



Appeal Decision

Site visit made on 29 May 2025

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal Ref: APP/K2420/W/25/3359752

502 Coventry Road Hinkley Leicestershire LE10 0NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr A Reid against the decision of Hinkley and Bosworth Borough Council.
 - The application Ref is 24/00654/FUL.
 - The development proposed is Conversion of existing garage into a separate dwelling and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of existing garage into a separate dwelling and alterations at 502 Coventry Road Hinkley Leicestershire LE10 0NJ in accordance with the application Ref: 24/00654/FUL and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plan: Ref No. 1854 dated June 2024 .
 - 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.
 - 4) Roof windows proposed 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 shall be permanently maintained as such at all times thereafter. All other roof windows in the existing building shall be removed or infilled.

5). The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to, and approved in writing by, the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The scheme shall be carried out in full accordance with the approved details.

6) 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.

Preliminary Matter

2. The appellant indicated an exemption from the Biodiversity Net Gain requirement on a de-minimis basis. Although the proposed development is a conversion not involving the construction of additional building area, the de-minimis provision relates to the extent of habitat affected and in this case the creation of a street access may affect the existing hedge. However, the relevant part of the site is mostly fronted by gates and fencing and I conclude that the extent of hedge (or habitat) affected would be less than 5m (linear) or 25m² of habitat and is thereby exempt on the basis claimed.

Main Issues

3. The Main Issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site (No.502) is a semi-detached two-storey dwelling located on a deep corner plot in an established residential area which would be accessed from Paddock Way, a residential feeder road leading from the Coventry Road. The proposal concerns an ancillary building at the rear of No.502, robustly constructed with accommodation in the roof and separated from the dwellinghouse by a good-sized garden. The appellant seeks a change of use to an independent dwelling (C3) involving alterations to the front elevation to replace existing garage doors with windows and entrance door and would enclose, to an extent which is not detrimental to No.502, a section of the existing garden, well screened from the adjacent Paddock Way, as private amenity space.
5. It is not disputed that the appeal site lies within the settlement of Hinkley, a location suitable for residential development, however the Council's reason for refusal suggests that the use of this existing building as a separate dwelling would conflict with a prevailing pattern of development, referring to an absence of single-storey dwellings in the neighbourhood. Whilst there are no other dwellings directly fronting the section of side road close to the appeal site, Paddock Way goes on to serve a large area of housing to the south. The suburban character of the area is accentuated in relation to the site by the proximity of Danelaw Court, a large development of apartments in three storey blocks with associated parking, gates,

planting and fenced enclosure. That development includes a prominent refuse storage compound adjacent to the rear of 502 and the appeal site which is a visual detractor.

6. Although the proposal would be more apparent in the street scene due to the removal of a high fence and a small section of hedge in the creation of an access and parking area; such visual changes do not necessarily indicate a change of character of, or incompatibility with, the surrounding area. Overall, the degree of change would be modest. I consider, noting the building already contributes to the street scene¹, little weight can be attached to the suggestion that harm arises, of itself, from the use of a building for residential purposes when the building already exists and is in an established residential area.
7. Consequently, I find little conflict with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) at (c) which seeks that development should complement or enhance the surrounding area. Further, I note that the Council have conceded that they are unlikely to be able to demonstrate a Framework-compliant housing land supply at the present time such that the 'tilted balance' would be engaged in this case. However, given what I have already concluded within the ordinary Section 38(6) planning balance, such consideration is not necessary. Therefore, having taken all matters raised into account, I conclude that the appeal should succeed subject to the usual timing and plans conditions. The Council have suggested some conditions which I have considered according to the required tests and adjusted or included as appropriate according to the circumstances of the site and to maintain the quality of the development.

Andrew Boughton

INSPECTOR

¹ Albeit above eaves level