
Appeal Decision

Site visit made on 30 August 2016

by D M Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2016

Appeal Ref: APP/F2415/W/16/3147948

Manor Works, Main Street, Fleckney, Leicestershire LE8 8AP.

- 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 Mr Mick Harris against the decision of Harborough District Council.
 - The application Ref 15/01856/FUL, dated 19 November 2015, was refused by notice dated 14 January 2016.
 - The development proposed is the erection of 9 no. dwellings including change of use from light industry to residential for the complete parcel of land comprising of 1005.35sq metres.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mick Harris against Harborough District Council. This application is the subject of a separate decision.

Procedural Matters

3. The Appellant states that the site has outline planning permission (LPA ref: 03/00632/OUT). Although it appears that this permission has expired, there is no dispute between the parties that the principle of residential development is acceptable and would make a contribution to the Council 5 year supply of housing which currently stands at 4.65 years. In such situations the "*National Planning Policy Framework*" (The Framework) states that the relevant policies for the supply of housing should not be considered up to date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the development on:
 - a) The living conditions of future occupants with particular regards to outdoor amenity space, privacy, outlook and daylight.
 - b) The setting of adjacent listed buildings, and
 - c) On-street parking and highway safety.
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Reasons

Living conditions

5. Whilst accepting that the appeal site is located within a built up section of the village, I consider that the number of plots proposed is excessive. The limited plot size and separation distances would compound the feeling of too great a building mass for the plots and, cumulatively with all nine dwellings, for the whole appeal site.
6. Accordingly, I share the Council's concerns about the effect of the layout on the living conditions of future occupiers. Intervening distances between plots 1-4 and 7-9 would fall significantly below the 21 metres set out in the Council's *"Supplementary Planning Guidance Note 2"*. This would be exacerbated by the height of plots 7-9 relative to those fronting Stores Lane. To my mind the proximity of these dwellings to each other would have a significant adverse effect on the living conditions of future occupants of plots 1-4 with regards to outlook, privacy and overshadowing. Similarly the distance and orientation of plots 4 and 6 would result in an unacceptable loss of privacy to the occupiers of the former.
7. In terms of outdoor living space, the rear gardens of Units 1-4 and 7-9 would have rear garden depths of only 3-5 metres. Whilst this might be acceptable for the smaller dwellings, plots 7-9 would be four bedroom properties. These dwellings would lack any meaningful amenity space with the rear yards being nothing more than a sunless corridor; and at the front the houses would face directly on to the car park. The resultant living environment for dwellings with family-sized accommodation would be notably poor.
8. Finally, Units 5 and 6 would be positioned perpendicular to Plot 4. Accordingly their rear elevations and rear gardens would face directly towards a large featureless gable wall. In my view given the lack of separation, this relationship would subject future occupiers to unreasonable levels of enclosure and overbearing elements in their rearward views and significantly diminish the enjoyment of their property and garden.
9. I recognise that a number of the dwellings would be small and unlikely to be for family occupation and that potential occupiers would be able to exercise consumer choice in these matters. Nonetheless, I consider that the level of overshadowing, overlooking and usable amenity space for future occupiers is indicative of a poor design and overdevelopment of this site.
10. Based on the foregoing, I conclude that the development would result in unacceptable living conditions for future occupants of the development. The development would thus conflict with Policy CS11 of the *"Harborough District Core Strategy 2011"* (the CS) which seeks to ensure that development safeguards the amenities of existing and future occupiers.

Listed buildings

11. The appeal site lies adjacent to but outside the curtilage of two listed buildings. Section 66(1) of the Act requires that, when considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.

