

Delegated Report

Planning Ref: 25/00917/CONDIT

Applicant: Mr Nick Orme

Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Rear Of 70 To 74 Main Street Thornton

Proposal: Application to vary conditions 1 and 2 of planning permission 05/01200/REM. Changes to design and layout of dwelling, including parking and fenestration

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition previously imposed on a planning permission. In this case, planning permission reference 05/01200/REM granted reserved matters approval following the grant of outline planning permission for the erection of one dwelling at, land to the rear of 70 to 74 Main Street, Thornton. Condition 1 of the planning permission required that the approved parking and turning facilities be provided and made available at all times prior to occupation. Condition 2 of the planning permission restricted the installation of any additional windows under permitted development to the approved north-eastern elevation.
- 2.2. This application seeks planning permission for the variation of condition 1 (Parking and Turning) and condition 2 (Permitted Development Removal) of that planning permission. The application proposes to change the design and layout of the dwelling, including parking and fenestration.
- 2.3. The proposal would be built on the same footprint as the previously approved scheme without the additional projecting 'T' shaped element to the front elevation. The width would be increased by 1.02 metres and the depth reduced by 1.56 metres. The ridge height would be increased by 0.28 metres and the eaves reduced by 1.55 metres with the retainment of the dual-pitched roof form.
- 2.4. The front elevation is proposed to host three openings alongside a personal door and full length sidelight to the ground-floor and six Velux rooflights to the roofline. The side elevations would host a reduced number of openings with the two proposed openings being limited to the ground-floor level only. Three rear facing gabled dormers are proposed to the rear elevation each hosting an opening with three sets of doors below of.
- 2.5. The external walls are proposed to be rendered, with the exception of the rear elevation which would comprise red facing brick. Marley modern concrete interlocking tiles would be present to the roof, black uPVC to the openings and hit and miss timber cladding to the retaining wall with a timber safety balustrade above.
- 2.6. The parking provision is proposed to be re-located to the north-east of dwelling. The extant detached garage is to remain as constructed under the previously approved scheme.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the rear of 72 (formerly 70-72) and 74 Main Street, formerly comprising part of these gardens, and although now enclosed by fencing still shares an access with 74 Main Street. The site borders open fields to the south-west which slope away from the site. The field boundary is in line with the rear boundaries of properties running up to Mill Lane to the north. The settlement at this point is linear in form with the road running along the ridgeline and most properties directly fronting the road or set back behind small front gardens. Just to the south, the Hawthorne Drive estate deviates from the linear form and the backs of these properties can be viewed from the application site. Properties in the immediate vicinity are of mixed character in terms of age, materials and form but they are predominantly two storey and of traditional appearance.

4. Relevant planning history

02/00832/OUT

- Erection of detached dwelling with garage
- Outline Planning Permission
- 07.11.2002

05/00294/CONDIT

- Variation of condition 9 of planning consent 02/00832/OUT
- Planning Permission
- 11.05.2005

05/01200/REM

- Erection of one dwelling
- Planning Permission
- 30.12.2005

21/00022/FUL

- Construction of one dwelling
- Refused
- 26.04.2021

Dismissed at appeal on the 04.02.2022 (Reference: 21/00035/PP)

22/01017/NMA

- Non-Material Amendment to Planning Permission 05/01200/REM. Amendments to include removal of external staircase and external balcony, alterations to existing and addition of external door and window openings, addition of Juliette balconies and construction of chimney.
- Permit Non Material Amendments
- 20.01.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publications, no comments have been received.

6. Consultation

- 6.1. Thornton Parish Council:
 - No comments have been received.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 10: Key Rural Centres within the National Forest
 - Policy 21: National Forest
 - Policy 22: Charnwood Forest
- 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) (2024)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide (2024)

8. Appraisal

- 8.1. Key Issues
 - Principle of development
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Conditions

Principle of development

- 8.2. The site falls within the settlement boundary of Thornton as such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and Paragraph 11 of the NPPF. The sustainable principle of development was established under the extant 2005 permission.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass,

design and for building material to respect existing/neighbouring buildings and the local area generally.

