

Delegated Report

Planning Ref: 23/00723/FUL
Applicant: Mr & Mrs McDonagh
Ward: Ratby Bagworth & Thornton



Hinckley & Bosworth
Borough Council

Site: Bradwardine, Desford Lane, Ratby

Proposal: Demolition and replacement of existing bungalow and stables and associated works

Recommendations

Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

Planning application description

The application is for the demolition of the existing bungalow, and the erection of a two-storey 4-bedroom replacement dwelling, triple bay garage, replacement stables and new residential annexe. The dwelling, garage and stables would be sited within the existing domestic curtilage, to the north of the existing footprint of the original dwelling, whilst the stables would be located to the west of the site, outside the domestic curtilage.

The proposed dwelling is designed in a contemporary style with symmetrical dormer windows and a central feature gable, and a cross gable roof which enables a large rear extension. The dwelling is to be built with facing brickwork and roof tiles. The proposed annexe and garage are in a similar design to the proposed dwelling, albeit single storey in height.

In terms of scale, the proposed dwelling measures: maximum ridge height: 6.6m, maximum eaves height: 4.3m, maximum width: 16m, maximum depth: 10m

The existing dwelling measures: maximum ridge height: 5.4m, maximum eaves height: 2.6m, maximum width: 16.9m, maximum depth: 14.4m

The proposed annexe measures: maximum ridge height: 5.4m, maximum eaves height: 2.3m, maximum width: 10m, maximum depth: 6.4m

The proposed garage measures: ridge height: 6.5m, eaves height: 3.0m, width: 13.2m, depth: 6.4m

Following the initial submission, the Council requested a reduction in the scale of both the dwelling and garage building in order to comply with Policies DM10 and DM14 and the SADMP. This application has been assessed based on the revised plans.

Description of the site and surrounding area

The application site lies approximately 800m southwest of the settlement boundary of Ratby, beyond the defined settlement boundary, on a large rectangular plot measuring approximately 3.5 acres in total. The surrounding area is open countryside with sporadic residential development, a large poultry farm to the west, and the Poundstretcher head office further beyond along Desford Lane.

The site is accessed via an existing access on Desford Lane and currently contains a dilapidated bungalow, stables, outbuildings, and manege. All boundaries are lined with mature vegetation which mostly screens the site from view from public vantage points.

Relevant planning history

None.

Publicity

A site notice was put up in the local vicinity. There are no neighbouring properties close to the site.

No representations were received.

Consultation

No objection has been received from:

- HBBC Environmental Services
- HBBC Drainage
- HBBC Waste
- Local Highway Authority
- Parish Council (no comment)
- LCC Ecology (subject to a condition)
- LCC Minerals

Policy

Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in the Rural Area
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

Appraisal

Key Issues

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology and biodiversity
- Flooding and Drainage

Principle of development

Paragraph 2 of the National Planning Policy Framework (NPPF, 2023) states 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 consideration in determining applications. Paragraph 12 of the NPPF confirms 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.

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 application site is located outside the settlement boundary of Ratby, therefore SADMP Policy DM14: Replacement Dwellings in the Rural Area applies. Policy DM14 states that the demolition and rebuild of an existing dwelling outside the settlement boundary will be supported where:

- It leads to an enhancement of the immediate setting and general character of the area; and
- The new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage; and
- The proposed development accords with Policy DM10, DM11 and DM12.

The proposed dwelling is sited within the original curtilage and is larger in terms of its cubic massing due to an increase in depth of the proposed dwelling. Officers worked with the applicant and agent throughout the determination process to amend the design and scale of the proposed dwelling so that it accords with Policies DM4, DM10 and DM14 of the SADMP.

The proposed dwelling is re-sited approximately 10m north of the existing footprint, however it is not considered that this relocation would lead to any additional visual harm, and it would remain within the domestic curtilage. Policy DM14 goes on to say that modest increases in size from the original dwelling will normally be acceptable.

Whilst the Council agrees that the proposed scale of the dwelling, along with the additional proposed built development (annexe, garage, and stables) exceeds Officers' interpretation of 'modest', it is agreed that the replacement dwelling and wider proposals would result in a more visually appealing dwelling which represents a betterment in design terms for the entire site.

