

Delegated Report

Planning Ref: 23/00443/FUL
Applicant: Mr John Marsh
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 12 The Common, Barwell

Proposal: Proposed single storey detached bungalow with associated parking, vehicle and pedestrian access.

1. Recommendations

- 1.1. **Refuse planning permission** for the reasons set out at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for a new two bedroom bungalow.
- 2.2. The proposed bungalow will be 11.7m wide and up to 7.4m deep. The roof is 5.4m at the ridge and 2.9m to the eaves.
- 2.3. The proposed bungalow will be finished with bricks, windows and roof tiles to match other buildings in the immediate vicinity.
- 2.4. Vehicular access would be via the existing drive and would be shared by 12 The Common and the proposed dwelling
- 2.5. The site layout shows that the bungalow would be located 1m from the common boundaries with 14a and 8 The Common and 1.5m from the common boundary with 10 and 12 The Common. The only outside space would be taken up by parking space and there appears to be no turning space to allow a car to leave or enter the site in a forward gear. There appears to be no private garden space provided.
- 2.6. The proposed bungalow has two bedrooms and has a ridge height of 5.4m.

3. Description of the site and surrounding area

- 3.1. The site is currently part of the rear garden area to 12 The Common, Barwell. To the northwest lies a car garage, to the south west 14a The Common and to the south east 14 The Common.
- 3.2. The existing street scene has no distinguishable style, containing a mix of detached, semi-detached and terraced two storey houses and bungalows.

4. Relevant planning history

None.

5. Publicity

- 5.1. Neighbours were notified of the application and site notice was put up in the vicinity. Two objections were received regarding overshadowing, overlooking, noise, parking and highways safety concerns.

6. Consultation

- 7.1. No objections have been received from:
- HBBC Waste (recommended condition)
 - HBBC Pollution
 - HBBC Drainage (advisory notes)

- LCC Highways (recommended condition)
- 7.2. Barwell Parish Council have objected on the grounds of overdevelopment, residential amenity and overlooking.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

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

8. Appraisal

8.1. It is considered that the key issues in the determination of this application are:

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

- 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. 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, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. 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. Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) sets 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.
- 8.4. Using the standard method as outlined by the MHCLG, Hinckley and Bosworth Borough are unable to demonstrate five years of deliverable housing. Therefore,

this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.5. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

Design and impact on the character of the area

- 8.6. Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.7. Paragraph 130 of the NPPF requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 134 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.
- 8.8. The area has no distinctive character. The GDG sets out that where an existing plot is proposed to be subdivided to create additional development in 'backland' locations it will require clear and convincing justification in relation to its context.
- 8.9. The GDG states that gardens are an important part of the quality of life afforded by a house. The proposed bungalow will have none or very limited garden space to the front at best. The GDG states that a general guideline for garden sizes is a minimum garden length of 7m and 60 square metres for a two bedroom dwelling. The proposal falls far short of these requirements. In addition, 12 The Common would be left with either little garden space or nowhere to park vehicles.
- 8.10. The proposed second bedroom and the kitchen would have windows facing common boundaries at distances of 1m and 1.5m respectively. Any private garden space would be overlooked by neighbouring development.
- 8.11. Given the proximity of the building to its boundaries and the limited space not taken up by parking space any trees or shrubs on or immediately adjacent to the site would be lost and would be at risk through foundation works.
- 8.12. It is considered therefore that the proposal represents a significant overdevelopment of the site resulting in a cramped and uncharacteristic development that is at odds with the character of the surrounding area which is of modestly sized houses set within comparatively generous gardens.
- 8.13. Taking all the above issues into account it is considered that the proposal is a cramped overdevelopment of the site that is significantly uncharacteristic of the prevailing character of the surrounding area and would not provide sufficient outdoor amenity space, thus conflicting with SADMP Policy DM10, the Good Design Guide and government advice as contained at paragraphs 130 and 134 of the NPPF (2021).