- 8.4. The Councils Good Design Guide seeks to ensure that back land development does *'not result in the overdensification of the land, leading to a loss of character.'* And that *'Where these conditions can be demonstrated, existing access arrangements should be used to serve new development wherever possible, to avoid unnecessarily 'puncturing' the character of the street scene and allowing highways to dominate.'* And that; *'Development should respect wider building lines and not back onto the street. Boundary treatments should also be carefully utilised to assimilate new development into its context, reflecting those seen in the wider frontage and seeking to avoid gaps that break down sense of place.'*
- 8.5. The site is currently unused garden land bound by reinforced close board fencing. Views to the site are limited from the street scene. The properties along this part of Main Street vary in design, materials used and character although they tend to be traditional in appearance.
- 8.6. The proposal would be built on the same footprint as the previously approved scheme without the additional projecting element to the front elevation which created the previously approved 'T' shaped form. The dwellings footprint would be increased by a modest 1.02 metres in width reduced by 1.56 metres in depth. It would be 1½ storey in scale with a dual-pitched roof form to replicate that of the previously approved roofscape. The ridge height would be increased by a minor 0.28 metres and the eaves reduced by 1.55 metres. Overall, the scale of the dwelling would remain to be consistent with the existing surrounding dwellings on Main Street and extant approval.
- 8.2 The front elevation would host three openings alongside a personal door and full length sidelight to the ground-floor and six Velux rooflights to the roofline. The side elevations are to host a reduced number of openings with the two proposed openings being limited to the ground-floor level only. Three rear facing gabled dormers are proposed to the rear elevation each hosting an opening with three sets of doors below of. The proposed amendments to the fenestration would be sympathetic and would ensure that the dwelling hosts a much improved appearance to the 2005 approval.
- 8.3 The Councils Good Design Guide states that *'Roof extensions are a well-used methodology for extending internal space but can be prominent over a wider area due to their higher scale compared with their neighbours. Some key guidelines are:*
- *Wherever possible, locate roof extensions to the rear of properties to minimise potential impact on the street scene.*
 - *Dormer windows, which allow for additional headroom within roof spaces can be appropriate in certain situations, however these will be considered in the context of impact upon the character of the building and on neighbours' amenity.*
 - *Material selection, and scale of window opening and position within the roofscape is critical in the success of dormers. Dormers to fronts of properties will only be acceptable where this is a prevailing feature of the surrounding context.'*
- 8.4 The proposed dormers would be set in 1.35 metre from the overall dwellings ridge height, and the sides by 1.22 metres. The dormers would not exceed the height of the extension or main dwelling whilst being of a modest scale appearing to be a subordinate addition to the roof elevation as to not over dominate. Dormers can be seen to the surrounding dwellings and their appropriate scale, design and finish would ensure a unified appearance.