Furthermore, the proposal also includes the erection of a residential annexe to the rear of the dwelling, close to the northern boundary of the site, and the existing stables are to be demolished and re-sited away from the dwelling to the western side of the site and would also result in an increase in quantum and massing of development.

Officers initially requested for the annexe to be sited closer to the dwelling to ensure that it remains ancillary to the use of the dwelling and does not appear isolated and incongruous in visual terms. However, the applicant explained that the annexe requires a treatment room for a disabled family member, and it would be beneficial for the safeguarding of the family member for it to be located further away from the main dwelling. In any case, the annexe is sited within the residential curtilage of the dwelling, and a condition has been included to ensure that this agreed residential curtilage remain enclosed in accordance with the approved plans.

The provision of shelter for horses is not considered a recreational use that complies with Policy DM4. The keeping of horses is a sui generis use that does not fall within any specific Use Class. The principle of stables being a typical rural building generally seen within the

countryside is acknowledged and a desire for horse owners to provide shelter and a secure storage and fodder area is similarly understood. Additionally, officers acknowledge that there are existing stables on the site which are effectively being replaced, re-sited, and increased in terms of quantum. It is therefore considered that the principle of development of the stables is acceptable in this case.

Therefore, the proposed replacement dwelling and wider proposals in this location, although of larger built form and quantum than the existing site, and despite the aforementioned minor conflict with DM4 regarding the stables, is considered to offer a minor enhancement the immediate setting and general character of the area in accordance with Policy DM14 of the SADMP and is therefore acceptable in principle.

Design and impact upon the character and appearance of the area

Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

The Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass, and roof form to the wider context, allowing it to sit comfortably within the street scene.

Policy DM14 of the SADMP requires that replacement dwellings in the countryside lead to an enhancement of the immediate setting and general character of the area and that the new dwelling is proportionate to the size, scale, mass, and footprint of the original dwelling and situated within the original curtilage.

The proposed design would result in a notable increase in overall massing and scale compared to the original dwelling. However, it is acknowledged that the existing dwelling requires repair and renovations and is sited within a large plot which can easily accommodate a larger dwelling without appearing incongruous. Furthermore, due to the rural location, there is no predominant architectural style in the area, the proposed design is considered to be an improvement on the existing dwelling, using appropriate materials and architectural features (subject to conditions).

The design has been amended to ensure that a dormer bungalow style dwelling remains, whilst affording the applicant adequate internal floorspace. The dwelling incorporates architectural detailing in the form of window headers and sills, quoins, and a chimney. The details of the boundary treatments and materials are to be agreed by condition to preserve the visual amenity area.

The ridge height of the dwelling is not proposed to be increased significantly, but the width and depth of the dwelling at first floor level will be increased, adding to the overall scale of the dwelling. It is considered necessary to remove permitted development rights relating to extensions, alterations, and outbuildings to ensure the development safeguards the character and appearance of the area and remains in compliance with SADMP Policy DM14.

The proposed replacement stables would result in a larger quantity of stable blocks; however, this is not considered to be excessive owing to the size of the site and would not be visually harmful due to the isolated and well screened nature of the application site. The scale of the proposed stables is similar to the existing stable block, and although the use of brick would not ordinarily be permitted for this type of structure, in this case given the

existing stables are brick it is considered acceptable. This is a similar case for the proposed detached garage and residential annexe, both of which result in additional built development within the domestic curtilage which is additional to the existing situation.

However, due to the size, location, and existing screening around the site, it is not considered that this additional built development would result in unacceptable harm to the character and appearance of the area.

In terms of landscaping, a condition has been added to ensure a high-quality scheme comes forward, and it will be ensured that areas of hardstanding will be limited to only where it is strictly necessary.

Overall, the scheme is considered to be acceptable in design terms and would result in an enhancement of the setting of the area subject to the conditions imposed. The proposal is therefore in compliance with Policies DM10 and DM14 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Impact upon neighbouring residential amenity

Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy 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.

Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

There have been no objections from third parties in relation to residential amenity issues. The site does not have any neighbouring dwellings in the vicinity, with the closest neighbours located 200m southwest. The property is detached with adequate private amenity space and there are appropriate separation distances from the nearest neighbouring properties.

Subject to conditions it is considered that the proposal is acceptable in residential amenity terms and in compliance with Policy DM10 of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

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)).

