

Planning Committee 6th June 2023
Report of the Head of Planning (Development Management)

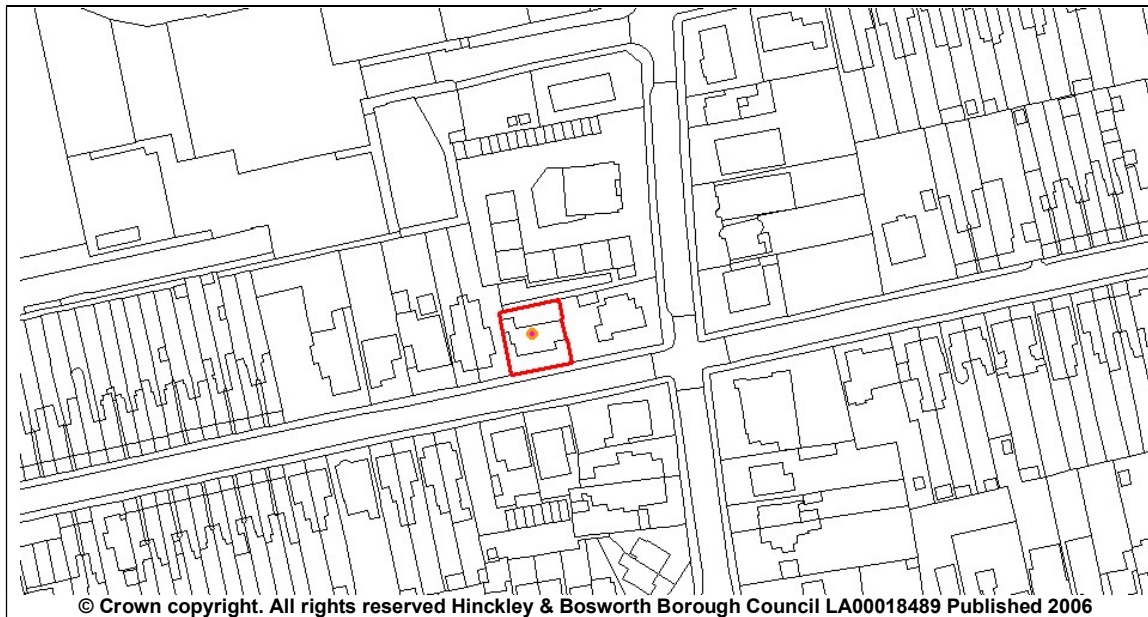
Planning Ref: 22/01203/FUL
Applicant: Nationwide Property investing Ltd
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 2A Clarendon Road Hinckley Leicestershire

Proposal: Proposed loft conversion and replacement roof to increase HMO capacity from 4no. to 6no. (Use Class C4)



1. Recommendations

1.1. Grant planning permission subject to:

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

2. Planning application description

2.1. This planning application seeks full planning permission to increase the capacity of a House in Multiple Occupation (HMO) from four persons (Use Class C4) to six persons (Use Class C4) at 2A Clarendon Road, Hinckley. No extensions to the footprint are proposed within this development to facilitate the scheme, but the roof of the property is replaced and raised in height, and a new large dormer window is erected on the rear elevation of the dwelling. This increases the internal floorspace of the property size by 53.6sqm from 102.8sqm to 156.4sqm.

2.2. The replacement roof retains the existing eaves height of 2.5m but increases the ridge height of the property by 0.8m from 5.3m to 6.1m. The raised replacement roof and the new large dormer window increase the massing of the property to one-and-a-half storey to facilitate the provision of three additional bedrooms. The new first floor of the property externally measures 10.9m in width x 6m in depth, which is set back by 1.5m from the principal elevation.

- 2.3. The application utilises roof tiles, fascia and bargeboards, windows, and doors to match the existing property. The scheme also utilises a horizontal timber effect cladding on the proposed rear dormer.
- 2.4. Eight bicycle storage spaces are proposed within the site.
- 2.5. The original proposal was to increase the capacity of the HMO from four persons (Use Class C4) to eight (Sui Generis). The development previously included the demolition of the existing extension, and the replacement of a new single storey rear extension that externally measured 13.5m in width x 4m in depth, which resulted in a total footprint of 54.5sqm.
- 2.6. Following concerns in relation to overdevelopment of the site, revised plans that removed the single storey rear extension, provided a lounge, and reinstatement of the private outdoor rear amenity area were submitted. The rooflights were also increased in size to improve residential amenity for the future occupants of the site.

3. Description of the site and surrounding area

- 3.1. The 295.8sqm application site comprises a brick-built and partially rendered bungalow that includes a single storey, flat-roofed side extension, which was converted from a garage in 2020. The dwelling is currently an HMO for four people (Use Class C4) and has vehicle parking provision for one off-street parking space.
- 3.2. The HMO is located on Clarendon Road, which is an adopted and unclassified road subject to a 30mph speed limit that is situated in the older part of Hinckley. Clarendon Road is primarily a residential road that has a variety of building types and styles.
- 3.3. A previous application for the conversion of this property into an eight-person HMO was sought via application, 22/00130/FUL. This development was refused as it was considered to represent overdevelopment of the site, which had a significant detrimental impact on the character of the area, the amenity of existing and future residents of the site and neighbouring residents, and it exacerbated an existing unsatisfactory parking situation on Clarendon Road.

