

Delegated Report

Planning Reference 24/00804/HOU
Applicant(s) Mrs Lauren Gregson
Ward Cadeby, Carlton, Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Application Site Wisteria Cottage, 91 Barton Road, Congerstone

Proposal Loft conversion, including flat roof rear dormer, front roof lights and replacement chimney

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons detailed at the end of this report.

2. Planning Application Description

- 2.1. This householder planning application seeks full planning permission for a loft conversion, including the construction of a 3.8m wide flat roof dormer that is set down from the main roof by 0.3m, two 1.8m high by 0.8m wide conservation-style roof lights to the front elevation, and a replacement chimney to Wisteria Cottage, 91 Barton Road, Congerstone.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is to the northeast of, but within, the rural village of Congerstone and its associated Conservation Area. The application site is on the northern side of Barton Road and is bounded by residential properties to the northeast, east, south, and west of the site. To the north of the site is a large area of woodland. The application site comprises 91 Barton Road ('Wisteria Cottage'), which is an end terrace, two-storey residential property that is sited at the back of the pavement and is constructed in red brick and plain clay roof tiles.
- 3.2. The application site and the properties immediately to the east and west of the site (89, 90, and 92 Barton Road) are all identified as a collective unlisted building of local historic or architectural importance within the Congerstone Conservation Area Appraisal. The character of the surrounding area is wholly residential and predominantly consists of two-storey terraced or detached dwellinghouses that are typically constructed with red brick, apart from 89 Barton Road which benefits from a white rendered finish. The properties on the southern side of Barton Road and along Chapel Lane to the east appear to be more modern in style and construction.

4. Relevant Planning History**4.1 18/01190/HOU**

- Single storey rear and side extension
- Permitted
- 16.01.2019

4.2 14/00189/HHGDO

- Rear extension measuring 5.95 metres in depth; 3.45 metres in height to the ridge; and 2.25 metres to the eaves
- Prior Approval Refused
- 15.04.2014

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents, a site notice was posted within the vicinity of the site, and a notice was displayed in the local press. No responses have been received.

6. Consultation

- 6.1 Hinckley and Bosworth Borough Council (HBBC)'s Conservation Officer considered the development to have a neutral impact on the character and appearance of 91 Barton Road and the wider Congerstone Conservation Area.

- 6.2 Since 13 September 2024, Leicestershire County Council (LCC)'s Ecology Department have had a holding objection to the scheme, subject to the provision for a Preliminary Roost Assessment prior to the determination of the application, given the property's suitability for roosting bats and the surrounding good quality foraging and commuting habitats for bats. To date, no further information has been submitted to address the outstanding requirements, and it was confirmed by the Applicant in a phone call with the Case Officer on 01 September 2025 that no discussions or works were in place to address these concerns. The Case Officer recommended that the application was therefore withdrawn, but no further responses have been received from the Applicant since 02 September 2025.

- 6.3 Given the above, the Applicant has failed to demonstrate that protected species and their habitats are not adversely affected by this proposal. As a result, the application is contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), Schedule 7A (Biodiversity Net Gain in England) of the Town and Country Planning Act 1990, as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016). Therefore, the application is refused.

7. Policy

7.1 Core Strategy (2009):

- Policy 12: Rural Villages

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Congerstone Conservation Area Appraisal (2007)
- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. Extensions to existing domestic properties are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the area and the historic environment
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Design and Impact upon the Character of the Area

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Accordingly, Paragraph 212 of the NPPF requires great weight to be given to the conversation of

designated assets and the more important the asset, the greater the weight should be.

- 8.3 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible.
- 8.4 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.5 No extensions are proposed to the ground or first floors of the existing property, and no alterations are proposed to the height or pitch of the main roof of the dwelling to facilitate the loft conversion. The only amendment to the principal elevation of the property is the replacement chimney and the provision of two conservation-style roof lights.
- 8.6 The existing chimney stack is replaced with a GRP fibreglass stack to match the form and appearance of the existing chimney, which is considered to maintain the character and appearance of the existing property, and the wider Conservation Area. The two rooflights are conservation style with a central dividing glazing bar and fitted flush to the plane of the roof, which reduces their visual prominence and is considered to result in a negligible and not adverse impact on the character appearance of the existing property, and the wider Conservation Area.
- 8.7 The flat roof dormer is located to the rear of the property away from public views and designed to match the existing flat roof dormer to the rear of 92 Barton Road. The dormer is sited below the roof ridge line and well in from the side elevations, which is considered to ensure that the dormer is subservient to, and an appropriate scale in relation to, the host dwelling. In light of these factors, the proposal is not considered to result in any adverse impacts to the heritage interest of the property, nor the character and appearance of the non-designated heritage asset, or the wider Conservation Area.
- 8.8 By virtue of these factors, the proposal does not result in any significant adverse impacts to the character and appearance of the existing dwelling, the surrounding area, or the wider Congerstone Conservation Area. The development is therefore considered to accord with Policies DM10, DM11, and DM12 of the SADMP.

Impact upon Residential Amenity

- 8.9 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 and 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.

- 8.10 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.11 No extensions are proposed to the ground or first floors of the existing property, and no alterations are proposed to the pitch or height of the main roof of the host dwelling. Therefore, the scheme does not result in any overbearing or loss of light impacts to neighbouring residential amenity, nor any reduction in the site's provision of private outdoor amenity space. In addition, the development does not increase the capacity of the dwelling, and the new proposed master bedroom and third bedroom are considered to meet the minimum requirements of the Nationally Described Space Standards (NDSS), which protects the residential amenity of the future occupiers of the scheme.
- 8.12 The front elevation of the existing dwelling faces towards the front elevations of the properties to the south, which are separated from the application site by Barton Road. Therefore, the provision of two rooflights on this front elevation are not considered to result in any overlooking or loss of privacy impacts in these site-specific circumstances.
- 8.13 No windows are proposed on the side elevations of the existing property, and only two new windows are proposed on the rear elevation of the dwelling. The two new three-bay windows are proposed on the second floor and serve the new master bedroom and its associated en-suite. The window to the en-suite is proposed to be obscure glazed, and this can be secured via planning condition. There are no residential properties immediately to the north of the site, and by virtue of the siting of the adjacent properties, the provision of the new rear dormer window is not considered to result in any adverse overlooking or loss of privacy impacts to neighbouring residential amenity.
- 8.14 By virtue of these factors, the proposal is not considered to result in any adverse impacts to the residential of neighbouring properties, nor the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.15 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.
- 8.16 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.

- 8.17 Barton Road is an adopted but unclassified public highway that is subject to a 30mph speed limit. No alterations are proposed to the existing vehicular site access, and whilst the site does not benefit from any off-street parking spaces, the scheme does not increase the number of bedrooms within the site.
- 8.18 By virtue of these factors, the proposal is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP.

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.

- 9.4 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).

10. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission is refused.

11. Recommendation

- 11.1 **Refuse planning permission** subject to:

- Planning reasons detailed at the end of this report.

11.2 Reasons

1. The Applicant has failed to demonstrate that protected species and their habitats are not adversely affected by this proposal. The application is therefore contrary to, and in conflict with, the statutory requirements of Paragraphs 98 and 99 of the ODMP Circular 06/2006 (Biodiversity and Geological Conservation), Schedule 7A (Biodiversity Net Gain in England) of the Town and Country Planning Act 1990, as well as Chapter 15 of the National Planning Policy Framework (NPPF) (2024), and Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a. Notes to Applicant(s)

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 20.08.2024)
 - Existing and Proposed Layouts, Elevations, and Location Plan (submitted: 20.08.2024)