Paragraph 115 of the NPPF (2023) 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.

The initial proposal included a new access on to Desford Lane which was not initially supported by LCC Highways without the submission of further information demonstrating its safety and compliance with the LHDG. The applicant later amended the proposal, and it will now utilise the existing access.

Officers are therefore satisfied that the proposed development will not result in a material increase or a material change in the character of traffic in the vicinity of the site or would create any highway safety issues and would not seek to resist the application.

It is therefore considered that the proposal is acceptable in highway terms and satisfies Policy DM17 and DM10(g) and the requirements of the NPPF.

Ecology and biodiversity

Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

LCC Ecology were consulted and requested the submission of a preliminary ecological appraisal.

This was provided by the applicant and the assessment did not identify the presence of roosting bats, evidence of or potential for roosting bats to occur across the structure surveyed. Therefore, there will be no further requirement to undertake additional surveys. LCC Ecology were re-consulted, agreeing with the conclusions in the report and recommending that a condition is included for ecological enhancements in the form of a bird box and swallow cups.

Overall, subject to conditions, the proposed development would have no adverse impact upon protected species and is in accordance with Policy DM6 of the SADMP and the general principles of the NPPF.

Flooding and Drainage

Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.

Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

The HBBC Drainage Officer has no objections and has recommended notes to the applicant regarding soakaway drainage and permeability of hardstanding areas within the site. In summary, the development is considered to satisfy policy DM7 and the NPPF.

Conclusion

The proposal for the demolition of the existing dwelling and erection of a replacement dwelling is acceptable in principle due to its siting within the curtilage of the existing dwelling and close to the existing footprint, with a notable but modest increase in size and scale which is considered proportionate.

The design and appearance of the replacement dwelling is considered acceptable subject to conditions and would result in the enhancement of the immediate setting of the site. There are no concerns regarding neighbouring amenity, highway safety, flooding, and drainage.

In summary the proposal is in accordance with Policies DM1, DM7, DM10, DM14, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

Equality implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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.

Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

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

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).

Recommendation

Grant planning permission subject to the following conditions:

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 relates to the following details only:

- Site Location Plan – 1614/SL
- Proposed Site Layout – 1629 Rev - A Sheet 3 (received 15.01.2024)
- Proposed Elevations, Floor Plans, Sections, Roof Plan (Bungalow) - 1629 Rev A Sheet 1 (received 15.01.2024)
- Proposed Elevations and Floor Plans (Garage, Stables and Annexe) - 1629 Rev - A Sheet 2 (received 15.01.2024)

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 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, stables, and annexe 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).

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A – F 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 shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM4, DM10 and DM14 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development above foundation level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or are seriously diseased shall be replaced by trees or shrubs of a similar size and species (native) to those originally planted at which time shall be specified by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

6. The proposed stables shall be used only in connection with the Applicant's private use and no livery/riding school, nor any other business or commercial use is permitted.

Reason: To ensure that the use of the site is not intensified leading to potential highway safety and access safety concerns in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the first occupation of the dwelling hereby approved, details regarding the location and specification of:
 - 1 x bird box (house sparrow terrace) is incorporated on or within the main building;
 - 2 x swallow cups attached in an appropriate location on the new dwelling; and
 - 1x bat box to be incorporated on/within the new dwelling.

shall be submitted to and approved in writing by the local planning authority. This shall include photos showing the boxes in situ.

Reason: To ensure that the development makes adequate provision for enhancements to the habitats of protected species in accordance with Policy DM6 of

the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

8. The annexe hereby permitted is for use as ancillary accommodation to the dwelling known as Bradwardine, Desford Lane, Ratby, LE9 2BQ. The annexe shall not be occupied as an independent unit of residential accommodation.

Reason: To ensure that the annexe is not occupied as an independent unit of accommodation which may have additional impacts on highway safety and amenity, in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD 2016.

9. The residential curtilage of the dwelling hereby approved is as demarked by the red line on the approved plan Proposed Site Layout – 1629 Rev - A Sheet 3 (received 15.01.2024). The residential curtilage shall be enclosed in accordance with this approved plan and the details approved under condition 5 prior to the first occupation of the dwelling hereby approved.

Reason: For the avoidance of doubt and to ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Informatives

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 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.
3. Any 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).