

Planning Committee: 19th November 2024
Report of the Head of Planning



Hinckley & Bosworth
Borough Council

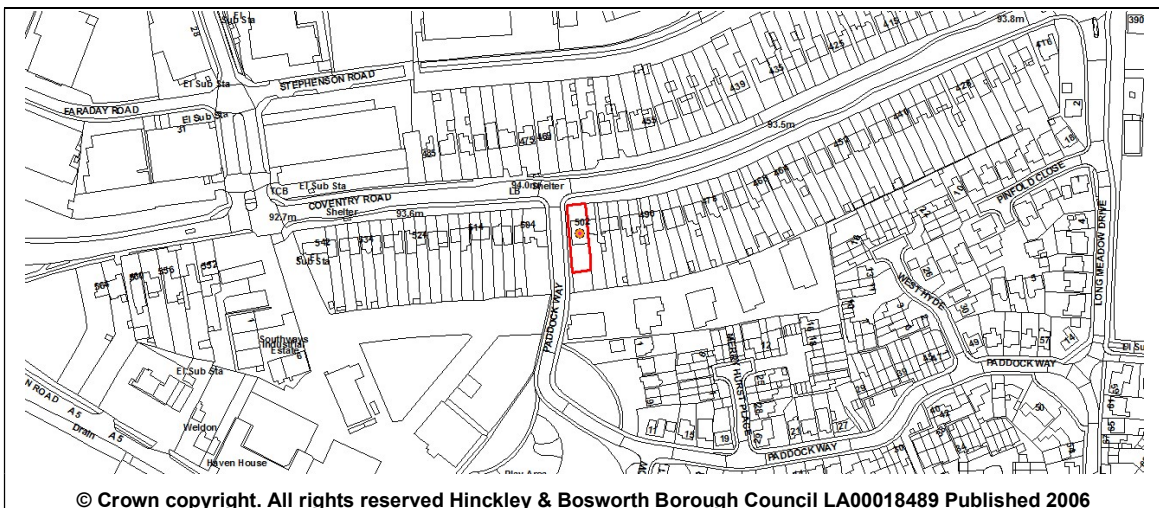
Planning Ref: 24/00654/FUL

Applicant: Andrew Reid

Ward: Hinckley Clarendon

Site: 502 Coventry Road Hinckley Leicestershire

**Proposal: Conversion of existing garage into a separate dwelling and alterations
(Resubmission of 23/00666/FUL)**



1. Recommendations:

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions

3. Planning Application Description:

- 2.1. This planning application seeks full planning permission for the conversion of a detached double garage into an independent dwellinghouse at 502 Coventry Road, Hinckley. To facilitate this change of use, the two garage doors are replaced with a window and a front door with two glazed panels on either side.

- 2.2. The application is a resubmission of the refused planning application 23/00666/FUL.
- 2.3. Since the refusal of planning application 23/00666/FUL, the capacity of the property has been reduced to a single bedroom dwellinghouse and the two roof lights within the existing office have been removed and replaced with a window on the front western elevation of the property for the master bedroom on the first floor. The gated access to the site has also been removed and a dropped kerb has been proposed outside of the site access onto Paddock Way.
- 2.4. At the request of the Local Highway Authority, the off-street parking provision was relocated into the middle and to the front of the proposed dwelling and subsequently the soft landscaping was also moved to the sides of the principal elevation.
- 2.5. The Applicant does not own the land between the site access and the public highway. Leicestershire County Council as the Local Highway Authority confirmed on 24 October 2024 that this strip of land is owned by Crest Nicholson.

3. Description of the Site and the Surrounding Area:

- 3.1. The application site is located to the west of, but within the identified settlement boundary of, Hinckley, to the south Coventry Road and east of Paddock Way. The site itself comprises a 5.4m high single storey clipped roofed double garage, which benefits from an additional floor in its roof space that is supported by two roof lights on both of its northern and southern elevations.
- 3.2. The double garage externally measures 6.5m in width x 7.5m in depth, which created a total floor space of 48.8sqm. The structure utilises an off-white monocouche render finish and smooth grey Ashmore interlocking concrete roof tiles to match the host dwelling. The garage is currently associated with, and within the rear garden of, 502 Coventry Road, and was permitted via planning application 20/01203/FUL, which also approved the creation of a new access onto Paddock Way, which is an adopted but unclassified road that is subject to a 30mph speed limit. It is noted that the structure's roof and the proposed site access have not been built in accordance with the approved plans. Contrary to the approved plans, the existing access is gated and does not benefit from a dropped kerb.
- 3.3. The character of the area is largely residential, with properties surrounding the site to the north, east, south, and northwest. There is a variety of styles and designs along Coventry Road, but the properties are typically two-storey and semi-detached properties that feature red brick or render finishes, hipped roofs, and long gardens. To the south of the site is 55 flats within five detached buildings along Danelaw Court, which were approved at appeal against the refused planning application 17/00115/FUL in 2018. To the southwest of the site is a selection of commercial businesses.

4. Relevant Planning History:

23/00666/FUL

- Conversion of existing garage into a separate dwelling and alterations
- Refused
- 31.08.2023

This planning application for a two-bedroom residential property within the site was refused for the following reasons:

1. The development does not safeguard the residential amenity of the future occupiers of the scheme and causes significant harm to the residents of 502 Coventry Road, and the residents of the flats to south of the site within Danelaw Court. This is contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Good Design Guide (2020), and the National Planning Policy Framework (2021).
2. The Applicant has failed to demonstrate that an appropriate and safe vehicular access can be provided for the proposed development, nor that adequate off-street parking can be provided within the site contrary to, and in conflict with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Good Design Guide (2020), and the Leicestershire Highway Design Guide (2022).

