
DESIGN & ACCESS STATEMENT

for

OUTLINE PLANNING APPLICATION

for

THE ERECTION OF THREE DWELLINGS

at

BURNTHORN, PECKLETON LANE, KIRIKBY MALLORY

(393-1204723)

1 INTRODUCTION

- 1.01 This document provides supporting information in respect of the outline planning application submitted to the Local Planning Authority, Hinckley and Bosworth Borough Council, for the development of three residential dwellings.
- 1.02 It is prepared on behalf of the applicant in relation to the proposed development and provides information relevant to the site, its immediate environment and its context in relation to its surroundings. It also assesses material planning considerations and local planning policy.

2 EXISTING SITE APPRAISAL

- 2.01 The site is located on a triangle of land between Shilton Road and Peckleton Road, containing an existing bungalow. The site is screened from the two main roads by existing hedgerows and trees.
- 2.02 Vehicular and pedestrian access to the site is via an existing gated accessway, located on Peckleton Road, with stonework walls.
- 2.03 Upon the site is an existing bungalow, the former home of the applicant's father. The property is in need of obvious maintenance, with a structural issue and failure of the ridge line. Given the property age, there is no insulation within the floor, roof or walls, it is thermally inefficient.
- 2.04 The site is generally level, with a drop of 600mm across the site, from the entrance to the furthest part in the southwest corner.
- 2.05 At the entrance, and front of the dwelling, are several parking and hardstanding areas. This area also extends to the northeast corner.
- 2.06 At the rear (easterly side) of the dwelling is an area of paving and landscaping, approximately 4.5m deep, this extends to the southern side of the dwelling, giving direct access to the internal spaces of the dwelling.
- 2.07 South of the paved area is the garden and amenity spaces. Ariel photography shows that this grassed area has been cut and maintained for at least 12 years. The applicant has confirmed, along with her two sisters, that this area has been used as a domestic garden for 'as long as they can remember'.
- 2.08 This area of domestic curtilage falls outside of the village envelope as shown upon the Site Allocations and Development Management Policies DPD.
- 2.09 The vast majority of the site sits within the village envelope.
- 2.08 The site is in flood zone 1, an area with a low probability of flooding, a copy of the Environment Agency Flood Risk is provided with the application.

3 RESERVED MATTERS

3.01 This application seeks only the approval of the following matters;

Means of Access - as shown on the indicative site layout plan

Layout - as shown on the indicative site layout plan

3.02 It does not seek approval of;

Landscaping - however the indicative layout has been driven by the presence of mature trees upon the Shilton Road boundary.

Scale - however this document does reference that the proposed dwellings are 'room in the roof' type of dwellings, as opposed to traditional two storey dwellings. This approach is in accordance with the dwelling immediately to the north of the application site, under application reference 18/01092/FUL

Appearance - given the location, facing open countryside, the external appearance is likely to reflect the previously approved dwelling (18/01092/FUL)

4 DEVELOPMENT DENSITY

4.01 The pre-application advice summary states;

'It is likely that a scheme for the redevelopment of 2 dwellings on the site would be supported by the authority, subject to the detailed matters discussed below being addressed appropriately. Three dwellings is considered to be an overdevelopment of the site'

4.02 The pre-application advice conclusion states;

'A proposal for two dwellings, depending on size, etc. is likely to be considered favourably given the role they would play in delivering homes within a sustainable location - contributing to the Council's 5 Year Housing Land Supply. A proposal for 3 dwellings is likely to be overdevelopment for a site of this size. The above matters will need to be addressed within any application - but provided they are it is likely that the application would be found to be in accordance with the Development Plan.'

4.03 It is therefore apparent that the LPA are in agreement that development is appropriate. Subject to the number of dwellings.

- 4.04 The application site extends to 0.152 and, with 3 dwellings, represents a development density of just under 20 dwellings per hectare.
- 4.08 Item 4.45 of the Core Strategy states that Kirkby Mallory is a Rural Hamlet.
- 4.09 Policy '16 : Housing Density, Mix & Design' of the Core Strategy states;
'At least 30 dwellings per hectare within and adjoining the Key Rural Centres, Rural Villages and Rural Hamlets'
- 4.10 Therefore, to accord with the requirements of the Development Plan development should be 30dph, resulting in a development of 4.5 dwellings.
- 4.11 Even if we were to potentially discount the area that is outside of the village envelope (339m²) it leaves a balance of 1181m².
- 4.12 This element of the application site within the village envelope would result in a development density of 3.5 dwellings per hectare.
- 4.13 There are elements of the site that are effectively sterilised by the presence of existing mature trees and, whilst they are not protected trees, their presence upon the streetscene warrants their retention.
- 4.14 Allowing for this reduction in the available spaces for development, and to be compliant with the Development Plan, the site is capable of supporting a development of at least three dwellings.
- 4.15 To propose a development less than three dwellings would not be an efficient use of land and fail to be in compliance with the Development Plan and National Planning Policy.
- 4.16 NPPF Paragraph 119 states;
'Planning policies and decisions should promote an effective use of land in meeting the need for homes'

'...policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'
- 4.17 NPPF Paragraph 120 states Planning policies and decisions should;

'give substantial weight to the value of using suitable brownfield land within settlements for homes'
- 4.18 NPPF Paragraph 124, Achieving appropriate densities, states;

'Planning policies and decisions should support development that makes efficient use of land'

4.19 NPPF Paragraph 125 states;

*'local planning authorities should **refuse applications** which they consider fail to make efficient use of land'* (authors emphasis)

4.20 In accordance with the requirements of the NPPF, the H&BBC Local Development Framework Core Strategy, does provide specific reference to development density. Applications should be determined against these policies.

