

Delegated Report

Planning Ref: 23/00510/REM

Applicant: Mr Rick Morris

Ward: Stapleton



Hinckley & Bosworth
Borough Council

Site: 20 Ashby Road, Stapleton, Leicestershire, LE9 8JB

Proposal: Approval of Reserved Matters (Appearance, landscaping and scale) for outline application 21/01069/OUT for 4 residential dwellings

Recommendations

- 1.1. **Grant approval of reserved matters** subject to:
 - Planning conditions outlined at the end of this report
2. **Planning application description**
 - 2.1. The application is for the reserved matters for 4 dwellings granted outline permission under application 21/01069/OUT. The original outline application was granted approval for the principle of development only, with all matters reserved except for access and layout. As well as the principle of development this outline permission has confirmed the acceptability of the use, amount, access and general layout of the site. Matters of appearance, landscaping & scale are for consideration in this reserved matters application.
 - 2.2. The proposal is for 4 large detached 2 storey dwellings on large plots. The L shaped site is to the east of Ashby Road & to the north of & across the highway from existing dwellings on Ashby Road. The proposed dwellings on Plot 1 & 2 are to the rear of & perpendicular to No. 20 Ashby Road. The proposed dwellings on Plots 3 & 4 are set back approx. 13m from Ashby Road & parallel to No. 20 Ashby Road.
 - 2.3. Vehicular access to the site is off Ashby Road at the northern end of the site, with the access for Plot 3 & 4 leading off this access internally and running between Ashby Road & the dwellings for plots 3 & 4. A bin collection area is sited just off Ashby Road adjacent to the northern boundary.
 - 2.4. Plot 1 on the eastern end of the site has a width of 13m at the front & 16m at the rear. The proposed 4 bed dwelling would have a hipped roof on the eastern side facing the countryside and a pitched roof on the western side facing Plot 2 & Ashby Road. This pitched roof would have a height of 8.5m. A 2 bay pitched roof garage is proposed to the front of the dwelling. 2 additional parking spaces are proposed to the front of this garage. A games room is proposed in the roof area of this garage with 2 no. roof lights proposed for each roof slope. Proposed materials for the garage would be timber cladding. The proposed dwelling would have a large feature pitch roofed dormer window on the front, rear and eastern side elevation. Dormer roof pitch and garage roof pitch would match the roof pitch of the dwellings eastern roof pitch. Two dormer windows are proposed for the rear elevation along with 2 sets of sliding doors for the ground floor rear elevation which would form a large kitchen/ living area. Two of the four 1st floor bedrooms would be en-suite with an additional wc on the ground floor. Proposed materials which would be ubiquitous for all dwellings throughout the larger site & would consist of grey concrete roof tiles, white through render, reacon sandstone heads, cills and string course, anthracite u-pvc windows and doors, red bricks and black upvc fascias, soffits and rwpvs.

- 2.5. Plot 2 is 12m wide & just to the west of Plot 1. The proposed 4 bed dwelling with integral garage would have a pitched roof 9.2m in height as well as a subservient pitched roof front gable end approx. 9m in height. Floor to eave fenestration is proposed for the front door area. Protruding slightly from the front gable end is a large pitched roof feature window with timber cladding. A 2nd similar feature window is proposed for the rear elevation as well as a single storey pitched roof element which would be clad and have ground to roof fenestration for its rear elevation. Materials would be similar to the proposed materials for the dwelling on plot 1 but with an element of reconstituted coarsed sandstone with red brick and white render above. 2 obscure glazed windows are proposed for the 1st floor western elevation with 2 of the four 1st floor bedrooms being ensuite. 2 additional parking spaces are proposed at the front of the dwelling.
- 2.6. Plot 3 is 20m wide and the proposed 4 bed dwelling would face Ashby Road. The proposed dwelling would have a pitched roof 8.8m in height with a subservient front/side gable end approx. 8m in height. This gable end would be clad and have floor to roof apex fenestration. Another gable end is proposed for the rear elevation with floor to roof apex fenestration as well as a pitched roof dormer window for the 1st floor northern side elevation. Also proposed is a single storey flat roof element on the rear elevation. The front door area would be similar to the proposed dwelling in Plot 2 with fenestration from the ground floor to the eaves. A detached 2 bay pitched roof garage is proposed on the southern side with 2 parking spaces to the front of it. 2 roof lights are proposed for each roof slope. Proposed materials would be similar to the other dwellings but with a different juxtaposition.
- 2.7. Plot 4 is 16m wide and the proposed 5 bed dwelling would also face Ashby Road. The proposed dwelling would have a pitched roof 9.2m in height with a subservient front gable end & a clad 1st floor dormer window protruding slightly from that. A large clad dormer window is also proposed for the rear elevation as well as a pitched roof ground floor element with floor to apex fenestration. A 2 bay integral garage is proposed as well as 2 parking spaces to the front of that. Two 1st floor obscure glazed windows are proposed for the Southern elevation.
- 2.8. The access roads within the site are to be un-adopted shared private drives. These are to be surfaced in tarmac and edged with standard PC kerb. The private driveways will be constructed of brindle blockwork, providing contrast and legibility. Pedestrian only surfaces (paths and patios) will be constructed of buff coloured PC slabs. Driveways are designed such that all vehicles will be able to exit the development in a forward gear. A bin storage area is proposed at the site entry point. Grass is proposed where there is no hard landscaping. The proposed seeks to retain the hedges on the northern & most of the eastern side. The existing hedgerow at the front of the site will also be kept but will be thinned out to give the site a neat appearance. Native species will be used to gap up any parts of this hedgerow that needs it as per the amended landscape plan & boundary treatment plan received on 11th July 2023. Class C Trees which have a low quality are to be removed & 2 new native trees planted. Trees not impacted by buildings or hard standing will be kept (likely to be trees T16. T18- 20 and possibility group G5). Within the site box hedges (or similar low growing variety) are proposed to form separation between the front gardens for plots 1 and 2, and to soften the edge of the wall around plot 3's garden