- 8.7. White render would be introduced to the external front and side elevations with red facing brick being retained to the rear elevation facing onto the open countryside to protect the view of the open countryside when approaching from Thorton Lane. Marley modern concrete interlocking tiles would be present to the roof, black uPVC to the openings and hit and miss timber cladding to the retaining wall with a timber safety balustrade above. These proposed materials are considered to be acceptable and to complement the materials of the area.
- 8.8. The proposal would retain its existing access whilst being set back appropriately from the public highway and being of an appropriate design as to not lead to a loss of character within the street scene.
- 8.9. Overall, the amended proposal would satisfy Policy DM10 of the SADMP, the Councils Good Design Guide and the overall principles of the NPPF.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The policy also states that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.11. The Councils Good Design Guide states that backland sites 'At a minimum, it will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.'
- 8.12. The Councils Good Design Guide states that "Habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart."
- 8.13. The proposed openings to the ground-floor and roof line of the front (north-east) elevation would be situated approximately 21 -22 metres away from the nearest residential dwellings to the north-east, 64, 72 and 74 Main Street complying with the Councils Good Design Guide. The dwelling has further been designed so that no upper floor windows face the rear of these dwellings which together with the separation distances results in a minimal impact on overlooking and privacy. The openings to the rear (south-west) elevation of the site would face onto open countryside and the ground-floor openings to the side elevations would be situated a substantial distance from any immediate facing residential elevation with suitable intervening boundary treatments.
- 8.14. Due to sloping land levels to the rear of the site, the proposal involves an external staircase to the side leading to the rear paved patio. The external staircase would sit atop of the existing 2.00 metre retaining wall to the side elevations and would have an additional 1.00 metre timber fence atop of. It would be positioned 4.69 metres from the boundary with the neighbouring property at 62 Main Street, however given its sensitive height and the nature of the changing land levels the views across the garden area of number 62 Main Street, are considered to be limited and not detrimental.
- 8.15. The Councils Good Design Guide states that "A habitable room within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 12m for a two storey property."
- 8.16. As above the proposed dwelling would be situated a minimum of 21 metres from the nearest two-storey dwelling, 72 Main Street not resulting in adverse loss of light of overdominance to this property.

- 8.17. The amended scheme when compared to the extant scheme would result in a lesser degree of overlooking by virtue of the significant reduction in openings and reduction in height.
- 8.18. Due to the backland nature of the development, it is necessary to assess the noise impacts between the new dwelling and the surrounding residential accommodation. The proposed use would be residential and therefore the level of additional noise is not considered to be detrimental. HBBC Environmental Health – Pollution have raised no objections to the proposal. Any future issues could be controlled by them separately using statutory nuisance legislation.

Amenity of future occupiers

- 8.19. To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within the Councils Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.20. The dwelling is proposed with three double bedrooms to the first-floor and an assumed double to the ground-floor due to its dimensions, which could accommodate eight-persons.
- 8.21. The THS seeks to ensure that proposals for three-bedroom, eight-person two-storey accommodation should provide a minimum floor space of 124.00sqm and 2.50sqm of built-in storage.
- 8.22. Whilst the built in storage space along with the bedroom dimensions would be sufficient, the dimensions as proposed fail to meet the minimum gross internal floor areas for a two-storey, three-bedroom property by approximately 8.38sqm. Despite this, in these site specific circumstances and due to the ground-floors joint use of a snug indicating that the bedroom aspect will only be used in short-term intervals the Local Planning Authority are satisfied that the proposed dwelling would provide an albeit not high, however adequate level of residential amenity for the future occupants of the scheme.
- 8.23. The Councils Good Design Guide (GDG) states that 'Gardens are an important part of the quality of life afforded by a house. Over-development leaving a significantly reduced garden area can affect its appeal in the longer term. Homeowners should ensure that a single extension or cumulative smaller extensions do not result in a significant loss of total garden space as this can render the plot out of keeping with its context. A general guideline for garden sizes is:
- A minimum garden length of 7m;
 - 80sqm: three bedroom house;
 - 60sqm: two bedroom house.
- 8.24. Whilst the GDG does not specifically provide guidelines for a four-bedroomed house, the proposal would provide a more than adequate rear amenity space which would exceed 7.00m in width and 130.00sqm.
- 8.25. By virtue of the above factors the proposal would satisfy Policy DM10 of the SADMP and the Councils Good Design Guide.

