

**Planning Committee 25 April 2023
Report of the Head of Planning (Development Management)**

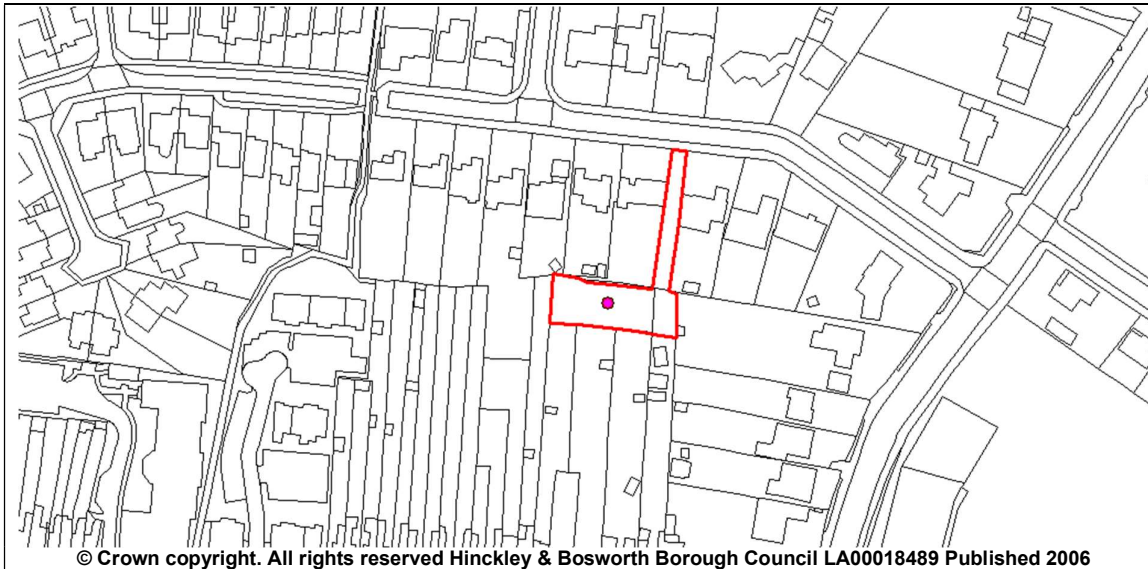


Hinckley & Bosworth
Borough Council

**Planning Ref: 22/01056/FUL
Applicant: Mr Terry Taylor
Ward: Hinckley DeMontfort**

Site: 7 Dean Road, Hinckley

Proposal: Proposed 2 storey dwellinghouse and 2 storey detached garage with driveway and landscaping to land south of 7 Dean Road.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks permission for a proposed 2 storey dwellinghouse and 2 storey detached garage with driveway and landscaping.
- 2.2. The proposed four bedroom dwellinghouse will measure 12.8m at its maximum width and 14.6m at its maximum depth. The dwellinghouse has a double hip to gable roof, with the roof ridge height at 6.5m and the eaves at 2.6m. The dwellinghouse will be finished with timber cladding, red facing brick plinth, grey roof tiles and grey aluminium windows and doors.
- 2.3. The proposed two storey, detached garage will measure 6.6m at its maximum width and 6.6m at its maximum depth. The garage has a gable roof, with the roof ridge height at 6.0m and the eaves at 2.8m. The garage will be finished with timber cladding, grey concrete roof tiles and grey aluminium windows and doors.

3. Description of the site and surrounding area

- 3.1. The application site comprises a plot of land within the settlement boundary of Hinckley, to the rear of numbers 7 and 9 Dean Road. 7 Dean Road is a detached

bungalow with some accommodation in the roofspace and a generous rear garden that “dog-legs” to the rear.

3.2. The surrounding dwelling houses are predominantly detached bungalows or chalet bungalows of 1960s/70s vernacular and are organised in a linear pattern with fairly generous front gardens, affording set-backs from the public highway, and generous driveways/parking areas.

3.3. There are currently a number of trees on the plot, with none protected by Tree Protection Orders.

4. Relevant planning history

22/01022/HOU

- Proposed extensions and alterations to existing dwelling
- Planning Permission
- 21.12.2022

5. Publicity

5.1. Neighbours have been notified of the application. There have been objections from six separate addresses, with the key concerns scale, overlooking, reduction of privacy, not being in keeping with the character of the area and overdevelopment.

6. Consultation

- HBBC Drainage – no objection.
- HBBC Pollution – no objection.
- HBBC Waste – no objection.
- LCC Highways – advised on access width, surface, visibility splays and parking provision.

7. Policy

7.1. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM6: Enhancement of Biodiversity
- 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 (GDG) (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the 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.
- 8.3. The Council acknowledges that it cannot currently demonstrate a 5-year housing land supply. As a result of this some of the development plan housing policies most relevant for this proposal are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered. This means that 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. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise.
- 8.4. The site lies within the settlement boundary of Hinckley and so development is considered acceptable in principle. It is therefore considered that the key issues in the determination of the application are:
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Vehicle parking standards
 - Enhancement of biodiversity

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.6. The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development. The SPD provides specific advice relating to "backland" development such as this proposal. The Design Guide provides that where an existing plot is proposed to be subdivided to create additional development in backland locations, this will require clear and convincing justification in relation to its context. Some sites may be able to accommodate this type of development, whereas others will not. It will also be required to demonstrate that the density is also in keeping with the prevailing character of the surrounding area.
- 8.7. The Design Guide advises that 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. 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.

