

Planning Committee Report

Planning Ref: 24/00947/CONDIT

Applicant: Mr S

Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Site: Manor Lodge, 13 Station Road, Desford

Proposal: Application to vary conditions 2 and 3 of planning application 23/00377/FUL. Amendments to approved plans and landscaping.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission.

2.2. In this case, planning permission for application 23/00377/FUL granted approval for the demolition of the existing dwelling and erection of replacement dwelling with associated landscaping and access.

2.3. The application seeks planning permission for the variation of condition 2. The application seeks to make revisions to the overall height of the dwelling alongside various enlargements of the proposed dwelling and amended landscaping.

3. Description of the site and surrounding area

3.1. The application site consists of a two storey dwelling, a single storey detached garage, a single storey detached car port and a single storey garage/shed structure. The property is set back from the highway of Station Road, and is well screened from public view by existing and well established trees and hedgerow. Station Road consists of large detached dwellings, set back from the highway and are individual in design.

4. Relevant planning history

23/00377/FUL

Demolition of existing dwelling and erection of replacement dwelling with associated landscaping and access

Planning Permission

06.07.2023

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and a site notice posted within the vicinity of the site.

5.2. One letter of objection has been received, the objection relates to:

- Size of the dwelling is not in keeping with the area
- Removal of hedgerow and damage to fence impacting neighbour
- Removal of TPO trees

6. Consultation

6.1. Responses have been received from:

- Desford Parish Council: No comments received.

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 (SADMP) DPD (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)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. Appraisal

8.1. The principle of development has already been established through the earlier grant of the extant planning permission on the site. This application involves varying the approved plans, approved under the full application referenced 23/00377/FUL. The considerations under this application are:

- Design and impact upon the character of the area
- Impacts on neighbouring amenity
- Impact on highway safety
- Conditions

Design and Impact upon the Character of the Area

8.2 Policy DM10 requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

8.3 The proposed amendments to the development include an extension to the approved garages to allow for a wider accessible space, an extension to the western boundary flat roof extension to allow for the inclusion of a swimming pool and the increase in height of the approved dwelling to enable a taller internal ceiling height to match the approved downstairs ceiling height.

8.4 The proposed and approved dwelling is well screened from the highway by existing mature hedgerow and trees and is not considered to be highly visible from public vantage points. When considering the previous approval (23/00377/FUL) it is not considered that the amendments would have any further impact on the character of the area.

8.5 During the application process amendments had been sought to reduce to scale and massing of the proposed alterations due to the potential impact on the character of the area when considering the scale of the dwelling within the plot. The

plot is significantly larger than the neighbouring plots and it is considered that the amended proposals are of an appropriate scale for the size of the plot. It is however noted that the dwelling and amendments proposed under this application is likely to be the maximum amount of built form considered acceptable within the site.

- 8.6 The proposal therefore is considered to have no significant detrimental impacts on the character of the area, and as such it is considered to be in accordance with Policy DM10 of the SADMP.

Impact on Neighbouring Amenity

- 8.7 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.8 The proposed alterations to the previously approved plans include an extension to the car garage and extensions to cater for the swimming pool. These elements of the proposal are located along the western boundary of the site which neighbour No.11 Station Road. Amended plans have been sought throughout this application process to reduce the level of built form adjacent to the boundary to reduce the impact on the neighbouring property.
- 8.9 It is considered that the extensions to the garage are not likely to create further impacts on neighbouring amenity when considering the previously approved plans and the existing built form at the site.
- 8.10 It is also considered that the amended plans for the swimming pool element of the proposal, which is a flat roof structure of 4.075m in height is unlikely to cause significant detrimental impacts to neighbouring residential amenity. The development is single storey in nature and set well away from the residential dwelling at No.11. The development site is sat at a lower land level than the neighbouring property, and the land levels at the development site slope downwards in a north east direction. The site benefits from an existing hedgerow and boundary fence separating the site from the neighbours residential garden amenity space, the boundary treatment sits at approximately 3m in height. The proposed impact therefore of a 4m flat roof development set marginally away from the boundary is not considered to give rise to detrimental impacts to the neighbouring amenity in terms of loss of light, overbearing impacts, overshadowing or loss of privacy.
- 8.11 The proposed increase in height of the dwelling is also not considered to cause detrimental impacts to neighbouring amenity when considering the approved plans under application 23/00377/FUL and the distance of the dwelling to neighbouring properties.
- 8.12 Overall the proposed amendments to the previously approved scheme are not considered to cause significant detrimental impacts to neighbouring amenity and as such the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact on highway safety

- 8.13 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.

8.14 The application proposed an extension to the approved garage structure to allow for a widened space to cater for additional accessibility for elderly residents who will be residing at the property. Sufficient car parking is afforded to the dwelling and no further amendments are proposed to the access.

8.15 It is therefore considered that the proposed variation is compliant with Policies DM17 and DM18 of the SADMP.

Conditions

8.16 Planning permission 23/00377/FUL was subject to 7 conditions. Condition 2 relates to approved plans. Condition 3 of the previous approval has subsequently been discharged and amendments to the landscaping have been included under this proposal and are considered acceptable.

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.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 The proposal remains acceptable in principle, would not result in any adverse impact to the character or appearance of the area, neighbouring amenity or highways. The proposal is therefore considered to accord with Policy DM1, DM7, DM10, DM17 and DM18 of the SADMP.

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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Planning and Supporting Statement
Design and Access Statement
Drainage Strategy
Proposed Landscaping & Tree Protection Plan - Drg No. 01F
Proposed Ground Floor Plan Drg No. DSA-20128-GF-01-M
Proposed First Floor Plan Drg No. DSA-20128-FF-02-M
Proposed Elevations Drg No. DSA-20128-ELE-03-N
Proposed Site Plan Drg NO. DSA-20128-PP-03-J

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).

2. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy H6 and Policy H7 of the Desford Neighbourhood Plan.

3. The development hereby approved shall be carried out in accordance with the approved "BS5837:2012 Tree Survey Report (Condition 3) Rev A", including all recommendations outlined within the report.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document and Policy H6 and Policy H7 of the Desford Neighbourhood Plan.

4. The rooflights in the ground floor of the west elevation serving the swimming pool room and garage shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and shall be non-openable unless required under Approved Document B (Fire in Residential Buildings) of the Building Regulations 2010 (as amended). Once so provided the rooflights shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy H6 of the Desford Neighbourhood Plan.

5. The swimming pool room hereby permitted should be used as ancillary accommodation to the dwelling known as Manor Lodge, 13 Station Road Desford, Leicester, LE9 9FN and shall not be used for commercial purposes.

Reason: To ensure the rooms are not used for commercial purposes 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking and re-enacting this Order), no development under Schedule 2, Part 1, Classes A, B, C, D, E, F and Schedule 2, Part 2, Class A shall be undertaken within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and the character and appearance of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy H6 and Policy H7 of the Desford Neighbourhood Plan.

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Construction workers should be considerate of the surrounding residential properties and highway network during construction and where possible all parking should take place within the site boundary.
3. 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.
4. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).