Impact upon highway safety

- 8.26. Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and

congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

- 8.27. Ultimately, 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.28. To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. 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) (2024). The access to the site would remain unaltered.
- 8.29. The LHDG requires that three bedroom dwellings host a parking provision for a minimum of two vehicles and requires that parking spaces have minimum dimensions of 2.40m in width by 5.50m in depth, and an additional 0.50 metres in width is required if the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side and an additional 1.00m in width where the space is bounded on both sides.
- 8.30. The proposed scheme would host four bedrooms, instead of the originally approved two. It would, nevertheless, provide a more than adequate parking provision for three vehicles all of the spaces which would comply with the minimum parking dimensions set out within the LHDG. Further to the above, the extant detached garage is to remain as constructed under the original 2005 permission.
- 8.31. The access to the site would remain unaltered.
- 8.32. By virtue of the above, the proposal would remain in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Conditions

- 8.33. The previously approved planning permission 05/01200/REM was subject to 2 conditions. Condition 1 (Parking and Turning) would need to be amended to refer to the plans submitted and approved under this application to define the new permission. Condition 2 (Permitted Development Removal) would need to be amended removing the dwellings permitted development rights under Schedule 2 Part 1 (Classes A to E) 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). The imposing of this condition is considered to be justified due to the backland nature of the plot alongside its siting next to existing residential dwellings, where uncontrolled extensions could lead to harm upon the occupiers of the neighbouring dwelling and/or the character of the area unless appropriately assessed by the LPA.
- 8.34. A further three conditions in regard to the submitted plans, materials and obscure glazing are also considered to be necessary to ensure satisfactory development.
- 8.35. The full list of conditions are included below.

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 proposals are for variations to a previously approved planning permission for the erection of a new dwelling within the settlement boundary of Thornton where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted Site Allocations and Development Management Policies and the overarching principles of the NPPF.
- 10.2. The variations to the previously approved extension are considered to continue to respect and complement the scale, character and appearance of the existing dwelling and wider street scene and do not result in any significant adverse impacts on the residential amenity or privacy of the occupiers of any neighbouring properties or impact the parking provision at the site. The proposal would therefore adhere to Policies DM1, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies, the general principles of the Councils Good Design Guide, the Leicestershire Highways Design Guide and the overall principles of the NPPF and is recommended for approval subject to amended conditions 1 (Parking and Turning), 2 (Permitted Development Removal) and new conditions 3 (Materials), 4 (Plans) and 5 (Obscure Glazing) to define the new planning permission.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2. Conditions and Reasons

1. Prior to first occupation of the dwelling hereby approved the parking facilities shown on the Proposed Site Plan, Drg No. Orme-N-3a-02 as received by the Local Planning Authority on the 12th December 2025 shall be provided and made available. Thereafter the parking facilities shall be retained in perpetuity.
Reason: To ensure that adequate off-street parking facilities are available at the site in the interests of highway safety to accord with Policies DM17 and DM18 of the SADM, the Leicestershire Highways Design Guide (2024) and the overarching principles of the National Planning Policy Framework (2024).
2. The dwelling hereby approved shall not be extended, altered, or subject to development within the residential curtilage, under Schedule 2 Part 1 (Classes A to E) 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), without the grant of planning permission for such extensions, alterations or outbuildings by the Local Planning Authority.

Reason: To ensure that the development does not have a detrimental impact on the character of the development or neighbouring residential amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed dwelling hereby permitted shall be in accordance with the external materials details submitted on the approved Proposed Elevations, Drg No. Orme-N-3a-05 as received by the Local Planning Authority on the 12th December 2025.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2024).

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, received by the Local Planning Authority as follows:

- Proposed Site Plan, Drg No. Orme-N-3a-02
 - Proposed Ground Floor Plan, Drg No. Orme-N-3a-03
 - Proposed First Floor Plan, Drg No. Orme-N-3a-04
 - Proposed Elevations, Drg No. Orme-N-3a-05
 - Proposed Elevations, Drg No. Orme-N-3a-06
 - Proposed Outline Section, Drg No. Orme-N-3a-07
 - Site Location, Block Plan, Drg No. Orme-N-3a-08
- all as received by the Local Planning Authority on the 12th December 2025.

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2024).

5. The windows situated to the first-floor en-suite and bathroom shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable prior to first occupation of each plot. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings and future occupiers from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2024).

11.3. Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