12. The appeal site is located within a wider residential area and contains a collection of vacant brick and timber industrial buildings. It has a frontage to Main Street to the south, Wolsey Lane to the east and Stores Lane to the north. It is apparent that the site has been unoccupied for a number of years and consequently the buildings are in a poor state of repair. This gives the site a neglected and forlorn appearance that detracts from what is otherwise a pleasant residential area on the edge of Fleckney village centre. The wider area contains a diverse range of building styles and forms including traditional terrace properties along Stores Lane and two Grade II listed detached properties at 15 and 17 Main Street to the east and west respectively.
13. The appeal scheme involves the demolition of all the existing buildings and the erection of three 3-storey dwellings fronting Main Street (units 7-9), two 2-storey dwellings to Wolsey Lane (units 5 & 6) and four 2-storey units to Stores Lane (units 1-4). It is the effect of the development on the setting of No 15 and 17 which is the issue.
14. The Council, based largely on advice from its Conservation Officer, considers that the cramped layout would vitiate the setting of the two adjacent listed buildings. However, exactly how the Conservation Officer arrived at that view is not clear when it is also accepted that the development would *'improve the setting of the Listed Buildings that bound the site to either side'*. Irrespective of the cogency of these comments, I concur that the effect of the development on these assets is an important material consideration
15. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral. In my view, the existing buildings by virtue of their condition and siting contribute little to the setting of either listed building. Neither of the main parties argues otherwise.
16. Both No 15 and 17 whilst set back generously from Main Street, are hemmed in on most of their remaining boundaries by existing buildings on the appeal site and beyond. Their setting is not subsequently defined or characterised by a sense of spaciousness beyond their site boundaries. Whilst I concur with the Council that the proposed layout would be cramped, that is currently the case now. The removal of the unsightly buildings which are of no historical merit and their replacement with modern residential buildings would lead an element of visual enhancement and in those circumstances; it would be perverse for me to conclude that the setting of the listed buildings would be harmed.
17. Overall, for the reasons set out above, I find that the proposal would preserve the setting of the adjacent listed buildings. It would thus accord with Policy CS11 of the CS. Amongst other things this states that development should respect, protect and enhance local character and heritage assets. There would also be no conflict with either the statutory duty under the Act in relation to listed buildings or paragraphs 133 and 134 of the Framework.

Parking

18. The Council's third reason for refusal refers to inadequate off-street parking. However, the scheme would provide 19 spaces (7 in the parking bays to Stores and Wolsey Lanes and 12 in the main parking court). The layout plan shows

that the spaces would be reasonably proximate to the proposed dwellings and therefore bearing in mind the stated parking requirement is 18 spaces, there would, *prima facie*, be sufficient off-street parking.

19. I acknowledge that the dimensions of 2 of the spaces would be substandard. However, given the length of a typical car, the amount of encroachment into the access with Main Street would not be significant. Notwithstanding that such concerns could probably be addressed by way of a planning condition, in my view, bearing in mind the type of traffic and the likely frequency of opposing traffic movements at the access, such concerns are, in my belief, overplayed.
20. Even if I am wrong about that, the Highway Authority acknowledge that in practice the local highway network operates to a '*reasonably satisfactorily extent*'. When I visited the site I saw that traffic speeds and volumes along this section of Main Street are relatively low. It is a built-up area with a prevalence of private accesses where turning traffic is an inherent feature. In these circumstances, the practical effect of a modest reduction in the width of the access is unlikely to amount to anything more than the occasional inconvenience to road users and could not reasonably be described as *severe*.
21. Whilst overlooked by the Highway Authority, it is also germane that the previous/lawful use of the site is B2 (light industrial). Consequently, if brought back into use, it is not unreasonable to assume that such a use would generate more traffic than 9 dwellings particularly the parking/manoeuvring of larger goods vehicles. In that regard, there is an environmental and highway safety argument in favour of the proposal. Taking all these matters into account, I conclude that there would be no significant effect on levels of on-street parking or highway safety.

Planning Balance

22. The scheme would undoubtedly deliver considerable benefits in terms of fulfilling the *social* dimensions of sustainable development through a contribution towards the Council's housing stock. Given the Council's acknowledged housing land supply position and the aims of the Framework in to significantly boost the supply of housing, I attach particular weight to this benefit.
23. There would also be support for the *economic* role through the purchase of materials and services in connection with the construction of the dwellings, an increase in local household expenditure as well as revenues to the Council from the New Homes Bonus. The development would be acceptable in terms of its effect on the adjacent listed buildings and highway safety though these are only neutral effects and do not weigh in favour of the scheme.
24. In *environmental* terms, however, the scheme would impose a range of unacceptable living conditions on future occupiers, contrary to the aspirations of the development plan and the Framework to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The degree of harm caused would be substantial and therefore this consideration attracts significant weight.
25. Taking all these considerations in the round, the development would deliver considerable benefits consistent with the Framework. Of particular weight

would be 9 new homes in a District which is unable to demonstrate a five-year housing land supply. Nevertheless, either on their own or in combination, these considerations do not outweigh the significant *environmental* harm I have identified to the living conditions of future occupiers. On balance, I find that the adverse impacts of the proposal would significantly and demonstrably out-weigh the benefits such that the scheme would not constitute sustainable development for which there is a presumption in favour.

Conclusion

26. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector