

## Delegated Report

**Planning Ref: 23/00481/FUL**  
**Applicant: Antonino Puglisi**  
**Ward: Hinckley Castle**



Hinckley & Bosworth  
Borough Council

**Site: 6 Shakespeare Drive Hinckley Leicestershire**

**Proposal: Demolition of existing semi-detached bungalow and erection of two dwellings**

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### **1. Recommendations**

#### **1.1. Refused planning permission subject to:**

- Planning reasons outlined at the end of this report.

### **2. Planning application description**

2.1. This planning application seeks full planning permission for the provision of two detached, two-storey, three-bedroom, dwellings following the demolition of an existing semi-detached bungalow at 6 Shakespeare Drive, Hinckley.

2.2. Both properties externally measure 7.5m in width x 15.6m in depth, with a total footprint of 114.3sqm. 3m of this depth to the rear of the property is single storey in massing.

2.3. The development utilises a hipped roof for each property that has a roof ridge height of 8.2m, and an eaves height of 5.1m. An additional hipped roof protrudes from the principal elevation of the scheme, which has a ridge height of 6.8m, and an eaves height to match the main property. A single storey mono pitch roof is provided to the rear of the dwellings that have a maximum height of 3.7m, and an eaves height of 2.5m.

2.4. The development also incorporates a Juliette balcony on the first floor of the principal elevation of each property. The materials of the scheme are to be agreed via planning condition.

2.5. This application is a resubmission and variation of the scheme within the previously refused and dismissed planning application 21/00937/FUL. The previous application was dismissed at appeal because the proposal failed to preserve or enhance the character or appearance of the Hollycroft Conservation Area and thus caused harm to its heritage significance.

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

3.1 6 Shakespeare Drive is a semi-detached three-bedroom, bungalow that is located within the Hollycroft Conservation Area. The appeal site is bordered by residential dwellings to the north, east, south, and southwest, but to the west of the site is Hollycroft Park.

3.2 The property was originally constructed in the 1930s and it is largely typical of the informal residential layout of mid-20<sup>th</sup> century development that is located around Hollycroft Park. Development around Hollycroft Park is characterised by semi-detached and detached dwellings of various scales, designs, and styles that are reflective of this period of architecture.

- 3.3 Although the dwelling was originally of some architectural interest, the property, and its once larger plot, has undergone several modern extensions and other changes that are not in keeping with its original character. These changes include subdividing and extending the bungalow to create an additional bungalow, which is known as 5A Shakespeare Drive, and the erection of a one-and-a-half storey gable-fronted garage to the side of the property. This garage has subsequently been extended and converted to create a further dwelling, which is known as 6A Shakespeare Drive. The property itself has also had its original roof covering changed to concrete roof tiles and it has had replacement cottage-style windows.
- 3.4 6 Shakespeare Drive is set back from the street scene behind a relatively large front garden with some soft landscaping and low brick wall to the front, which is typical of the leafy and green streetscape of Shakespeare Drive. The set back from the street does slightly limit the detrimental visual effect from the various inappropriate alterations that have been made to the property. As a result, the dwelling is considered to make a neutral contribution to the character and appearance, and thus significance of, the Hollycroft Conservation Area.
- 3.5 Outside of the appeal site, and the properties created as a consequence of the subdivisions of 6 Shakespeare Drive such as 5A and 6A Shakespeare Drive, there are eight further properties along Shakespeare Drive. Seven of these dwellings are identified as, 'Important Historic Buildings' within the Hollycroft Conservation Area Appraisal (HCAA). The HCAA does not consider the buildings within the appeal site, or 5A and 6A Shakespeare Drive, as Important Historic Buildings.
- 3.6 The Hollycroft Conservation Area was declared in January 1998 in order to preserve and enhance the appearance of the inter-war Hollycroft Park, and the properties in the adjoining streets that were developed at the same time. The Conservation Area is one of the smallest in the area and consists of Hollycroft, Shakespeare Drive, St. George's Avenue, and Hollycroft Park. The HCAA identifies Shakespeare Drive as a distinctive character area within the Hollycroft Conservation Area.
- 3.7 Shakespeare Drive consists of high-quality, detached properties that are set in large gardens with high levels of vegetation. The houses are stepped back from the sweeping curve of the road and are generally behind tall hedges and mature vegetation. Their frontages face Hollycroft Park, which creates an interesting spatial arrangement that emphasises the close relationship between the 1930s style suburban architecture and its 'quasi-rural' surroundings. Dense vegetation and tall hedges combined with wooden fences and low brick walls of varying designs have been used to define the building plots, such that the architecture is only occasionally glimpsed from the road itself, which provides a sense of seclusion and privacy to the area.
- 3.8 The architecture along Shakespeare Drive predominantly includes pitched roofs that are covered by either natural slate or clay roof tiles, brick or rendered walls, and buildings that are typically two-storeys in massing. The piecemeal development of Shakespeare Drive is reflected in the variety of built forms. Windows vary in size and are mainly of timber and are set regularly across the facades.
- 3.9 The gardens throughout the conservation area compliment the properties through their size, design, and planting schemes. However, a number of building plots have been sub-divided in the late 20th century and more recently. This has led to the destruction of the setting of some of the structures, which now feel over-sized and

cramped within their building plots, and has also eroded the leafy, high-quality character of the area.

**4. Relevant planning/appeal history**

**4.1 23/00006/PP**

- Demolition of existing bungalow and erection of two dwellings
- Dismissed
- 24.04.2023

**4.2 21/00937/FUL**

- Demolition of existing bungalow and erection of two dwellings
- Refused
- 16.06.2022

**4.3 18/01169/FUL**

- Conversion of, and front extension and alterations to, detached garage to form residential dwelling
- Permitted
- 08.01.2019

**4.4 14/00633/CONDIT**

- Variation of Condition 2 of planning permission 14/00127/HOU for the erection of detached garage and formation of new vehicular access with associated driveway extension
- Permitted
- 20.08.2014

**4.5 14/00127/HOU**

- Erection of detached garage and formation of one new vehicular access with associated driveway extension
- Permitted
- 30.04.2014

**4.6 11/00811/FUL**

- Subdivision of dwelling to form two dwellings and extensions and alterations
- Permitted
- 29.11.2011

**4.7 11/00575/FUL**

- Subdivisions of dwelling to form two dwellings and extensions and alterations
- Withdrawn
- 16.09.2011

**4.8 93/00335/4**

- Extension to dwelling
- Permitted
- 26.05.1993

**4.9 79/00214/4M**

- Extension to bungalow
- Permitted
- 01.03.1979

## **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 Four members of the public have objected to the application on the following grounds:

- Absence of heritage benefit.
- Dust and noise disturbance to neighbouring residents due to demolition and construction of the scheme.
- Harm to the character of the surrounding area.
- Harm to the character, and thus significance of, the Hollycroft Conservation Area.
- Harm to neighbouring residential amenity via noise pollution.
- Inaccurate red line boundary.
- Incongruous nature of development.
- Likely destruction of significant trees within the application site.
- Overdevelopment of the site.

5.3 It is noted that any disruption caused by the development during the construction phase of the scheme is considered to be a temporary impact that is not a material consideration within the determination of this application. One reason for this is because these impacts can be mitigated via planning condition where necessary.

5.4 No further responses have been received.

## **6. Consultation**

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)

6.2 The Council's Waste Management Officer has requested a planning condition to ensure that adequate provision for waste and recycling storage of containers and collection across the site has been submitted to, and approved in writing, by the Local Planning Authority.

6.3 The Local Highway Authority requested a planning condition to ensure that the scheme was not occupied until such time as the proposed parking spaces have been implemented in accordance with the approved plans and kept available for such use in perpetuity in the interests of highway safety.

6.4 No further responses have been received.

## **7. Policy**

7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

- Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
  - Hollycroft Conservation Area Appraisal (2011)
  - Leicestershire Highway Design Guide (LHDG) (2022)
  - Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
  - Housing land supply
  - Design and impact upon the character of the area
  - Impact upon residential amenity
  - Impact upon parking provision and highway safety
  - Planning balance

### *Principle of Development*

- 8.2. Paragraph 2 of the National Planning Policy Framework (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, and that the NPPF is a material planning consideration in planning decisions.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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.
- 8.4. The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (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.
- 8.5. Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

- 8.6. The development is within the identified settlement boundary of Hinckley, and therefore the development is considered to be within a sustainable location for development. As a result, the development is considered to be acceptable in principle and complies with Policy DM1 of the SADMP, and Policy 1 of the adopted Core Strategy, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

#### *Housing Land Supply*

- 8.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.8 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.9 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.10 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.11 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.12 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.

- 8.13 Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.14 The development is for one singular residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.15 Whilst the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, given the Council's failure to deliver a five-year supply of land for housing, it is considered that moderate weight should be given to the provision of the proposed dwelling.

*Design and Impact upon the Character of the Area*

- 8.16 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.17 Section 12 of the NPPF advises that, "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve," and, "Good design is a key aspect to sustainable development."
- 8.18 To achieve this, Paragraph 130(c) of the NPPF requires that planning policies and decisions should ensure that developments, "Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change."
- 8.19 Paragraph 134 of the NPPF 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.20 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.21 Section 16 of the NPPF aims to conserve and enhance the historic environment. Paragraph 189 of the NPPF acknowledges that heritage assets, "Are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."
- 8.22 Paragraph 197 of the NPPF suggests that, "In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.23 Paragraphs 199-202 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, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.24 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.25 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
  - a) An understanding of the significance of the heritage asset and its setting, and
  - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - c) How the benefits of the proposal will outweigh any harm caused d) Any impact on archaeology in line with Policy DM13
- 8.26 All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10 of the SADMP. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.27 These policies are supported by Policy DM10(c) of the SADMP requires development to, "Complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features." Paragraph 14.3 of the SADMP states that, "The Borough Council will ensure that all new development helps to create an attractive and safe environment that is in keeping with the character of the location in which is situated." This is also in accordance with C1 of the NDG, which suggests that well-designed new development should, "Understand and relate well to the site and its wider context."
- 8.28 Whilst it is acknowledged that the Development Plan was adopted prior to the publication of the latest NPPF, as a result of the strong consistency with the wording of Sections 12 and 16 of NPPF, due weight should be given to Policies DM10, DM11, and DM12 of the SADMP in accordance with Paragraph 219 of the NPPF.
- 8.29 Paragraph 134 of the NPPF 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

- 8.30 The HCAA provides a summary of the significance of the conservation area. Of relevance to this proposal are:
- The importance of private greenery along frontages in residential streets.
  - The leafy character which enhances the rural character of the local architecture.
  - The gaps between buildings are important in terms of providing opportunities for creating glimpsed views out of the space as well as creating breathing spaces within the street scene by interrupting the continuity of the built elements.
  - The complete absence of smaller buildings standing in the front gardens of properties.
  - The spacious plot layout, lack of formality and uniformity in the way buildings fill the plot.
  - Architecture includes predominantly pitched roofs, brick or rendered walls, and buildings typically of two storeys.
- 8.31 The HCAA also identifies how the significance of the conservation is vulnerable due to the following factors that are specifically considered of relevance to this proposal:
- Inappropriate proportions of fenestrations, architectural details, scale, and form of new development.
  - Loss of key spaces between buildings.
  - New development that does not reflect the established street pattern.
  - The subdivision of plots should be actively discouraged in order to maintain the original setting of buildings.
- 8.32 In determining applications, Paragraph 194 of the NPPF and Policy DM11 of the SADMP requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Appellant did not submit a heritage statement to the Local Planning Authority and therefore the Appellant has failed to demonstrate an understanding of the significance of the Hollycroft Conservation Area. Consequently, the development does not comply with Paragraph 194 of the NPPF and Policy DM11 of the SADMP.
- 8.33 Since the previous application, the Applicant claims that the proposal has been reduced in scale. In spite of this, both properties externally measure the same as they did within the previous application. On the contrary, the depth of the two-storey elements of both dwellings has increased by 0.9m. Nevertheless, it is noted that the roof ridge height of the two properties has been reduced by 1m, and the eaves height by 0.1m.
- 8.34 In regard to the design of the schemes, all the windows on the second floor, including the Juliette balcony on the principal elevation, have been removed. The single storey flat roofed bay window on the ground floor of the principal elevation and the roof lights on the side elevations of the properties have also been removed. In addition, the single storey pitched roof garage has been replaced for a two-storey hipped roof, and the main pitched roof of the development has been replaced with a hipped roof.
- 8.35 Ultimately, these revisions are considered to provide minor positive improvements to the design of the scheme in comparison to the previously dismissed development. In spite of this, this slight reduction in massing does not reduce the harm of the uncharacteristic density of the development, which continues to have an adverse impact upon the character and appearance of the Hollycroft Conservation Area.