4.21 For Rural Hamlets, of which Kirkby Mallory is defined as being so, that density is 30 dwellings per hectare.

4.22 To submit an application for 2 dwellings, as suggested in the pre-application advice, would essentially force the LPA to refuse the application, as it would be against their own policies and NPPF Para 125, for failing to make efficient use of land.

4.23 Therefore, the proposed development of three dwellings upon the application site is supported by both Local and National Policy.

5 DEVELOPMENT POLICY

5.01 Within the Site Allocations and Development Management Policies DPD the following Local Policies are relevant;

5.02 *DM1 Presumption in Favour of Sustainable Development*
Planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

The development of three dwellings accords with the policies in the Local Plan and should be approved without delay.

5.03 *DM4 Safeguarding the Countryside and Settlement Separation*
i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
ii) It does not undermine the physical and perceived separation and open character between settlements; and
iii) It does not create or exacerbate ribbon development; with Core Strategy Policies 6 and 9; and
iv) If within a Green Wedge, it protects its role and function in line
v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

5.04 The LPA has previously approved a new dwelling with a similar relationship to the Countryside, therefore there appear to be no issues in respect of the value, beauty, open character and landscape character of the countryside.

- 5.05 The site is not one that undermines separation, is not ribbon development, is not within a Green Wedge nor the National Forest.
- 5.06 Whilst more relevant to a subsequent approval of reserved matters application, elements of Policy DM 10 Development and Design are relevant to the current application.
- 5.07 As shown upon the constraints plan application drawing, the development would not have any significant adverse effect upon the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 5.08 The application site is over 50m from the nearby listed building 'The White House'. However, the changes in level between the application site and the listed building (lower by approximately 2m) emphasises the hierarchy and the subservient nature of the relationship between the listed building and the application site.

6 PERMITTED DEVELOPMENT & FALLBACK POSITION

- 6.01 Application drawing 393-004 shows the extent of Permitted Development Rights that exist for the existing dwelling.
- 6.02 Whilst the southern tip of the site is outside of the settlement boundary, it is domestic curtilage, having been used by the applicant, her family and parents for a period in excess of 10 years.
- 6.03 In Appeal Methuen-Campbell v Walters, it is established *'that for land to fall within the curtilage of a building, it must be intimately associated with the building'*. In this case, the area outside the village envelope has been used as private garden space for many years. It is therefore intimately associated with the dwelling.
- 6.04 In McAlpine v SSE it was held that;
- 'there is no rigid definition to a curtilage, but that: it is a feature constrained to a small area about a building; apparently in "intimate association" with such building; and no physical enclosure is necessary to define it, "but the considered land must be part of the enclosure with the house".*
- 6.05 There is no garden to the rear of the dwelling and the southwest garden is accessed via large patio doors from the main house, via a paved area. The physical boundary to the land is the hedging and fencing on Shilton Road. It is, quite clearly considered to be part of the enclosure with the house.
- 6.06 The existing property benefits from Class A single storey extensions to the rear and sides of the dwelling. Extending to the south west of the dwelling (at an angle in excess of 45deg to the highway) provides for a single storey extension, no greater than 50% of the original dwelling width.

- 6.07 This side extension extends into the area outside of the village envelope, therefore development can take place.
- 6.08 Consequently the indicative site plan extends into this space, covering a footprint equitable to that which can be legitimately built upon.
- 6.09 The balance of this space, as is currently the case, remains as private amenity space.
- 6.10 The existing dwelling also benefits from Class AA, the addition of a further storey. Whilst requiring prior notification, the right allow the addition of 3.5m of 'upper storey', essentially turning a single storey bungalow into a two storey dwelling, with a roof above this height. An increase of 3.5m above the existing ridge line.
- 6.11 Therefore, through Permitted Development Rights, it is quite acceptable to convert the existing bungalow into a large 'bulk', that whilst potentially unacceptable given the location adjacent to open countryside, nonetheless could be constructed.
- 6.12 However, the proposal offers to reduce the impact through this route, offering a dormer bungalow approach, with the upper floor contained within the eaves. A more common name is 'one and a half storey'.
- 6.13 This approach is reflective of the dwellings immediately opposite the application site at 3 and 5 (?) Peckleton Road, the latter being approved by H&BBC under reference 18/01092/FUL.
- 6.14 It is also worthy of discussion that the existing dormer bungalow at 3 Peckleton Road and the similar approved under 18/01092/FUL have a footprint of around 165m², thus when allowing an additional 50% in the upper floor, equates to GIA of around 250m² per dwelling.
- 6.15 Therefore, whilst it is possible to reflect the adjacent dwellings it would be unreasonable to expect that such large dwellings would be acceptable.
- 6.16 A development of two dwellings, providing 500m² of living space, might accord with the sentiment within the pre-application advice. However, the fact remains that such a route is against both local and national policy, running the risk of refusal due to inefficient use of land.
- 6.17 Therefore, it would not be unreasonable to suggest that 3 x 4b dwellings of around 165m², would be more acceptable, whilst according with the minimum housing design standards for rooms sizes.
- 6.18 The GIA of 3 such dwellings would amount to less than 2 dwellings reflective of those directly opposite the application site.
- 6.19 There is an equally rational argument, supported by local and national policy, that the site is capable of supporting 4 smaller dwellings, each of 125m².

