

**Planning Committee 2 August 2022**  
**Report of the Planning Manager (Development Management)**

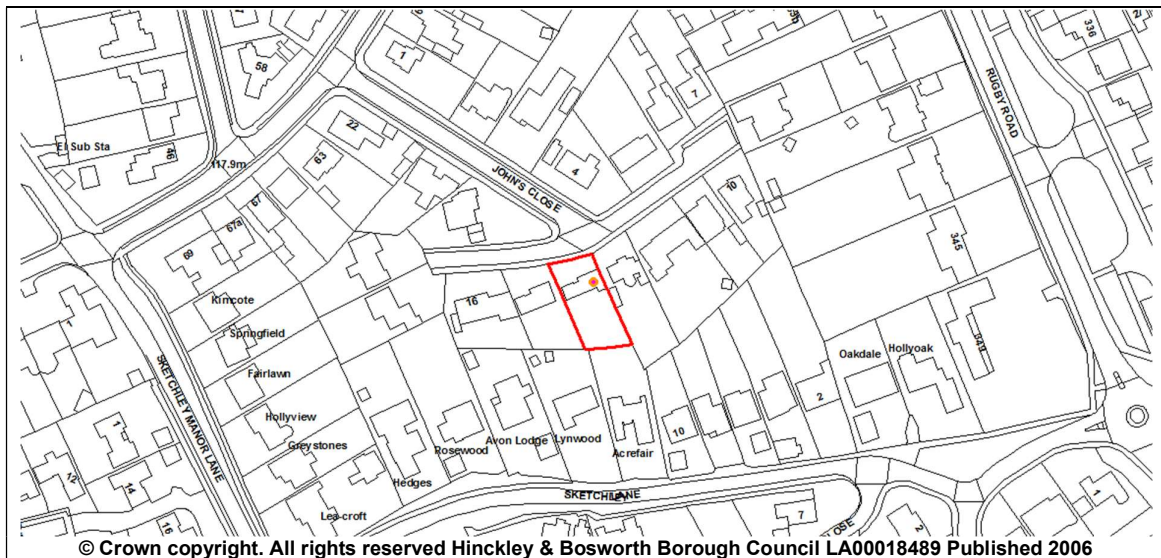


Hinckley & Bosworth  
Borough Council

**Planning Ref: 22/00132/FUL**  
**Applicant: Mr and Mrs Boyle**  
**Ward: Burbage Sketchley & Stretton**

**Site: 14 Johns Close Burbage Hinckley**

**Proposal: Demolition of existing property and replacement with new 2.5 storey dwelling whilst retaining ridge height and new front boundary wall, with associated internal garage**



**1. Recommendations**

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

- Planning conditions outlined at the end of this report

**1.2.** That the Planning Manager be given powers to determine the final detail of planning conditions.

**2. Planning application description**

**2.1.** This application seeks planning permission for the demolition of a two storey detached property, and for the erection of one two-storey dwellinghouse with additional accommodation within the roof space at no.14 John's Close in Burbage.

**2.2.** The application was considered by the Planning Committee on 2 August where it was decided that the application be deferred for further discussions with the Applicant to allow amendments to be made to the scheme.

**2.3.** The revision that has been made since the application was considered by Committee is that the dimensions of the building have been reduced slightly, by 0.8m in width, so that there is a 1m pathway between the building and the common boundary with 13 Johns Close, and by 0.2m in depth. There are no other alterations

to the application. Neighbours that have written to the Council regarding the original application have been informed of the revised plans.

- 2.4. During the course of the application an amendment removing the front boundary wall was received. In addition the depth of the dwelling was reduced by 0.5m.
- 2.5. The proposed two-storey dwelling has an eaves height of approximately 4.5m, and a maximum height to the ridge of approximately 7.9m – both the same as the existing dwelling on the site. The proposed dwelling has a width of approximately 13m at the front of the property, and a depth of 9.5m.
- 2.6. The proposed dwelling primarily has a pitched roof to the front, and an area to the middle of the roof which is flat roofed to accommodate the two bedrooms in the roof space.
- 2.7. The proposed materials include roof tiles to match the existing dwelling, white painted render, and brickwork to match the existing dwelling. The proposed window frames have a dark grey aluminium finish.