- 8.8. The surrounding dwelling houses are predominantly detached bungalows or chalet bungalows of 1960s/70s vernacular.
- 8.9. The proposed dwelling, due to its positioning set well to the rear of 7 Dean Road, would be visible from only very limited public views and so its impact on the character of the area would be minimal. "In/out" driveways form part of the established character of the area and given the existing path, in the vicinity of the proposed access, the impact of the proposed access is considered to be acceptable and would not appear out of place.
- 8.10. In pre-application advice, it was advised that *"the proposed dwelling should still be designed to draw upon design cues from, and be respectful of, its surroundings. The proposed dwelling would bear the closest relationship with Dean Road which is characterised by bungalows and chalet bungalows. To respect this prevailing character, I would expect the dwelling to be respectful of the roof height and roof form of the existing dwellings on Dean Road. The materials and colour pallet of the building and proposed garage should also complement its surroundings."*
- 8.11. Following discussion with the applicant and agent, revised plans have been submitted which reduced the ridge height by 0.8m.
- 8.12. By virtue of its footprint, position, scale and materials the dwelling proposed through this application is considered an acceptable addition to the street scene.
- 8.13. It is not considered that the proposed dwelling will have a detrimental impact on the character and visual appearance of the street scene. The proposal is therefore considered compliant with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP states that proposals should not affect the occupiers of neighbouring properties and that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.15. Paragraph 130 of the NPPF requires that development should ensure that a high standard of amenity is provided for existing and future users.
- 8.16. The Design Guide provides specific advice relating to amenity and backland development. As a minimum, backland proposals are required to demonstrate that they will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It advises that habitable rooms within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two storey property and above. Principal windows to habitable rooms within the rear elevations of neighbouring properties should never be less than 21m apart from a proposed principal window to a habitable room.
- 8.17. There are a number of dwellings in the vicinity of the application site that have the potential to be impacted upon by the development proposals.
- 8.18. It is noted that the neighbouring dwellings that share a common boundary with the enquiry site, located on John Street to the south, have a boundary to rear elevation separation distance in excess of 65 metres. Whilst the new dwelling would lead to some increased sense of enclosure, to be experienced by the neighbouring

occupiers on John Street, only a very small proportion of their gardens would be impacted and this is not considered to warrant refusal.

- 8.19. Given the separation distances involved no harmful loss of daylight/sunlight and/or overshadowing impacts are considered to arise as a result of the development proposals. Similarly 56 Leicester Road, which shares a common boundary with the enquiry site, is located over 50 metres from the shared boundary and so a similar conclusion to the assessment above is arrived at.
- 8.20. The neighbours who are the most likely to be impacted by the development proposals are the occupiers of 7 and 9 Dean Road. With a flank to rear elevation separation distance of over 24 metres this is considered to represent an acceptable relationship and one where significant harm to residential amenities is unlikely to arise.
- 8.21. Following discussion with the applicant and agent, revised plans have been submitted which replaced the windows proposed at the garage second-storey with roof lights.
- 8.22. By virtue of the height and siting of the proposed dwelling it is considered that this proposal would not have a significant detrimental impact on the residential amenity of the occupiers of the neighbouring properties.
- 8.23. The proposed dwelling also meets the minimum space standards for a new dwelling. The proposal complies with Policy DM10 of the SADMP, the GDG and the NPPF.

Impact upon highway safety

- 8.24. Policy DM18 of the SADMP expects new development to provide an appropriate level of car parking.
- 8.25. LCC Highways have advised that:
- *“The LHA would ordinarily expect a minimum effective width of 2.75m for a single dwelling based on Figure DG17 of the LHDG. However, as the development appears to be situated more than 45m from the highway, a minimum width for an access should be at least 3.7m (between kerbs) in order to accord with section 3.197 of the LHDG and British Standard BS5906. This should therefore be considered.*
 - *The proposed access should provide a minimum dropped kerb crossing of 4 dropped kerbs, measuring 3.7m. Vehicular visibility splays of 2.4 x 43m should be provided. The proposed access should comprise of a bound material for at least the first 5m and drainage should be considered to prevent surface water flowing in to the highway if the site slopes towards the highway.*
 - *Three parking spaces should be provided for the dwelling. Parking spaces should measure a minimum of 2.4 x 5.5m with an additional 0.5 metre strip where bound by a wall/hedge/fence or other similar obstruction. Internal garage dimensions should measure 6 x 3 metres for a single garage or 6 x 6 metres for a double in order to count as a useable parking space.*
 - *Parking provision appears to be acceptable.”*
- 8.26. The amended plans submitted by the agent meet of the all requirements advised by LCC and complies with Policy DM18 of the SADMP.

Enhancement of biodiversity

- 8.27. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 8.28. As advised at the pre-app stage, a tree survey (received 02/02/2023) has been undertaken. With the implementation of the recommendations made in the report, the proposals comply with Policy DM6.

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 The proposal is located within the settlement boundary of Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and DM10 of the SADMP and the wider policies of the NPPF.

10.2 The proposal would not have an adverse visual impact on the area. It complies with Policies DM1, DM10, DM17 and DM18 of the SADMP and advice within the GDG. There would be no significant loss of residential amenity to any neighbouring properties.

11. Recommendation

- 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:

- Proposed Floor Plans, Elevations, Drg No. 8655-03-02 Rev B (Received 02/02/2023).
- Proposed Garage Floor Plan Drg No. 8655-03-03 Rev A (Received 02/02/2023).
- Proposed Site Plan (Received 19/12/2023).

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 dwelling shall match the approved plans; as follows:

- Proposed Floor Plans, Elevations, Drg No. 8655-03-02 Rev B (Received 02/02/2023).
- Proposed Garage Floor Plan Drg No. 8655-03-03 Rev A (Received 02/02/2023).

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. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

11.3 Notes to applicant

- 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 or call 01455 238141.