



Appeal Decision

Site visit made on 16 January 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2024

Appeal Ref: APP/K2420/W/23/3326415

2a Clarendon Road, Hinckley, Leicestershire LE10 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Nationwide Property Investing Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/01203/FUL, dated 19 December 2022, was refused by notice dated 8 June 2023.
 - The development proposed is described as demolition of existing extension and the erection of a new single storey rear extension. Including a replacement roof - raising the ridge height by approx.800mm - and 1no. large dormer window to the rear. Increasing the HMO capacity from 4no. to 8no. (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. However, the scheme has been amended during the course of the application reducing the capacity to 6 persons. I have assessed the appeal on this basis.
3. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework, and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

4. The main issues are:
 - The effect of the proposal upon the living conditions of nearby occupiers with regard to privacy and noise and disturbance; and
 - The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

Living conditions of existing occupiers

5. The appeal site is formed of a detached bungalow occupied as a four person House in Multiple Occupation (HMO). The area has a tight urban grain and the appeal property backs onto a two storey block of flats. Due to the layout and limited separation between buildings there is a degree of existing mutual overlooking.

6. The proposed dormer window would occupy almost the entire rear roof space with obscure glazed windows facing the block of flats. Despite the lack of separation the windows proposed would be obscurely glazed and serve bathrooms and circulation space. As such, I am satisfied that the proposal would not give rise to actual or perceived overlooking. Furthermore, close relationships between properties are not uncommon in urban areas.
7. The proposed development would include rooflights in the front elevation. Based on the evidence before me outlook from these windows would only be appreciable when standing very close to them and largely looking upwards limited to views of the sky. In any event the appeal property directly faces a commercial premises and not a residential property. In my view the position of the rooflights in the front roof space would not result in undue overlooking leading to unacceptable living conditions for existing occupiers.
8. Taking into consideration the tight urban grain of the area and the likely number of individual occupiers residing in the HMO the proposal would be more intensive with comings and goings and residential activity. In my judgement given this close spatial relationship and the resultant number of individual occupants these activities would be more noticeable. The intermittent and arbitrary nature of them would likely result in an unacceptable impact on the living conditions of existing occupiers in terms of noise and disturbance.
9. Whilst six people can live together as a single household, I am not satisfied, based on the evidence before me, that the impact would be similar or materially worse than what is being proposed. I am mindful that a single household would occupy the property differently compared to six individual occupiers. As such, I give this limited weight in coming to my decision.
10. Consequently, the living conditions of existing occupiers would be adversely affected in terms of noise and disturbance. Taking all matters into account I find that the proposal would be contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) (DPD) which, amongst other things, seeks to ensure that development does not have a significant adverse effect on the amenity of nearby occupiers.

Safe and efficient operation of the local highway network

11. The property is located within a predominantly residential street on the edge of Hinckley town centre. The town centre and neighbouring streets include a number of residential and commercial uses.
12. At the time of my site visit on a weekday afternoon I observed significant pressure for parking along the road and saw that both sides of Clarendon Road were heavily parked with cars. This reduced the road width to wide enough for a single vehicle making it difficult for vehicles to drive along it. Whilst I acknowledge that this is a snapshot in time, based on my observations and the evidence before me, it is evident that the availability of on street parking is at a premium in the area during the day. It is likely, also, that the demand for parking is even greater in the evening and at weekends due to residents returning from work or daily activities.
13. Taking into consideration that no onsite parking spaces are proposed the demand for vehicle parking is likely to increase due to additional residents at the property. This would increase the likelihood of vehicles, including visitors,

seeking to park and manoeuvre along the highway, in an area where demand for on street parking is already very high. This parking demand is likely to lead to instances of indiscriminate and inconsiderate parking taking place in the area resulting in a significant adverse effect on the safe and efficient operation of the highway network.

14. The site is located within walking distance of Hinckley town centre accommodating a number of day-to-day services and facilities. However, I am not satisfied that this would overcome the harm that I have identified in relation to highway safety when taking into account the number of individuals that would occupy the property.
15. The appellant has drawn my attention to plans showing onsite parking spaces produced during the application process. However, based on the information before me, I am not persuaded that the parallel parking spaces would be accessible or usable when taking into account the layout, the narrow width of the spaces and the position of the street tree. In my view, this arrangement would be contrived and would result in indiscriminate and inconsiderate parking taking place on the pavement or road.
16. I conclude that the proposed development would adversely affect the safe and efficient operation of the local highway network. Consequently, it would be contrary to DPD Policy DM10 which, amongst other things, seeks to ensure that the development does not have a significant adverse effect on the amenity of nearby occupiers.

Other Matters

17. I note that representations were made by local residents raising additional concerns. However, given my findings in respect of the appeal, it is not necessary to consider these matters in detail.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR