

Delegated Report

Planning Ref: 24/00967/FUL

Applicant: Mr Chris Smith

Ward: Earl Shilton

Site: 9 Melton Street, Earl Shilton

Proposal: Erection of four bed detached dwelling, following demolition of three garages



Hinckley & Bosworth
Borough Council

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 planning application proposes the erection of a two storey, four bedroom dwelling with associated car parking afforded to the front of the property. The proposal includes the demolition of three existing single storey garages which are located between an existing two storey dwelling and detached bungalow.

3. Description of the site and surrounding area

- 3.1. Melton Street consists of a mix of two storey detached, semi-detached and terrace dwellings, alongside a number of bungalows. The street scene consists of a mix of dwelling design and a mix of materials including brickwork and render. Properties along the street generally have a low level boundary treatment to the roadside consists of fencing or brickwork.

4. Relevant planning history

24/10114/PREHMO
2no New build 2 Bed Semi Detached Houses
Pre-Application Response Issued
10.09.2024

5. Publicity

- 5.1. The application has been publicised by posting neighbour letters.
5.2. No comments received.

6. Consultation

- 6.1. HBBC Pollution: No objections.
6.2. LCC Drainage: No objections.
6.3. HBBC Drainage: No objections, note to applicant.
6.4. HBBC Waste Management: No objections, note to applicant.
6.5. LCC Highways: No objections.
6.6. LCC Ecology: No objections subject to one condition and a note to applicant.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
- 7.2. Earl Shilton and Barwell Area Action Plan
- Policy 22: Development and Design
- 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. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Biodiversity Net Gain
 - Planning Balance

Assessment against strategic planning policies

- 8.2. The 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. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. 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, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development site is located within the settlement boundary and is therefore considered a sustainable location as per Policy DM1 of the SADMP.
- 8.4. The proposal is for the erection of a single detached dwelling. It is acknowledged that the Council can currently evidence a 5 year housing land supply and therefore consideration of this will be addressed within the planning balance section of this report, comparing any identified harm against housing need.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the 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.
- 8.6. Policy 22 of the Earl Shilton and Barwell AAP states that developments will be permitted so long as there is no detriment to the character and appearance of the host building or the surrounding area.
- 8.7. The current application site consists of a row of three attached single storey garages. The site neighbours a two storey detached dwelling and a single storey

detached bungalow. The proposal is for a two storey detached, four bedroom dwelling.

- 8.8. The design of the dwelling is considered acceptable when considering the mix of dwellings on the street, which includes two storey detached, semi-detached and terrace dwellings alongside bungalows. The application site is set back from the highway with off-street car parking afforded to the front of the dwelling which is a common feature on the street.
- 8.9. The size and scale of the infill dwelling is considered to be of a similar size and shape to the neighbouring dwelling and of a similar footprint to other dwellings located on Melton Street. The dwelling is considered to sit comfortably amongst the street scene and is in accordance with the Good Design Guide's principles.
- 8.10. The proposed dwelling consists of a mix of materials with brickwork on the ground floor level and render to the first floor to break up the brickwork. Both brickwork and render is a common feature amongst Melton Street and as such the amended design of the dwelling is welcomed and considered acceptable.
- 8.11. Overall the scale of the proposed dwelling, and its siting within Melton Street is considered to be acceptable in terms of its overall design and its impacts on the character of the area. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP, Policy 22 of the Earl Shilton and Barwell AAP and the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.12. 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.
- 8.13. Policy 22 of the Earl Shilton and Barwell AAP states that developments will be permitted so long as it does not adversely affect the amenity of nearby residents.
- 8.14. The development is sited between two existing residential dwellings. The amended proposed block plan indicates that the two storey dwelling is set back from the principle elevation of both of the neighbouring properties. The amendment was sought due to concerns relating to the neighbouring bungalow at No.13, which has two windows on the side elevation. The windows serve a bathroom and a secondary window to the front room of the bungalow. From considering the orientation of the dwelling and the nature of the windows it is considered that the proposal would not cause loss of light issues or overshadowing. This is also considered for the dwelling at No.9 which is separated by an integrated garage at the neighbouring dwelling.
- 8.15. The proposal is not considered to cause detrimental impacts in terms of loss of privacy with the dwelling having only two first floor windows on the side elevations, one serving a bathroom and one located on the landing/stairway of the proposed dwelling. In addition the dwelling is not considered to cause overbearing impacts or noise impacts.
- 8.16. Overall the proposed dwelling is considered to be in accordance with Policy DM1 of the SADMP and Policy 22 of the Earl Shilton and Barwell AAP.

Impact upon highway safety

8.17. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the SADMP requires new development to provide an appropriate/justified level of parking provision.

8.18. Leicestershire County Council were consulted as part of this application and have confirmed that they have no objections to the proposal. The site is not considered to cause detrimental impacts to highway safety and sufficient car parking is afforded to the proposed four bedroom dwelling, as such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the adopted SADMP.

9. Biodiversity Net Gain

9.1 LCC Ecology have been consulted as part of this proposal. Initially the application was considered exempt due to the self-build nature of the development, however, throughout the application process it was confirmed that the applicant has the intention to rent out the dwelling upon completion and as such would not be considered suitable under the self-build exemption. The proposal itself however has been confirmed to be exempt from any BNG details due to the de minimis exemption and as such no further information is required.

9.2 LCC Ecology have confirmed a recommended condition and informative which has been included at the end of this report.

10. Planning Balance

10.1 Currently 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.

10.2 No detrimental impacts have been identified as a result of the proposal and as such the proposal is considered acceptable and is granted planning permission.

11. Equality implications

11.1 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.

11.2 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.

11.3 There are no known equality implications arising directly from this development.

11.4 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).

12. **Conclusion**

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

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

Existing, Proposed Site Location Plan, Drg No.001 Rev A
Proposed Car Parking Plan, Drg No. 005 Rev A
Existing, Proposed Block Plans, Drg No. 002 Rev A
Proposed Floor Plans, Elevations, Drg No. 004 Rev A
Existing, Proposed Site Plan/Boundary Treatment, Drg No. 003 Rev A

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. Prior to commencement of the hereby approved development details of the external materials used on the dwellinghouse shall be submitted to in writing and approved by the local authority.

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

4. No development shall take place until a biodiversity enhancement scheme has been submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) the incorporation of bird and bat boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM6, of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, E and Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling or means of enclosure or outbuildings shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. The collection point for domestic refuse and recycling waste is from the adopted highway boundary. Please ensure there is adequate space on the property to store the waste containers, up to three bins per property, preferably in rear gardens.
3. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. 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 Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Any proposed 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).