3. Description of the site and surrounding area

- 3.1. The existing site forms the side garden to a dwelling and sits between the built form of Stapleton and farmland to the north. The site is on the eastern side of Ashby

Road. The L shaped site is bounded on the east & north by open countryside and residential dwellings to the south & west. Dwellings in the area are characterised by an eclectic mix of mature 2 storey detached dwellings, 2 storey semi-detached dwellings, detached bungalows and semi-detached bungalows in variously sized plots.

- 3.2. The site itself consists of category c trees and hedgerow along its front boundary and most of the north and east boundary. The site is an exception to the pattern of development along this section of Ashby Road in that it is a far wider, and thus larger, plot than is characteristic.

4 Relevant planning history

21/01069/OUT

- Residential development of 4 dwellings (outline - access and layout only)
- Planning Permission 28.10.2022

5 Publicity

- 5.1. The application has been publicised by a site notice & by sending out letters to local residents. No comments have been received as a result of the publicity.

6 Consultation

- 6.1. No objections have been received from:
LCC Tree Officer
HBBC Environmental Services- Pollution
HBBC – Waste Services: No objections
- 6.2 LCC Highways- No objections subject to a condition

Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (LHDG)

Appraisal

- 8.1. The principle of the development has been established by the previously approved outline application and it is therefore 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 neighbouring residential amenity
- Impact upon access, highway safety and parking

Assessment against strategic planning policies

- 8.2 The site lies within the settlement boundary of Stapleton and the principle of development of the site for 4 new dwelling in strategic terms has been established by the extant outline planning permission reference 21/01069/OUT.

Design and impact upon the character of the area

- 8.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 The Good Design Guide SPD 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. The proposal would not result in the over densification of the site or lead to a loss of character for the wider area
- 8.5 The majority of the village is 20th century development which is quite densely planned towards the centre, with larger properties and plots towards the edges. These larger properties benefit from the long views over open countryside. This area of Ashby Road is characterised by an eclectic mix of mature dwellings, as described above, with dwellings on the eastern side of Ashby Road being a bit larger and on larger plots than dwellings on the western side of Ashby Road. The site is an exception to the pattern of development described along this section of Ashby Road in that it is a far wider, and thus a larger, plot than is characteristic. The proposal is for 4 large detached 2 storey dwellings, with ridge heights of between 8.5m & 9.2m. Whilst the proposal has a significant footprint, the heights are considered to be acceptable given the surrounding residential context of the site. Therefore, the scale proposed is considered acceptable.
- 8.6 The proposed dwellings are intended to have their own character which is distinct from the 20th century development which forms most of the built form in the village, yet they will sit well in their setting. The designs are mindful of the location of this site as the new rural edge of development. The materials and forms take the rural aspect into account by offering a softer, lower and more natural edge. The forms of the buildings are conscious of being the new 'gateway' to the village when approached from the north, offering a focal point and way-finder features. The adopted "Good Design Guide" SPD acknowledges that Stapleton does not have an individual architectural character which could be continued. Stapleton does have a distinctive character in the way that materials have been used in its historic buildings. This distinctive approach to materials is continued in the design proposal which embeds the development into its setting and makes a positive contribution to the built form of the village. As such, a new style is appropriate for this setting. Unlike the majority of contemporary housing development, architectural details are to be continued around the sides and rear of buildings, with high quality materials used even where they cannot be seen from the street. This adds to the quality of this development.
- 8.7 The use of brick plinth detail at the base of the external walls. This adds an impression of weight to the base of the buildings, giving a sense of solidity and permanence which is appropriate for high quality detached dwellings. This feature is interpreted in either brick or stone, as is suitable for each design. Feature window seats add a functional and decorative element to the facades whilst giving occupants an opportunity to connect with the views beyond. They further serve to unify the aesthetic of the new homes. The