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

- 3.1. The existing property at 14 Johns Close is a 1970s two storey detached dwelling. The majority of dwellings on Johns Close are single storey detached properties, several examples of two-storey dwellings are also found in the area, as well as dormer bungalows. The proposed development site is located between a two storey and a single-storey property, numbers 13 and 15 Johns Close respectively.
- 3.2. This property is set back approximately 7.0m from the highway behind a hardstanding and gravel frontage, and benefits from a large south-facing garden to the rear. The majority of properties in the area remain unchanged from their original and varied design; however some properties in the wider area do reflect a more contemporary aesthetic.
- 3.3. It should be noted that No12 Johns Close consent was granted under 19/01359/FUL for the Demolition of bungalow and erection of one two-storey dwelling. This dwelling was contemporary in design.

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

None

### **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. Representations from seven separate addresses raised the following concerns with the scheme:-
  - 1) Design and materials
  - 2) Scale and massing
  - 3) Character of the area
  - 4) Loss of light into side windows.
  - 5) Overlooking
  - 6) Proposed use
  - 7) Air pollution

- 8) Drainage
- 9) Noise Pollution

## **6. Consultation**

6.1. Burbage Parish Council was consulted and objects on design grounds.

No objections from the following:-

- HBBC Drainage with note to applicant.
- LCC Highways
- HBBC Waste with condition

## **7. Policy**

7.1. 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

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.3. Other relevant guidance

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

## **8. Appraisal**

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Design and impact upon the character of the area

8.2. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3. The twin gable, equally proportioned design of the proposed two storey dwelling is considered to be well balanced and is considered to be complementary to the appearance of the wider area. There are examples of feature gable ends projecting towards Johns Close on the original properties. The newer bungalow at no.8 Johns Close has a twin gable design, with a central entranceway somewhat similar to the design proposed here at no.14 Johns Close.

8.4. The use of render for the two storey dwelling is considered to be acceptable given that while brick is by far the most common material there are some bungalows on Johns Close that are also entirely faced in render within Johns Close. The existing dwelling is mainly finished in half render half brick. The proposed use of matching

roof tiles to the existing dwelling is considered to complement the appearance of the wider area, where traditional grey roof tiles are fitted on other properties in Johns Close.

- 8.5 In terms of scale of the dwelling, the dwelling is the same width (13m) when the garage is included, the proposal is also the same height as the existing dwelling at 7.9m, although the proposed building, even with the modest reduction in dimensions following Planning Committee, does fill the plot. This width though is similar to that of no.16 Johns Close which is 18.0m in width and at one and a half storeys, roughly 6m in height. The height of the dwelling would be 7.9m, the same as it is now, which is equivalent to the height of neighbouring no.13 and the approved scheme at no.12 Johns Close. The flat roof element lessens the overall massing of the dwelling, as the pitch height is kept below 8m. This is considered to aid in the integration of the scheme with the smaller bungalows on Johns Close.
- 8.6 Furthermore, the separation distance between no.13 and no.15 Johns Close is considered to be sufficient in order to allay concerns regarding an over-dominant or visually jarring appearance that has been raised as a concern regarding the proposed scheme.
- 8.7 The removal of the 1.8m front boundary wall through the course of the processing of the application will help to retain the openness of the street scene along the front of Johns Close.
- 8.8 The proposed two storey dwellinghouse is therefore considered to be an acceptable addition to the area by virtue of its scale, design, and materials to be used. All of which are considered to be acceptable with regard to the character of the wider area of Johns Close. As a result, the proposed scheme is considered to be in accordance with Policy DM10 of the SADMP in regard to design and impact upon the character of the area.