Impact upon residential amenity

- 8.14. Policy DM10 of the SADMP requires that developments do not have a significant adverse effect on the privacy and amenity of nearby residents by reason of visual intrusion.
- 8.15. Paragraph 130 of the NPPF requires 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. By virtue of the height and siting of the proposed bungalow it is considered that this proposal would not have a detrimental impact on the residential amenity of the occupiers of the neighbouring properties. Paragraph 130 f) requires that decisions should ensure that developments create places that have a high standard of amenity for future users.
- 8.16. Furthermore the proposed development would fail significantly to provide future occupiers with adequate garden space and thus sufficient amenity that should reasonably be expected.
- 8.17. In addition, 10 The Common already has a small private amenity space and this is dominated by the blank two storey side elevation of the rear extension at 8 The Common. The proposed development, being just 9 metres from the rear elevation of no.10 and just 1.5m from the rear boundary of no.10's private amenity space, would result in a significantly detrimental feeling of enclosure and overbearingness when occupiers of no10 and in their rear yard/garden.
- 8.18. Additionally, the proposal would result in no.12 having no rear garden or very little rear garden if the occupiers wish to park a vehicle of the street, as they are able to readily do at the moment.
- 8.19. For the reasons set out above it is considered that the proposal would fail to provide future occupiers with sufficient private amenity space thus failing to provide an adequate amenity. The proposal would also have a significant detrimental effect on the amenity of neighbouring properties at a result of the overbearing effect of the proposed building.
- 8.20. In light of the above and as set out above the proposal would fail to comply with Policy DM10 of the SADMP, the Good Design Guide and paragraph 130 of the NPPF.

Impact upon highway safety

- 8.21. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking. The Leicestershire Highways Design Guide states houses of 2 or more bedrooms should have at least two parking spaces.
- 8.22. The proposed plans provide off-street parking for two vehicles. This level of provision is considered to be adequate to serve the proposed bungalow and to be in accordance with Policies DM17 and DM18 of the SADMP and the local highway authority design guide.
- 8.23. The Highway Authority has considered the fact that no.12 might have no off-street parking but notes that the site is in a highly sustainable location and that on-street parking already exists along The Common. The Highway Authority therefore considers that the proposal would not result in a severe impact on the highway contrary to paragraphs 110 and 111 of the NPPF.

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.

10. Conclusion

10.1. The proposed development represents a cramped overdevelopment of the site that is at odds with the character of the area. In addition the proposed outdoor amenity spaces are insufficient to provide future occupiers with adequate private amenity space which in any event would be significantly overlooked by existing neighbouring properties. This would result in a significant lack of private, outdoor amenity space for future occupants. Furthermore the development results in a significant loss of amenity to neighbouring occupiers as a result of the size and siting of the proposed building. The proposed development is therefore contrary to Policy DM10 of the SADMP, the Good Design Guide and the requirements of paragraph 130 of the NPPF.

10.2. The Council does not have a five year supply of housing land and therefore paragraph 11 of the NPPF is engaged. This states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

10.3. Given the lack of five year land supply the provision of a single dwelling would be a modest benefit at most. There would also be a limited benefit in terms of economic activity during the construction phase and in the spend by occupiers.

10.4. There are considered to be significant detrimental effects of the proposed development on both future occupiers and existing neighbours and it is considered that these significantly outweigh the benefits of the proposal in weighing the planning balance. In this instance the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits

11. Recommendation

Refuse planning permission for the following reasons:

11.1 Non-compliance with Policy DM10, due to a lack of private outdoor amenity space resulting in insufficient level of amenity for future occupiers and the overdevelopment of the site that is significantly at odds with the character of the surrounding area. In addition the detrimental effect on the amenity of existing neighbours as a result of the overbearing effect of the proposal on the occupiers of 10 The Common and the lack of garden space for 12 The Common.