- 8.36 In accordance with the Inspector's previous dismissal of application 21/00937/FUL, whilst there are other dwellings of large size in place along Shakespeare Drive, these properties tend to occupy wide plots of generous expanse. The two properties within the current proposal cover almost the entire width of their narrow plots, which appears unduly cramped. This overdevelopment of the site is exacerbated in the context of the massing of the adjacent low-rise bungalows of 5A and 6A Shakespeare Drive, and the loose and spacious pattern of development, which remains identifiable along Shakespeare Drive.
- 8.37 By virtue of these factors, the scheme is considered to result in an over-intensive form of development that is visible from variously publicly accessible vantage points, which would unacceptably detract from the spacious and verdant qualities of Shakespeare Drive and the wider Hollycroft Conservation Area. Consequently, the development fails to preserve or enhance the character or appearance of the Conservation Area and is therefore considered to result in less than substantial harm to this heritage asset.

*Impact upon Residential Amenity*

- 8.38 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure 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.
- 8.39 Policy DM10(a) and (b) of the SADMP state that development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.40 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.41 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property. In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, "An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design."
- 8.42 There are two windows on the side elevation of the first floor of each property which serve the bathroom and master bedroom en-suite. To prevent any overlooking or loss of privacy impacts to Plot 1 and Plot 2, these are obscured, which is secured via planning condition. There is a window on the side elevation of both properties that it utilised for the hallway stairs which faces onto 5A Shakespeare Drive and 6A Shakespeare Drive. To protect the residential amenity of these two neighbouring properties, these windows are also obscured, which is secured via planning condition.
- 8.43 Both plots are over 23m from the rear elevation of the properties along Manor Street, and therefore the development is not considered to result in any overlooking or loss of privacy impacts to these neighbouring properties.

- 8.44 The rear elevation of the two-storey element of Plot One is in line with the rear elevation of 5A Shakespeare Drive, and the two-storey aspect of Plot Two is slightly set back from the rear elevation of 6A Shakespeare Drive. Therefore, the development is not considered to result in any loss of light or overshadowing to the two neighbouring properties.
- 8.45 Although the two-storey massing of Plot Two protrudes 2.5m further to the rear than Plot One, given the 3m single storey element of Plot One, this is not considered to result in any loss of light or overshadowing impacts.
- 8.46 To comply with the Good Design Guide, three-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.47 The development provides sufficient private outdoor amenity space for both dwellings in accordance with the Good Design Guide.
- 8.48 By virtue of these factors, the proposal is not considered to result in any adverse overbearing or overshadowing impacts or any overlooking or loss of privacy to the 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*

- 8.49 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines that 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 would be severe.
- 8.50 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. 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)).
- 8.51 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.52 The existing dwelling is served by two vehicular accesses onto Shakespeare Drive, and the development retains these accesses to serve each property. The provision of one additional dwelling is not considered to significantly intensify the use of these accesses. In addition, as these accesses are existing, it is not considered reasonable to request amendments to them in these site-specific circumstances.
- 8.53 The development incorporates six parking spaces for the two dwellings, which is considered to be a slight overprovision in comparison to the requirements within Paragraph 3.151 of Part 3 of the Leicestershire Highway Design (LHDG) (Quantum of Parking).
- 8.54 To summarise, the Local Highway Authority is satisfied that there are no major changes to the highway elements of the application and as the proposed development is close to the town centre, it is likely to support the use of sustainable modes of transport. Given the above, it is considered that the proposal does not

