

**Planning Committee 8 September 2020  
Report of the Planning Manager**

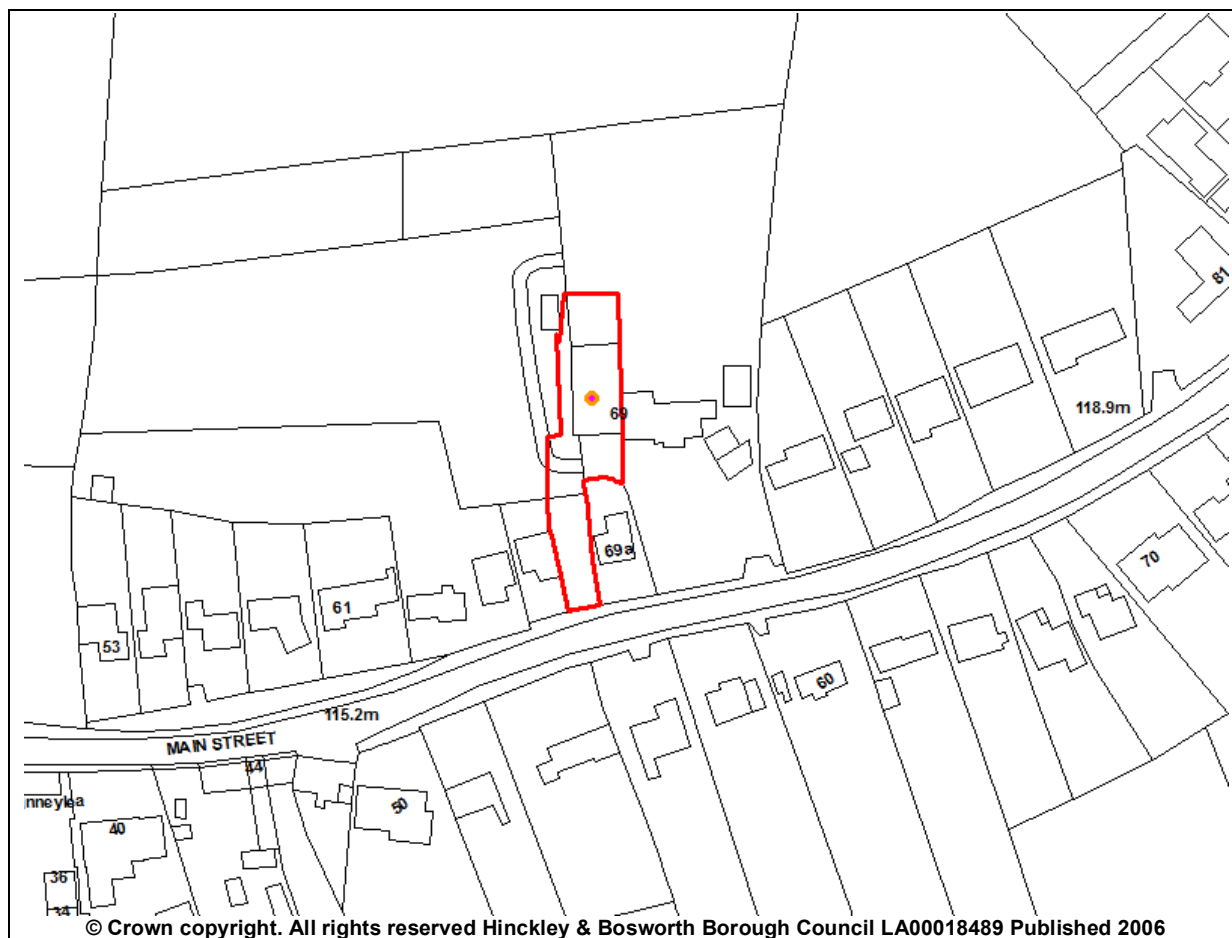
**Planning Ref: 20/00421/FUL  
Applicant: Mr & Mrs K Salisbury  
Ward: Cadeby Carlton M Bosworth & Shackerstone**



**Hinckley & Bosworth  
Borough Council**

**Site: Windhover House 69 Main Street Carlton**

**Proposal: Subdivision of existing single dwelling to provide additional four-bed dwelling, detached garage and new vehicular access**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.

**2. Planning application description**

- 2.1. This application seeks planning permission for the subdivision of 69 Main Street, Carlton to provide an additional dwelling, associated detached garage and the creation of a new vehicular access off Main Street, Carlton, between nos.67 and 69A.

**3. Description of the site and surrounding area**

- 3.1. The application site comprises a large detached two storey dwelling in the settlement boundary of Carlton. The property sits on a large plot, distinct in this respect from its

surrounding neighbouring and other dwellings along Main Street. It features a gable roof design across all two storey and single storey elements and is finished in a pale brick, brown roof tiles and white UPVC windows and doors. The property benefits from ample outdoor residential amenity space, with open countryside views beyond. To the front of the property is a sizeable area of off-street parking space, including two garages. The property is enclosed to its front by a brick wall and two entrance gates. Land levels slope slight towards the north (rear) and west. Under 10/00374/FUL 69A Main Street, a detached two storey dwelling, has been erected in the south west corner of what was previously the residential curtilage of 69 Main Street Carlton. Planning permission has also been granted for a detached dwelling in the south east corner of 69 Main Street under 19/00773/FUL.

3.2. Main Street is characterised by varied street scene

#### **4. Relevant planning history**

##### **09/00455/OUT**

- Erection of two dwellings with creation of access and parking, extension and alterations to existing dwelling and garage
- Approved
- 06.08.2009

##### **10/00374/FUL**

- Erection of new dwelling
- Approved
- 04.08.2010

##### **14/01219/FUL**

- Erection of dwelling, modification to existing access and proposed new access
- Approved
- 16.02.2015

##### **18/00800/CONDIT**

- Variation of Condition 2 of planning permission reference 14/01219/FUL to enable the development for the erection of one dwelling, modification to existing access and proposed new access to be implemented in accordance with amended plans
- Approved
- 08.10.2018

##### **19/00773/FUL**

- Part Demolition of existing garage, Erection of 1.5 storey dwelling and proposed boundary walls
- Approved
- 06.09.2019

#### **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. Objections from five separate addresses have been received raising the following concerns:

- 1) Using agricultural land for a domestic access
- 2) Proposed development partially outside of the Carlton settlement boundary
- 3) No landscaping details
- 4) Loss of no.67's garden area as a result of the proposed access would increase on-street parking
- 5) New access would have poor visibility
- 6) Only a small area of front garden proposed for the subdivided new dwelling
- 7) Existing access into no.69 would be suitable to accommodate the new development, rather than creating a new one
- 8) Access alongside no.67 will harm the character and appearance of no.67 in the surrounding street scene

5.3. One letter neither objecting nor supporting the proposed development has been received, requesting that the garage is built at the same type as the proposed subdivision and access works, and querying whether a rear garden fence will be reinstated around no.67.

## **6. Consultation**

6.1. No objections have been received from:

- HBBC Environmental Health (Pollution)
- HBBC Environmental Health (Drainage) (note to applicant)
- LCC Highways
- HBBC Waste (subject to pre-commencement condition)

6.2. Carlton Parish Council have objected to the proposed scheme on the following grounds:

- 1) Impact upon the private residential amenity of no.67
- 2) A cramped appearance proposed with harmful impact upon the surrounding street scene
- 3) Proposed access will have poor visibility
- 4) No.67's reduced rear garden would not meet design standards
- 5) The access would result in unacceptable encroachment into the open countryside
- 6) The existing access into no.69 would be acceptable
- 7) Proposed access should be finished in hard bound materials and any gates should be set 5 metres back from the highway

## **7. 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 DM4: Safeguarding the Countryside and Settlement Separation
- 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) (2019)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring 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.
- 8.2. 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 13 of the Core Strategy identifies Carlton as a rural hamlet. The policy supports housing development within the settlement boundary that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16. Rural hamlets have limited services, relying on key rural centres for education, employment, goods and services. Development in rural hamlets is therefore confined to infill housing development and conversions. The creation of a new dwelling in this application makes use of existing residential footprint by subdividing the existing dwelling on site. It is thus considered to comply with Policy 13 of the Core Strategy in this regard, making use of existing development within the settlement boundary to provide additional housing.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set 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. This is weighed in the balance of the merits of the application when considered against 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.