proposed dwellings intentionally continue the historic style of mixed materials into the fabric of the buildings in order to contribute to the distinctiveness of Stapleford and to sit well in their setting. The introduction of timber cladding is in response to the edge of settlement location of the dwellings. The softness of the timber finish connects the predominantly masonry materiality with the natural landscape in which it sits, thus allowing this development to create a 'bridge' between the natural, rural edge of the village and the existing masonry built core. Therefore, subject to conditions, the appearance of the proposed dwelling is acceptable.

8.8 In terms of landscaping the existing site forms the side garden to a dwelling and sits between the built form of Stapleton and farmland to the north. This gives the site a transitional function in terms of landscaping. This is achieved by the retention of the native hedgerows where the site abuts the agricultural land to the north and east, and the location of the access road giving a sense of separation between buildings and farmland. More formal, neater planting is proposed within the site, as compliments the residential character and existing hedgerows and trees will be kept as much as possible.

8.9 The access roads within the site are to be un-adopted shared private drives. These are to be surfaced in tarmac and edged with standard PC kerb. The private driveways will be constructed of brindle blockwork, providing contrast and legibility. Pedestrian only surfaces (paths and patios) will be constructed of buff coloured PC slabs. Driveways are designed such that all vehicles will be able to exit the development in a forward gear. Overall the landscaping proposed is considered acceptable, with details to be conditioned.

8.10 Overall it is considered the proposal will result in a minimal visual impact on the character and appearance of the wider area in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon neighbouring residential amenity

8.11 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.

8.12 The proposed dwellings would share a close relationship with No. 20 Ashby Road whose large garden area forms the proposed site. No. 20 would be to the south of the proposed dwelling for Plot 4 and parallel to it & to the west of the proposed dwelling for Plot 2 and perpendicular to it.

8.13 The proposed dwelling on plot 2 would be approx. 14m from the rear elevation of host dwelling, no. 20 Ashby Road. Two 1st floor windows are proposed for the western side elevation of the dwelling in plot 2 which would be obscure glazed by condition to prevent overlooking and any lack of privacy. It is considered there will be no significant levels of overlooking to the west of the neighbouring garden as a 1.8m brick wall is proposed between these two dwellings & along the southern boundary of the proposed site to separate the curtilage of the host dwelling, with this relationship considered to be acceptable in terms of impact on amenity.

8.14 To the south west & approx. 35m away is No. 18 Ashby Road. Due to the distances involved, the intervening boundary screening and the angles of the proposed and the existing in relation to each other it is not considered the proposed would result in any overlooking impact.

- 8.15 The relationship between the proposed dwellings on site shows adequate separation distances between dwellings. The 1st floor of the proposed dwelling on plot 4 would have 2 obscure glazed bathroom windows on its northern elevation. The only 1st floor window on the southern elevation of the dwelling in plot 3 would be for a non-habitable room (hallway) which would be approx. 13m from the side elevation on the proposed dwelling on plot 4. This is considered acceptable as is amenity area for each plot and internal space requirements.
- 8.16 The proposed 1st floor rear facing dormer bedroom windows for the dwellings in plots 1 & 2 would allow for some potential for overlooking of each other's rear garden area but any average bedroom window would allow a similar level of overlooking. For a site inside the settlement boundary & therefore an Urban area some degree of overlooking is to be expected and is considered acceptable. The proposed boundary between plots 1 & 2 would be a 1.8m close boarded wooden fence which will provide adequate screening at ground floor level.
- 8.17 It is judged to be necessary to remove permitted development rights relating to extensions and additions to the dwelling given the separation distances and orientation of the dwelling. Further extensions would need to be assessed on their own merits to ensure adequate amenity relationships.
- 8.18 The proposal will result in a minimal impact on residential amenity in compliance with policy DM10 of the SADMP and the Good Design Guide SPD. Therefore, the proposed scheme is considered to be acceptable.