4. Relevant planning history **22/00130/FUL**

- Single-storey rear extension and loft conversion. Increasing the HMO capacity from 4 to 8 (Sui Generis Use Class)
- Refused
- 29.11.2022

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents.
- 5.2 Five members of the public have objected to the application on the following grounds:
 - Drainage concerns
 - Gross overdevelopment of the site
 - Highway safety concerns
 - Increasing anti-social behaviour incidents from the property
 - Lack of off-street parking exacerbating current on-street parking issues
 - No private outdoor residential amenity for occupiers

- Significant adverse impact on residential amenity for neighbouring residents and future occupiers of the scheme
 - Waste management concerns
- 5.3 The replacement roof and the provision of a rear dormer are the only external extensions to the property. As stated within the submitted drawings the rear dormer is constructed with horizontal timber-effect cladding, and the new brickwork matches the existing.
- 5.4 The Council's Drainage Officer has no objection to the development on sustainable drainage grounds. Environmental Services were also contacted on behalf of one of the neighbouring residents to assess the drainage concerns which relate to existing matters.
- 5.5 Amendments to the scheme have been undertaken, as stated within Paragraph 2.6, in order to mitigate the concerns in relation to overdevelopment and lack of private outdoor residential amenity.
- 5.6 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 (subject to conditions)
 - Leicestershire County Council (LCC)'s Highways Officer (subject to conditions)
- 6.2 The Council's Waste Management Officer requested a planning condition which requires a scheme for the adequate provision for waste and recycling storage of containers and collection across the site to be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.
- 6.3 The Applicant provided updated plans which highlight bin storage provision to the western boundary of the site, and bins are presented at the highway boundary for collection on the corresponding days.
- 6.4 The Local Highway Authority (LHA) have requested two planning conditions, which require the implementation of parking and cycle parking facilities prior to occupation.
- 6.5 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 (SADMP) 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
- 7.3 National Planning Policies and Guidance

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

- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - National Design Guide (2019)
 - 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
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. 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.
- 8.3 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.
- 8.4 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.
- 8.5 The application site lies within the settlement boundary of Hinckley, and therefore the development is supported in principle by Policy 1 of the adopted Core Strategy, and Policy DM1 of the SADMP, subject to compliance with other policies within the Development Plan, National Planning Policy, and satisfying all other material planning conditions.

Design and Impact upon the Character of the Area

- 8.6 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into

account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.7 Houses in Multiple Occupation (HMOs) are classified by the Town and Country Planning (Use Classes) Order 1987 (as amended) as Use Class C4, which is described as, "Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom." As the development increases the capacity of the property to six persons, the development is still considered to classify as Use Class C4.
- 8.8 No extensions to the footprint of the dwelling are proposed within this scheme. Due to the scale and massing of the adjacent properties to 26A Clarendon Road, the scheme's increased ridge height is not considered to have a significant adverse impact on the character of the surrounding area.
- 8.9 Since the previous application, 22/00130/FUL, the front dormer has been removed and replaced with a large rear dormer. Although the rear dormer is visible from the highway via the eastern elevation of the site, the dormer is not a prominent aspect of the principal elevation of the property, and therefore it is not considered to have a significant adverse impact on the character of the surrounding area. The development also utilises materials that match those of the existing property to preserve the character of the site.
- 8.10 By virtue of these factors, the proposal respects the character of the existing dwelling and the surrounding area in accordance with Policy 1 of the adopted Core Strategy, Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.11 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property. The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.12 Due to the scale and massing of the adjacent properties (2 Clarendon Road, the flats at 34 Station Road, and 36 Station Road), the development is not considered to result in any overbearing or loss of light impacts to the neighbouring residents. In addition, all the windows on the first floor of the rear elevation of the property are obscured glazed within this application, and therefore there is no loss of privacy or overlooking impacts to the flats at 34 Station Road to the rear of the application site. There are no windows on the side elevations of the scheme, and therefore the proposal is not considered to result in any loss of privacy or overlooking impacts on the adjacent neighbouring dwellings.
- 8.13 Given the fact that six people can live as a single household under Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), the increased capacity of the site to accommodate six persons is not considered to necessarily result in a significant adverse impact to neighbouring residential amenity in relation to noise pollution.

