



Appeal Decision

Site visit made on 14 July 2026

by Richard Snow BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2026

Appeal Ref: 6009514

11 Danehill, Ratby, Leicestershire LE6 0NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Lovegrove against the decision of Hinckley and Bosworth Borough Council.
 - The application ref is 25/00201/FUL.
 - The development proposed is a single storey new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey new dwelling at 11 Danehill, Ratby, Leicestershire LE6 0NG in accordance with the terms of the application, ref 25/00201/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues for this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and,
 - Whether the living conditions of neighbouring occupiers would be protected and acceptable living conditions for future occupiers provided, with particular regard to levels of privacy at and between the proposed development and Nos 1 and 3 Gillbank Drive.

Reasons

Character and appearance

3. The appeal site is a semi-detached bungalow and its associated side garden located at the end of a crescent of similarly designed properties, aligned along generally straight frontages in an L-shape arrangement around a substantial central tree. The majority of these properties display similar architectural features including their fenestration and centrally positioned chimneys and are constructed from brick and clay tiles. Two more recent additions to the crescent at 1a and 3a, deviate from this original character, omitting chimneys and in the case of 3a, incorporating a first floor within its roof space and by being set behind, and at an angle to, the L-shape of the crescent.
4. The wider area is formed of residential properties, consisting of a mix of single and two-storey properties of semi-detached, detached and terraced arrangements, fronting roads at a variety of angles. Road junctions and corner plots typically

- include grassed areas incorporating trees, providing a pleasant, verdant feel to the area.
5. The proposed dwelling would be positioned alongside no 11, reducing the gap between it and the public highway in a manner similar to the dwelling at no 1a which has extended the crescent towards the road at the other end of the crescent. Given the similarities in their positioning, the two would be seen as complementary features 'bookending' the crescent. Reflecting the alignment of no 1a, the proposed dwelling would be set back from the front of the property alongside.
 6. The appeal site is currently enclosed by solid fencing and accordingly does not readily contribute to the open character of the corner. The proposal includes the realignment of the eastern side boundary, effectively increasing the size of the landscaped area visible within the public domain and enhancing the open character of the corner. The appellant proposes additional landscaping within this area, with details to be approved through a planning condition. The resulting arrangement would be reflective of other similar open areas along Danehill and adjoining roads.
 7. Despite being set back from the front of no 11, the alignment of the proposed dwelling would generally maintain the linear character of the crescent. Its side elevation would be set back from the road, reducing its prominence in the street scene. Several other local properties also present blank gable walls to the street, with many in more prominent locations and as such, this feature of the development would not contradict local character. Gaps between nearby properties vary and the marginally greater set back from the front of no 11 in comparison to that between no 1a and its neighbour would not be readily noticeable nor harmful.
 8. The proposed property would be of a similar scale to others in the crescent. Fenestration would be reflective of local character in terms of its size and glazing pattern. A small canopy would be positioned centrally over the front door and whilst not a common feature on existing nearby properties, this would be a small-scale addition and provide interest on the front elevation.
 9. In matching the eaves and ridge height of its neighbours, the proposal appropriately responds to local character and whilst architectural details differ from others nearby, the proposal would reflect the two newer additions to the crescent at 1a and 3a which similarly do not include chimneys or bow windows. The appellant confirms agreement to the use of concrete tiles rather than slates and such details could be controlled through the use of an appropriately worded planning condition.
 10. Having regard to all of the above, the siting and alignment of the proposed dwelling would maintain the form, character and layout of the crescent and the wider area, and the scale, height, design and architectural features of the property would generally reflect those of surrounding properties. Consequently, I conclude that the proposal would not have a harmful effect on the character and appearance of the area and as such, accords with Policy DM10 of the Hinckley & Bosworth Site Allocations and Development Management Policies DPD (2006-2026) (2016) (the DPD) which, amongst other things, requires new development to complement the character of the surrounding area. Similarly, the proposal meets the objectives of

the council's Good Design Guide Supplementary Planning Document (2020) (SPD) and Guidance Points C1 and I1 of the National Design Guide.

Living conditions

11. The evidence shows that the proposed dwelling would be positioned 18.8m and 18.4m from the rear elevations of nos 1 and 3 Gillbank Drive respectively. These neighbouring properties are set on marginally higher land levels than the appeal site. Intervening features including boundary fencing, outbuildings and vegetation are effective in mitigating direct views between the appeal site and the ground floor windows of those neighbouring properties. No 3 is a bungalow and in these circumstances, the relationship between it and the appeal proposal would ensure that the living conditions of the occupiers of both properties would be acceptable.
12. The two-storey dwelling at no 1 is off-set from the rear of the proposed dwelling. It includes three first floor windows, one of which has obscure glazing and appears to serve a bathroom. Whilst some minor and oblique overlooking into the appeal property may be possible from the other windows, this would be limited and at a level not uncommon in urban environments similar to this. Views from the rear bi-fold doors of the appeal property towards the first-floor windows of no 1 would be similarly limited by the oblique angle, the separation distance and the storey-height vertical separation.
13. Accordingly, whilst falling short of the recommended separation distance of 21m within the guidance of the SPD, the site characteristics described above are such that the proposal would provide acceptable living conditions for future occupiers and would not cause significant harm to those of the neighbouring occupiers at 1 and 3 Gillbank Drive. The proposal therefore accords with Policy DM10 of the DPD which requires development to prevent a significant adverse effect on the privacy and amenity of nearby residents.

Other Matters

14. The appellant advances the proposal as a self-build dwelling. A Planning Obligation pursuant to s106 of the Town & Country Planning Act 1990, in the form of a Unilateral Undertaking, has been provided by the appellant to secure the delivery of a dwelling meeting the definitions of the Self-Build and Custom Housebuilding Act 2015.
15. As an appropriately executed Planning Obligation meeting the tests in the National Planning Policy Framework (the Framework), I am satisfied that it would be a suitable mechanism to ensure that the proposal is delivered as a self-build dwelling. The appeal scheme would therefore contribute to the delivery of self-build properties, and I give this matter considerable weight in favour of the proposal given the shortfall identified in the evidence.
16. Additionally, the council has confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites. In making a small, but important, contribution to the supply of new homes in the district, I give this matter moderate positive weight in favour of the appeal.

Conditions

17. I have considered the council's suggested conditions against the tests in the Framework and the advice in the Planning Practice Guidance.

18. To define the permission and control the timescale for implementation, I have included conditions specifying the duration of the permission and the approved plans. Subject to minor amendments to ensure clarity and accuracy, conditions relating to external materials and landscaping proposals are included to ensure an appropriate standard of external appearance.
19. I have amended the suggested condition relating to proposed parking *and turning* facilities (my emphasis) given that no turning facilities are proposed, and to clarify that the parking space for no 11 also requires providing. I have also amended the suggested condition requiring the bathroom window to be fitted with obscure glass and to be non-opening below 1.7m above floor level by removing the secondary requirement given that obscure glazing would adequately protect privacy and the plans show this as a high-level window only.
20. Paragraph 55 of the Framework states that national permitted development rights should not be restricted unless there is clear justification to do so. Insufficient justification has been provided to warrant the removal of all permitted development rights within Classes A, AA and D of the Town & Country Planning (General Permitted Development) (England) Order 2015. The conditions and restrictions within the Order would, in this case, protect the character of the area and living conditions of neighbouring occupiers from harm through extensions under Classes A and D. Upward extensions permitted though Class AA would be subject to the prior approval of the council in respect of their impact on the amenity of occupiers of adjoining premises and their external appearance. I have, accordingly, amended the condition to remove permitted development rights relating to roof enlargements and alterations only, in the interests of protecting the character of the area and the living conditions of neighbouring occupiers in respect of privacy.

Conclusion

21. The proposal would appropriately reflect the character and appearance of the area and provide and maintain acceptable living conditions for occupiers. It accords with the development plan as a whole and there are no material considerations which indicate a decision should be made other than in accordance with it. Accordingly, the appeal should be allowed.

Richard Snow

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out other than in complete accordance with the submitted application details as follows:
 - Proposed elevations (24-63 03E)
 - Proposed Site and Floor Plans (02F)
 - Site Location Plan
- 3) Prior to the first occupation of the development hereby permitted, the parking facilities for the proposed dwelling and no 11 Danehill shall be implemented in accordance with the details shown on Proposed Site and Floor Plans (02F). Thereafter, these parking facilities shall be kept available for such use in perpetuity.
- 4) Prior to the commencement of any construction works above foundation level, representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with these approved materials.
- 5) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping works, including boundary treatments, for the site including an implementation scheme, shall be submitted to, and approved in writing by, the local planning authority. Approved boundary treatment shall be erected prior to first occupation of the dwelling. Planting shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development. 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.
- 6) Notwithstanding the provisions of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and Order revoking and re-enacting that Order with or without modification), no enlargement or alterations to the roof of the dwelling hereby approved shall be carried out unless planning permission for such development has been granted by the local planning authority.
- 7) The bathroom window on the rear elevation of the dwelling hereby permitted shall be fitted with obscure glazing to a minimum of level 3 of the Pilkinton scale. Once so provided, the window shall be permanently maintained as such at all times thereafter.

End of Schedule