- 8.4 However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the application should be determined against Paragraph 11(d) of the Framework 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. The application site is located partially outside of the defined settlement boundary of Carlton. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
  - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- i. It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
  - ii. It does not undermine the physical and perceived separation and open character between settlements; and
  - iii. It does not create or exacerbate ribbon development;
- 8.5 The proposed subdivision of the existing dwelling and associated garage would be located within the settlement boundary of Carlton and thus this part of the proposed development is considered to be sustainable in principle. However, the narrow strip of land along the side of the existing host dwelling to be incorporated into the proposal and the portion of access drive proposed beyond the rear of no.67 Main Street would be outside of the Carlton settlement boundary which would therefore be contrary to Policy DM4.
- 8.6 The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which is attributed significant weight as they are consistent with the Framework. The subdivision of an existing property, it is considered to be sustainable in principle, subject to satisfying the sub-criteria of Policy DM4 assessed in the following section.
- 8.7 However, the additional development proposed within the countryside, should be weighed in the planning balance against the Policies of the Development Plan and the Policies of the NPPF when taken as a whole.

## Design and impact upon the character of the area

- 8.8 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Although established as sustainable in principle, the proposal must still be acceptable according to 5 sub-criteria being met, of which criterion i) is most relevant. Criterion i) requires development to have no significant adverse effect upon the beauty, open character and landscape character of the countryside.
- 8.9 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10 This application seeks permission to subdivide the existing attached pool house at no.69 Main Street into a separate residential planning unit. Externally, the only change to be made to the existing single storey projection along the west side of the host dwelling would be the addition of a window along the front elevation. The proposed subdivision would retain and make use of all other existing opening. In this regard, the subdivision itself would not have any material impact upon the character and appearance of the existing host dwelling.
- 8.11 The proposed subdivision would also include a detached double garage forward of its front elevation. The garage would be connected to the front elevation of the new dwelling created by an open flat roof canopy with roof light. The garage would be finished in matching materials and a hipped roof. Albeit to the front of the new dwelling, it would be subordinate in scale and footprint. Although hipped roofs are not characteristic of the existing dwelling, they are characteristic of the surrounding street scene and as such this would be an acceptable introduction into the surrounding area with no adverse impacts upon visual amenity. Views of the flat roof canopy would be limited within the street scene, and would be set down from the ridge of the proposed garage. Overall, a view of this aspect of the proposed development would be limited from within the street scene, by virtue being set behind no.69A. The area immediately in front of the single storey projection to be subdivided is already restricted by virtue of the brick boundary wall of no.69A that encloses it. It is therefore not considered that the proposed detached garage would have any detrimental impact upon the spaciousness of the existing site.
- 8.12 To access the proposed dwelling and detached garage, the application also proposes the creation of a new access off Main Road, between nos. 67 and 69A which the host dwelling sits behind. The access would run through part of no.67's outdoor residential amenity space. The applicant owns this property. Viewing from the street scene, the proposed access would result in the loss of an area of shrubbery at no.67. The point at which vehicles would enter onto the access is already finished in block paving, currently serving off-street parking for no.67. Main Street is the main thoroughfare through Carlton whereby vehicular accesses off are common place. It is therefore not considered that creating an additional access off this residential road would not be uncharacteristic or detrimental to the appearance of the street scene.
- 8.13 Extending from Main Road to the entrance of the proposed new dwelling and associated garage, a marginal portion of the proposed access driveway would be located within the countryside. There would also be a narrow strip of land along the side elevation of the existing pool house, again outside of the settlement boundary, that would serve as an access into the rear residential amenity space marked out for the proposed new dwelling. This strip would be approximately 2.5 metres in width. 87 square metres of countryside would be used as part of the proposed access, to allow vehicles to manoeuvre safely in and out of the site. These two pieces of land would be adjacent to the settlement boundary, which runs along the back of no.67 and along the side elevation of the host dwelling's pool house. Bearing this in mind, along

with the built up vicinity and the limited extent to which the proposed development would encroach into the countryside, it is not considered that this aspect of the proposed development would have a detrimental impact upon character of the immediately surrounding countryside which forms a backdrop behind the existing street scene. However this would need to be subject to careful landscaping proposals and sensitive boundary treatments to ensure this rural relationship is maintained. The proposed encroachment into the countryside would not impact its value, beauty and open character above and beyond that already caused by the existing built up surrounding area.