Impact Upon Highway Safety

- 8.19 Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide.
- 8.20 The proposed would form a new access onto Ashby Road. Outline planning permission was granted for 4 dwellings with associated access and layout on 28.10.22. This permission has confirmed the acceptability of the principle of development, use, amount, access and general layout of the site. As there were some amendments to the indicative layout considered under Outline application 21/01069/OUT LCC Highways were consulted on the proposal and have no objections subject to the imposition of a condition. All dwellings have ample parking.
- 8.21 It is considered that the proposal provides a safe access and a suitable level of car parking provision and would not be detrimental upon highways safety in accordance with Policies DM17 and DM18 of the SADMP.

Ecology

- 8.22 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.

- 8.23 The existing site forms the side garden to a dwelling and sits between the built form of Stapleton and farmland to the north. This gives site a transitional function in terms of landscaping. This is achieved by the retention of the native hedgerows where the site abuts the agricultural land to the north and east, and the location of the access road giving a sense of separation between buildings and farmland
- 8.24 The submitted landscape plan indicates that Grass is proposed where there is no hard landscaping. An Arboricultural survey has identified a number of trees on site and classified their quality. One tree is classed as Category A: High quality. Most are classed as Category C: low quality. This survey includes trees which are outside the proposal site but could be impacted by development. Three such trees are classified as Category B: Medium quality. The proposal seeks to remove all category C trees. This is due to their low quality and appearance, and the desire to create a setting which is suitable for a smart, high quality development. 2 new trees are proposed in native species. The perimeter of the site is bounded by hedges on the north and the east (in part). The proposal seeks to retain these hedges. The front of the site, as it abuts the existing highway is self-seeded with overgrown scrub which appears poorly maintained. This hedgerow will be thinned a bit but as much as possible will be kept. Any gaps will be planted with native hedgerow species.
- 8.25 LCC Tree Officer has no objection to the proposal.
- 8.26 In summary, the proposal is considered to be in accordance with Policy DM6 of the SADMP

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. 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).

Conclusion

- 10.1. The proposal seeks permission for outstanding reserved matters for the erection of 4 detached dwellings. The principle of a dwelling in this location was agreed at the outline planning stage.

- 10.2. The proposal would not have any significant adverse impacts upon residential amenity, visual amenity or on parking and highway safety. The proposal is acceptable from an appearance, landscape & scale perspective. It is considered that the proposed development would be in accordance with policies DM1, DM10, DM17 and DM18 of the SADMP, the Good Design Guide SPD & is acceptable in terms of appearance, landscaping & scale.

Recommendation

11.1 Grant approval of reserved matters subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

- 1) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Site Plan 23-07-PL02-B received 16.06.2023
- Amended Proposed Landscape Plan 23-07-PL03-B received 10.07.2023
- Amended Proposed Boundary Treatments Plan 23-07-PL04-A received 10.07.2023
- Elevations & Floor Plan Plot 1 23-07-PL05-A received 24.05.2023
- Elevations & Floor Plan Plot 2 23-07-PL06-A received 24.05.2023
- Elevations & Floor Plan Plot 3 23-07-PL07-A received 24.05.2023
- Elevations & Floor Plan Plot 4 23-07-PL08-A received 24.05.2023
- Elevations & Floor Plan Double Garage 23-07-PL10 received 24.05.2023
- Proposed Streetscene 23-07-PL11- received 24.05.2023
- Proposed 3D Layout 23-07-PL12-3D received 24.05.2023
- Parking Plan 23-07-PL13- received 24.05.2023
- Design & Access Statement received 24.05.2023

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).

- 2) 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 dwellings 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).

- 3) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Plan, drawing number PL 02B. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward

direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

- 4) The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

- 5) The development hereby permitted shall not be occupied until such time as the details of the proposed landscape plan & proposed boundary treatments plan have been implemented. 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 seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing 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 Development Plan Document (2016).

- 6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1 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 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).

- 7) The development hereby permitted shall not be occupied until such time as the waste storage area has been implemented in accordance with the proposed Site Plan 23-07-PL02-B received 16th June 2023

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 Development Plan Document (2016).

- 8) All windows indicated as obscure glazing on the approved plans are to be obscure glazed in perpetuity.

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

11.3 **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) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems
- 3) 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).
- 4) All works within the limits of the Highway with regard to the access shall be carried out with the agreement of Leicestershire County Council (Highways) - tel. 0116 305 0001.