residential amenity
- Loss of open green space
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Chapter 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.

8.3 Guidance Point C1 of the NDG confirms that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond including the existing built development and landscape character, amongst others. Guidance Point I1 of the NDG highlights that new developments should consider the composition of street scenes and individual buildings and their elements including the height, scale, massing and relationship between buildings, as well as views, vistas, landmarks, and landscaping, amongst others.

8.4 Ultimately, Guidance Point I2 of the NDG advised that well-designed places should contribute to local distinctiveness and Guidance Point I3 of the NDG highlights that design decisions at all levels and scale should help to create a memorable sense of place.

8.5 The Good Design Guide states that corner plots play an important role in defining the character of a street and contributing to the overall street scene.

8.6 The proposed wall, which includes the removal of an existing walled section, is consistently designed in relation to the existing wall, by virtue of its materials and dimensions. It is noted that the stone to be used for the wall was chosen to match the existing stone. However, given the difference in age, it is unlikely they will initially appear consistent – it is hoped the wall will weather and provide a more uniform appearance in the future.

8.7 The host dwelling is finished in white/light render and has been for quite some time. Although the wall does not necessarily match it does complement the main host dwelling, by introducing some variety and does not appear incongruous within the nearby area.

8.8 Although the depth of the proposed stone wall differs from what previously existed, it is not considered to have a harmful impact on the overall street scene. This is due to

its location at a junction where three roads meet, creating a large open space that mitigates any visual impact from the increased depth.

- 8.9 By virtue of the above, it is considered the proposals comply with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Residential Amenity

- 8.10 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.
- 8.11 The proposed wall does not have intervisibility from any nearby windows serving any neighbouring habitable space. The new walled section is proposed at a consistent height of 1100mm and is insufficient to cause loss of light for neighbouring dwellings.
- 8.12 Given that there is no proposed windows alongside this application, the proposals will not cause loss of privacy for any neighbouring dwelling or encourage further vantage points.
- 8.13 The projection of the wall may cause an overbearing/oppressive impact on the overall street scene, by virtue of its additional depth and the resultant swallowing of part of the pedestrian walkway (given grassed verges are often walk upon). Given that the wall is located within an area that benefits from wide separation distances between buildings along either side of the road, the impact is considered minimal. The wall is only 1100mm in height and a wall of this height is not commonly thought to cause an amenity impact.
- 8.14 The proposals result in the loss of 33m² of publicly accessible green space. Proposals include the removal of this green space, and its encompassment by the proposed wall, which will only be accessible within the application dwelling curtilage. It is unlikely that this space is used for any recreational purposes, given its small size, the removal is likely to impact the amount of green infrastructure visible to occupants and visitors of the street.
- 8.15 By virtue of these factors, the proposal does not result in any adverse amenity impact for neighbouring properties and therefore is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.16 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. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

- 8.17 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.
- 8.18 Policy DM17 of the 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.
- 8.19 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).
- 8.20 Leicestershire County Council Highways have stated:

'The site access is located on Pasture Lane which is a cul-de-sac, adopted, unclassified road subject to a 30mph speed limit.

Immediately to the north of the site there is the junction between Pasture Lane and Main Street and immediately to the south is the junction between Pasture Lane and Oak Drive. Both Main Street and Oak Drive are adopted unclassified roads subject to a 30mph speed limit.

In accordance with Table 6 of the LHDG, visibility splays of 2.4m x 43m are required for speeds between 26 to 30mph.

Due to the site being located in close proximity to two junctions, and Pasture Lane being a cul-de-sac, vehicles are likely to be travelling at low speeds, therefore the LHA would find visibility splays of 2.4m x 25m acceptable in these site-specific circumstances. Visibility splays should be free from obstructions above 0.6m from ground level and should not encompass third party land.

Pedestrian visibility splays of 1.0m x 1.0m should also be achievable in either direction at the access point.

The Applicant proposes a 1.1m high stone wall that will encompass the existing grass verges at the front of the property with the existing vehicular access remaining.

The LHA conducted a site visit on 8 August 2025 and found visibility to the north towards Main Street acceptable. Visibility to the south was good with regards to Oak Drive, but visibility to the south towards the Pasture Lane cul-de-sac would be obstructed by a 1.1m wall. As previously stated, visibility splays should be free from obstructions above 0.6m from ground level and should not encompass third party land. Therefore 2.4m x 25m visibility would not be achievable to the south.

However, the LHA would not seek to refuse the application on these grounds given the site-specific location as the proposals would not appear to be a severe impact on highway safety. An appropriate wall height within the visibility splays

could also be secured by an appropriately worded condition to ensure nothing within the visibility splays is above 0.6m.'

- 8.21 Given the additional walled section adds an additional depth to the existing wall (and property boundary) it results in the reduction of visibility splays but this is largely mitigated by the lower vehicular speeds along the application roads and, therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions

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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Amended Application Form – received by the Local Planning Authority on 03/11/25
- Proposed Plans and Elevations (Drawing No. 25/PG/001) - received by the Local Planning Authority on 11/07/25

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2024).

a. **Notes to Applicant:**

1. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the

Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Standing Advice valid from 1st January 2025 until 31st December 2026

2. 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.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Planning permission does not give you approval to work on the public highway. If the proposal requires the permanent removal ("stopping up") or diversion of highway to enable the development to take place, then you must complete the legal processes required before commencing works. Further information is available at:

<https://www.leicestershire.gov.uk/roads-and-travel/local-authority-searches/highway-extinguishments>

If you are unsure whether your proposal affects public highway, you can establish the Highway Authority's formal opinion of the adopted highway extent in relation to the proposal. Further information is available at <https://www.leicestershire.gov.uk/hre>