- 8.14 By virtue of its scale, mass, siting and appearance, the proposed development would result in only limited conflict with Policy DM4 and Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.16 According to the minor changes proposed to the existing site, the proposed development would not have any significant overlooking, overbearing or overshadowing impacts upon the occupants of the existing host dwelling, subject to the use of appropriate boundary treatments which could be secured by condition.
- 8.17 The proposed garage would be located behind a high brick wall that marks the rear boundary of no.69A. Bearing this in mind, along with the single storey nature of the proposed development, the proposal would not have any significant overbearing, overlooking or overshadowing impacts upon the residential amenity of no.69A Main Street.
- 8.18 The proposed new dwelling and detached garage would be located behind no.67, set away to the north east. The separation distance between no.67 and the host dwelling would be maintained by the proposed development. The proposed development would therefore not cause any adverse overbearing, overlooking or overshadowing impacts upon no.67 in this regard.
- 8.19 At its narrowest point, the proposed access would be set off the western boundary of no.69A by approximately 1.5 metres. Albeit in close proximity, this neighbouring dwelling is bounded by a high brick boundary wall to its west side. The quantum of residential development proposed would also mean that the creation of an access along the side of no.69A would not result in a significant amount of vehicular traffic and activity. It is therefore not considered that the proposed access would result in any significant disturbance to the enjoyment of no.69A's private residential amenity. The same conclusion is also reached in relation to no.67, subject to appropriate boundary treatments being erected along its side and rear boundary. Although the proposed access would result in the partial loss of no.67's existing off-street parking provision and rear residential amenity space, it is considered that ample on-street parking availability in vicinity would accommodate for potential for one or two additional cars. The reduced private residential amenity space created for no.67 would still satisfy the Council's Good Design Guidance for acceptable garden proportions.
- 8.20 On a similar note, the private residential amenity space provided for the proposed dwelling would also be adequate in accommodating for future occupants.
- 8.21 The proposed development would therefore satisfy Policy DM10 in this regard.

Impact upon highways safety

- 8.22 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.23 According to the information submitted as part of the current planning application, the local planning authority is satisfied that the proposed new access would achieve vehicular and pedestrian visibility splays in accordance with LCC Highways design guidance. The proposed access would also be bounded on both side by brick walls. The proposal takes this into account and the width of the proposed access would again satisfy LCC Highways design guidance according to the quantum and type of development the access would serve.
- 8.24 According to the proposed floor plan, the proposed dwelling would accommodate for three bedrooms. According to LCC design guidance, this requires off-street parking provision for a minimum of two vehicles. The proposed double garage would adequately accommodate for this and the site would also provide sufficient turning space. The proposed access would requires some additional kerbs to be dropped along the highway which LCC Highways is satisfied would be appropriate.
- 8.25 The proposed development would therefore cause no adverse impacts upon highways safety in accordance with Policy 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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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. Planning Balance and Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in



paragraph 11(d) of the Framework applies where the 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.

- 10.3. According to its location, the subdivision of the existing property is considered to be acceptable in principle subject to all other planning matters being satisfactorily addressed. By virtue of the layout, scale, design and subject to satisfactory boundary treatments the proposed scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties, highways safety, or the intrinsic character of the wider countryside. The proposed scheme would be in accordance with Policy 13 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019).
- 10.4. Paragraph 11d of the NPPF states that that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. Given that limited harm has been identified, the proposal is found to be sustainable development and is therefore recommended for full planning permission subject to conditions.

## **11. Recommendation**

### **11.1 Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

### **11.2 Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01  
(1:500/1:1250 scale)

General Arrangement - Existing and Proposed Drg No: 4654/02 Rev: A  
(1:100/1:200 scale)

Both received by the Local Planning Authority on 1 May 2020

**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).

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

**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)

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with

nothing within those splays higher than 0.6 metres above the level of the adjacent highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale) received by the Local Planning Authority on 01 May 2020 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. No part of the development hereby permitted shall be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities has been provided and hard surfaced in accordance with Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale) received by the Local Planning Authority on 01 May 2020. Thereafter the onsite parking provision shall be so maintained 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 Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. 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) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

9. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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).

10. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.