create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

### *Planning Balance*

- 8.55 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.56 The development is in a sustainable location within the identified settlement boundary of Hinckley. Furthermore, it is acknowledged that there are potential social benefits from the scheme such as providing one dwelling towards the Borough's housing land supply, which may also include economic benefits within the construction of the dwelling and the future occupant's opportunity to act as new customers and employees for local businesses and services. It is considered that these benefits are offered moderate weight within the planning balance.
- 8.57 However, these benefits when associated with a singular dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP.
- 8.58 Ultimately, the significant harm that the development causes to the Hollycroft Conservation Area must be carefully weight up against the public benefits of the proposal in accordance with Policies DM11 and DM12 of the SADMP, and Paragraphs, 199, 200, and 202 of the NPPF.
- 8.59 Paragraph 199 of the NPPF requires great weight to be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset.
- 8.60 Paragraph 200 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification, and for that harm to be weighed against the public benefits of that proposal. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD.
- 8.61 Public benefits from developments can be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and Enhancing the Historic Environment – Paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - Reducing or removing risks to a heritage asset
  - Securing the optimum viable use of a heritage asset in support of its long-term conservation

- 8.62 Ultimately, less than substantial harm to a designated heritage asset still carries considerable importance and weight. The Appellant has not provided any justification for the harm caused to the Conservation Area resulting from this development. Furthermore, it is considered by the Local Planning Authority that the scheme does not demonstrate any public benefits or heritage benefits.
- 8.63 To summarise, although the titled balance of Paragraph 11(d) is a material consideration within this application, the development fails to conserve or enhance the historic character and significance of the Hollycroft Conservation Area. Without any clear and convincing justification for the proposed harm or any clear provision of public benefits, the development of one new (net) dwelling is not considered to outweigh the significant harm caused to the Conservation Area. Therefore, the development is contrary to, and in conflict with the Good Design Guide, Policies DM10, 11, and 12 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 1 of the adopted Core Strategy (2009), Sections 12 and 16 of the National Planning Policy Framework (2021), and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **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 proposed development is not considered to be compliant with the relevant national and local policy as it:
- Is not an appropriate scale and design.
  - Has an adverse impact upon the character and appearance of the Hollycroft Conservation Area.
- 10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused.

## **11 Recommendation**

### **11.1 Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

### **11.2 Reasons**

1. The development is considered to result in the over-densification and overdevelopment of the application site, and the proposed dwellings appear unduly cramped within their narrow plots in the context of adjacent low-rise development and the loose and spacious pattern of development, which remains identifiable along Shakespeare Drive. Given the above, the development fails to conserve or enhance the historic character and significance of the Hollycroft Conservation Area resulting in less than substantial harm that is considered to be at the higher end of this spectrum of harm. Without any clear and convincing justification for the proposed harm or any clear provision of public benefits, the development of one new (net) dwelling is not considered to outweigh the significant harm caused to the Conservation Area. Therefore, the development is contrary to, and in conflict with the Good Design Guide, Policies DM10, 11, and 12 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policy 1 of the adopted Core Strategy (2009), Sections 12 and 16 of the National Planning Policy Framework (2021), and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **a. Notes to Applicant:**

1. The application has been determined in accordance with the following submitted details:
  - Application Form (submitted: 16.05.2023)
  - Block Plan – Drg No. 1609/BP (submitted: 16.05.2023)
  - Covering Letter (submitted: 16.05.2023)
  - Existing Plans and Elevations (submitted: 22.05.2023)
  - Proposed Plans & Elevations – Drg No. 1609 1 (submitted: 16.05.2023)
  - Proposed Plans & Elevations – Drg No. 1609 2 (submitted: 16.05.2023)
  - Site Location Plan – Drg No. 1609/SL (submitted: 16.05.2023)
  - Streetscene – Drg No. 1609 Sheet 3 (submitted: 16.05.2023)