20/01203/FUL

- Detached garage
- Permitted
- 03.02.2021

20/00888/HOU

- Detached garage and associated access
- Withdrawn
- 15.09.2020

This application was withdrawn due to land ownership issues.

19/01116/HOU

- Two storey front and side extension with single storey rear extension with balcony
- Permitted
- 27.11.2019

18/00028/FUL

- Erection of one new dwelling
- Withdrawn
- 06.03.2018

This application was withdrawn due to the development being out of character with the surrounding area.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One member of the public objected to the development twice on the following grounds:
 - The Applicant sought approval for a garage when a dwelling was refused so they could seek planning permission for a dwelling once the structure was built.
 - Inappropriate location for a dwelling.
 - Inappropriate design and layout.
 - The principle of a dwelling in this location is not acceptable.
 - Unlawful use of the existing garage as a dwelling.
- 5.3. The application was called in to Planning Committee by a Ward Councillor on access and design grounds following discussion with the Case Officer within the appropriate time frame in accordance with the Council's Constitution.

5.4. No further responses have been received.

6. Consultation:

6.1. There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer

6.2. The Local Highway Authority referred to standing advice. No further responses have been received.

7. Policy

7.1. Core Strategy (2009):

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (December 2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal:

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

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.

8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 The provision of a dwelling within the identified settlement boundary of Hinckley and is considered to represent sustainable development in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

8.5 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024.

8.6 However, due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

8.7 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.8 In light of the above, the benefit of providing of one additional dwelling to the Borough's supply of land for housing is considered to attract very little weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.9 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.
- 8.10 There are no single storey dwellings on the south side of Coventry Road, nor along Paddock Way in the immediate vicinity of the site. There are also no other examples of dwellings that are sited in the rear gardens of properties along Coventry Road near the application site, nor any that have a direct vehicular access onto Paddock Way. Therefore, the provision of a dwelling in this location is unlikely to preserve the character of the urban grain this location.
- 8.11 It is also noted that the scheme utilises a clipped gable roof, which is contrary to the approved plans within 20/01203/FUL and there is no other example of this roof form along Coventry Road or Paddock Way, which is not considered to preserve the character of the area.
- 8.12 However, the proposal makes very limited alterations to the external appearance of the existing structure. The views of the structure are also diminished due to its size and scale, and the building is located behind well-established vegetation on its western boundary. The existing garage is also not in a predominant corner plot location as this location is occupied by the adjacent flats' refuse collection point along its southern boundary. Therefore, the site is only experienced as in subservience to the host dwelling and the Danelaw Court flats.
- 8.13 No details of boundary treatment have been provided and the Proposed Block Plan suggests the removal of 7m of existing hedgerow along the western boundary of the site. Nevertheless, the details of landscaping and boundary treatments can be secured via planning condition.
- 8.14 To summarise, due to the limited alterations to the external appearance of the existing structure, the change of use is not considered to result in a significant adverse impact to the character of the surrounding area and compliant with Policy DM10 of the SADMP, subject to conditions.

Impact upon Residential Amenity

- 8.15 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.
- 8.16 As two roof light are removed within this proposal, the scheme does not feature any no principal windows to habitable rooms on the northern or southern elevations of the first floor of the scheme. The windows to the walk-in wardrobe and the bathroom on the first floor can be obscured via planning condition to prevent any overlooking or loss of privacy to neighbouring residents. As a result, the development is not considered to cause any harm to neighbouring amenity.

- 8.17 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.
- 8.18 The development exceeds 60sqm of internal floor space and provides 1.9sqm of in-built storage in accordance with the THS for a single bedroom, two-storey dwelling. The bedroom also exceeds the floor space and width requirements for a double bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.19 To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. Whilst the scheme is for a one-bedroom dwelling, the proposal exceeds the private outdoor amenity space requirements of the Good Design Guide.
- 8.20 By virtue of these factors, the proposal does not result in significant harm to residential amenity of neighbouring properties or the future occupants of the scheme in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.21 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.
- 8.22 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.23 The scheme utilises an access onto Paddock Way, which was approved via 20/01203/FUL. Given the proposed use, the Local Planning Authority are unable to demonstrate that the provision of a one-bedroom dwellinghouse significantly intensifies the use of the access in comparison to a double garage.
- 8.24 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.25 The proposal provides two off-street parking spaces within the site. Following their relocation into the centre of the site, the Local Highway Authority confirmed that the scheme's access and off-street parking provision were generally in accordance with the Leicestershire Highway Design Guide.
- 8.26 In light of the above, it is therefore considered that the proposal does not 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, and the LHDG.

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 to be granted, subject to the imposition of appropriate conditions.

11. Recommendation:

11.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions

11.2 Planning 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 received by the Local Planning Authority as follows:

- Proposed Block Plan (Rev A) (submitted: 15.08.2024)
- Elevations and Floor Plans 1654 (submitted: 03.07.2024)
- Site Location Plan (Rev A) (submitted: 21.08.2024)

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 development hereby permitted shall not be brought into use 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 Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The windows that are utilised for the bathroom and the walk in wardrobe on the first floor of the property shall be fitted with obscure glazing to a minimum of Level 3 of the Pilkington scale and non-openable below 1.7m above the floor of the rooms in which they are installed. 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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and 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).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

a. **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 or call 01455 238141.
2. The Applicant needs to apply to the Local Highway Authority for a Vehicle Access (Dropped Kerb) Permit before undertaking any works. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the

Applicant 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.