- 6.20 However, for the matter of retention of existing trees, the net developable area of the site is slightly reduced and, as a consequence, this proposal is for 3 dwellings.
- 6.21 The approval of 3 dwellings, would provide a net gain of two dwellings. Providing a small increase in the shortfall of 5 years land supply for the LPA.

7 HIGHWAYS & ACCESS

- 7.01 The proposal is fully compliant with the requirement of the LCC Highways Design Guide Figure DG17 Unadopted shared driveway serving upto 25 dwellings.

- 7.02 In accordance with the requirements to serve between 2-5 dwellings, the existing highway access point will be amended to provide;

Minimum Effective Width	- 4.25m (for a distance of 5m behind the carriageway)
Minimum Drop Crossing	- 8 dropped kerbs
Visibility Splay	- As Table DG4 - 33m x 2.4m (measured from a set back of 2.4m)
Pedestrian Visibility	- 1m x 1m both sides
Surfacing	- bound material for the first 5m

- 7.03 For the purposes of clarification, the existing gateway and boundary walls will be locally removed to facilitate the above requirements in respect of maintaining clear vehicular and pedestrian visibility.

- 7.04 Approximately 45m, in the western direction is the change of speed limit from NSL to 30mph. However, the sight lines along Peckleton Road are in excess of 250m, therefore there is sufficient visibility over and above the minimum requirements of the LCC Highway Design Guide to ensure safe access.

- 7.05 In respect of application 18/01092/FUL there was no response from the LCC Highways and the case officer report states;

'The proposal would not result in any significant adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP'

- 7.06 The LCC Highways Design Guide differentiates between development of single dwellings, development of between 2-5 dwellings and 6-25 dwellings. There is therefore no discernible difference between the development of 2 dwellings (approval 18/01092/FUL) or the 3 dwellings, which this application proposes.

8 LANDSCAPING & ECOLOGY

- 8.01 Whilst a reserved matter, the proposal seeks to retain important trees and restricts new development to areas outside of the RPA of those trees.
- 8.02 As an existing domestic dwelling, a preliminary ecological assessment has not been provided for this outline application. The applicant is aware of the legal obligations in respect of protected species.

9 SUSTAINABILITY AND CONSTRUCTION

- 9.01 The principles of construction and requirements of the Building Regulations will be followed, providing a highly insulated dwelling and a reduction of CO₂, as dictated by the June 2022 Approved Documents.
- 9.02 Electricity will be generated through the use of solar panels. The electric generated from the solar array will feed into an Air Source Heat Pump (ASHP) which will provide low level temperature hot water to underfloor heating (UFH).
- 9.03 The design of the solar installation will be determined following specialist supplier calculations and subject to an application for reserved matters concerning design and appearance.
- 9.04 The basic premise of the construction is to reduce reliance on carbon based fuels and the emission of CO₂ gasses in the future use of the dwelling.

10 DRAINAGE

- 10.01 Foul drainage will be connected into the existing Severn Trent mains sewer within the southern tip of the application site. Mains records have been submitted as application drawings and the connection point is shown upon the indicative site layout plan.
- 10.02 Stormwater drainage would be released via a suitable SUDS system, with soakaways located wholly within the application site, thus giving a zero increase on any existing system.

11 FLOOD RISK

- 11.01 The site is not in a flood risk area and copies of the Environment Agency map are provided.

12 CONCLUSION

- 12.01 Pre-application advice suggested that development upon the site would be supported. However, in the opinion of the author of that advice, it was suggested that only 2 dwellings were appropriate, and that 3 would be considered to be overdevelopment.
- 12.02 However, given the status of Kirkby Mallory, as a rural hamlet, and that the current Local Planning Policy demands 30 dwellings per hectare, the site is clearly capable of sustaining development of in excess of 3 dwellings.
- 12.03 Given the requirements of the Local Planning Policy, and as confirmed by the National Planning Policy Framework, an application for the inefficient use of land will be refused.
- 12.04 Therefore, when making allowances for tree protection areas, reducing the net developable area of the site, it is evident that a development of 3 dwellings is supported by both Local and National Planning Policy.
- 12.05 Whilst the matter of the number of dwellings has been considered above, the pre-application conclusion states that development would be;

'considered favourably given the role they would play in delivering homes within a sustainable location'

'contributing to the Council's 5 Year Housing Land Supply'