- 8.14 To support the residential amenity of future occupiers of the scheme, Regulation 2 of The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018 within the amended Schedule 4 of the Housing Act 2004 to require the floor area of any room in a HMO used as sleeping accommodation by one person aged over 10 years to be a minimum of 6.51sqm and 10.22sqm when any room in a HMO is used as sleeping accommodation by two persons aged over 10 years.
- 8.15 All six bedrooms exceed 10.3sqm in floor space, in accordance with Regulation 2 of the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018 within the amended Schedule 4 of the House Act 2004.
- 8.16 Furthermore, HMOs occupied by six to ten people within the Borough are required to have a kitchen with a minimum size of 10sqm and there must be an additional living room or dining room with a minimum size of 16.5sqm. Alternatively, there must be a kitchen diner with a minimum size of 19.5sqm.
- 8.17 The application provides both a 27.3sqm kitchen diner, and a 10.8sqm lounge, which significantly exceeds the minimum residential amenity requirements of the Borough.
- 8.18 The Good Design Guide states that well designed internal and external amenity space is critical to the quality of life of residents, and that ensuring adequate space between and around buildings is recognised as a core component of residential amenity. Whilst the requirements of the Good Design Guide apply to Use Class C3 dwellinghouses, the principle of the necessity for external residential amenity within the Good Design Guide reflects the requirements of Paragraph 130(f) of the NPPF, and Policy DM10 of the SADMP. Therefore, the requirements of the Good Design Guide can be considered within this development.
- 8.19 To comply with the Good Design Guide, dwellings with three or more bedrooms must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m. The proposal retains the existing private outdoor amenity space, which has a length of 5m, a width of 13m, and an overall area of 75.3sqm.
- 8.20 Although the overall area of the private outdoor amenity space is lower than the minimum size advised by the Good Design Guide, this is an existing situation and therefore it is not considered to warrant a refusal.
- 8.21 By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to neighbouring residential amenity in relation to loss of privacy, loss of light, overlooking, overbearing or noise impacts. In addition, the development is considered to provide an adequate standard of amenity to the future occupiers of the dwelling. Therefore, the scheme is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.22 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.23 The first reason why the previous application, 22/00130/FUL, was refused was because,
- “The proposal fails to provide residents with satisfactory car or cycle parking contrary to the advice of the Local Highway Authority, the requirements of the Good Design Guide and Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).”*
- 8.24 There have been no recorded Personal Injury Collisions on Clarendon Road in the previous five years. Therefore, the Local Highway Authority (LHA), have no pre-existing highway safety concerns at this location.
- 8.25 Since the previous application, the eight cycle parking spaces have been relocated from the rear to the front of the property. In addition, the proposed capacity of the site has been reduced from eight to six bedrooms.
- 8.26 Within this current application, only one off-street vehicle parking space has been provided. This is not in accordance with Paragraph 3.151 of the Leicestershire Highway Design Guide (LHDG), which requires dwellings with four or more bedrooms to have off-street vehicle parking provision of at least three spaces.
- 8.27 Nevertheless, there are no on-street parking restrictions in the immediate vicinity of the site, and, in the absence of any formal parking restrictions, motorists can legally park their vehicles on the street. Furthermore, the Local Highway Authority (LHA) have confirmed the assertion made by the Applicant in their submitted Parking Provision Details document that the creation of two off-road parallel parking bays would be detrimental to the on-street parking situation at Clarendon Road, and the LHA has added that they may also cause a danger to passing pedestrians.
- 8.28 Moreover, as highlighted by the Applicant, the application site is situated in a sustainable location close to Hinckley town centre, which has the potential to promote the use of sustainable and active modes of travel in accordance with Policy DM17 of the SADMP and is supported by the provision of cycle parking spaces within the development.
- 8.29 To summarise, whilst the application does not provide an adequate amount of off-street vehicle parking for the site, the creation of additional off-street parking is considered to be detrimental to highway safety and passing pedestrians. Given the location of the site and the fact that there are no pre-existing highway safety concerns at the site and that eight secure cycle parking spaces are to be provided, the minor increase in capacity of the HMO at 2A Clarendon Road is not considered to result in a significant adverse impact on highway safety or on the road network. Therefore, the application is in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 The proposed development is considered to be compliant with the relevant national and local policy as it:

- Is an appropriate scale and design
- Does not have an adverse impact upon the character and appearance of the area
- Retains over 75sqm of rear amenity space
- Does not have a significant adverse impact upon the amenity of neighbours
- Does not have a significant adverse impact upon highway safety

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

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 received by the Local Planning Authority as follows:
 - Proposed Elevations 1413-D3-30310-05 (submitted: 01.03.2023)
 - Proposed Floor Plans 1413-D3-10110-07 (submitted: 17.04.2023)
 - Proposed Site Plan 1413-D3-10100-06 (submitted: 21.04.2023)

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 development hereby permitted shall not be occupied until such time as secure cycle parking has been provided in accordance with details first submitted to, and agreed in writing by, the Local Planning Authority. Thereafter, the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Paragraphs 108 and 110 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.
- With effect from 1 October 2018, all HMOs having 5 or more occupants from 2 or more separate households require to be licensed by the Council.