#### Impact upon neighbouring residential amenity

- 8.9 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.
- 8.10 The impact on the neighbour at no.13 Johns Close is an important consideration due to the size of the proposed replacement dwellinghouse, which would add large amount of bulk to the rear of the existing dwelling. Due to the siting of these properties, which both benefit from large south facing rear gardens, it is considered that both immediate neighbouring dwellings would remain in full sun for most of the day. It has been clearly shown that the proposed scheme would not be in conflict with the 45-degree rule taken from the quarter point of the nearest front and rear ground floor principal window serving a habitable room, and would ensure that the rooms at the rear of no.13 Johns Close would still benefit from this open aspect. Given that the scheme complies with this aspect of the Good Design Guide it is therefore considered that the proposed scheme would not have a significant adverse impact on the amenity of these neighbouring occupiers.
- 8.11 Any potential impact on the neighbours at no.13 and no.15 Johns Close would be felt from the loss of light into the secondary side facing windows facing the proposed application site. However, the principal windows serving these rooms are to the front and rear of the properties would ensure that the dwelling would retain adequate light. A side facing window on the ensuite bedroom at the side of the property has been conditioned to be obscure glazed. Therefore it is considered that

this would not have a significant overlooking impact on these neighbouring occupants.

- 8.12 Neighbouring properties to the south of the application site, nos. 4, 6, and 8 Sketchley Lane are separated by large gardens and a distance of over 40m to the proposed site of the two storey-dwelling. The Good Design Guide requires a separation distance of a minimum of 21m. The distance between the proposed two storey dwelling and those along Sketchley Lane is double the minimum requirement to ensure there would not be a significant overlooking or overshadowing impact. The proposed two-storey dwelling is not considered to cause an adverse impact on overlooking especially compared to the existing relationship between the two storey dwellings at nos. 4,6,8 Sketchley Lane and the application site.

#### Impact upon highway safety

- 8.13 Policies DM17 & DM18 seek to ensure that development would provide an appropriate level of parking provision, and that there would not be a significant adverse impact upon highway safety.
- 8.14 The proposed dwellinghouse would have five bedrooms, which would require a minimum of three parking spaces to be in accordance with the Leicestershire Highways Design Guidance. An integrated garage, approximately 6m wide by 7m deep would provide secure off-street parking for vehicles at a distance of over 6.5m from the highway boundary. There is enough space for two cars to park on the front of the site. This has been conditioned at part of the approval to ensure three car parking places have been provided for.
- 8.15 Consequently, the proposed demolition of the dwelling, and the erection of one two-storey dwelling is considered to be in accordance with Policies DM17 & DM18 of the SADMP.

#### Drainage

- 8.16 The scheme has been assessed by the Hinckley and Bosworth Borough Councils drainage consultee who has not objected to the application and has advised that a note to applicant be provided to ensure the proper drainage of the site which can be found at the end of this report.
- 8.17 Therefore adequate levels of drainage to the site would be provided in association with the proposed development, and drainage would not be significantly worsened as a result of the erection of the proposed two-storey dwelling.

#### Other Matters

- 8.18 Concerns have been expressed regarding the end use of the proposed two storey dwellinghouse as a business but anything that changed the character of the property from a dwelling to a business would require a change of use application. There is no indication that this building will be used for any use other than standard residential use.
- 8.19 Any noise impact from the construction of the replacement dwelling would be controlled under statutory noise legislation.

## **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. Conclusion**

- 10.1. There is a presumption in favour of sustainable development under Policy DM1 of the SADMP and the wider policies of the NPPF, so long as proposals are in accordance with the relevant policies of the Site Allocations and Development Management Policies DPD.
- 10.2. By virtue of the appropriate scale, materials, massing and design of the proposed two storey dwelling, and lack of a significant adverse effect on privacy and amenity of nearby occupants. The proposed scheme is considered to be in compliance with Policies DM2 and DM10 of the SADMP. Furthermore, it has been demonstrated that and the erection of a two-storey dwelling, would be in accordance with Policies DM17 & DM18 of the SADMP.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

### **11.3 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:

- Proposed Floor Plans and Elevations 481/002-1 Rev D
- Location and Block Plan 481/003 Rev B

**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. 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).

4. The window first floor western elevation serving the en-suite bathroom shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and openable at a height a minimum of 1.7m above floor level. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as three off street car parking provision has been provided. 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 (2021)

6. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

**Reason:** To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.4 **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. 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.

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).