
Appeal Decision

Site visit made on 7 November 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 9th November 2016

Appeal Ref: APP/Y2430/W/16/3153369

Eastcote, 91 Grantham Road, Bottesford, Leicestershire, NG13 0EG

- 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 Ross Whiting against the decision of Melton Borough Council.
 - The application Ref 16/00114/FUL, dated 17 February 2016, was refused by notice dated 17 June 2016.
 - The development proposed is new garage for Plot 2.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed garage on the character and appearance of the surrounding area.

Reasons

3. Saved Policies BE1 and OS1 of the Melton Local Plan 1999 (LP) require new buildings, amongst, other things to harmonise with their surroundings in terms of height, form, mass, siting, construction materials and architectural detailing. These policies although somewhat dated conform to those principles of the National Planning Policy Framework (the Framework) that seek good quality design that reflects the character of the local area. Paragraph 64 of the Framework advises that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.
 4. The appeal site is in a row of dwellings which are well set back from the road. Along this stretch of Grantham Road the siting of properties results in a strong building line. The low density of development, open gardens and mature vegetation create a pleasant semi-rural character. Planning permission has been granted for the construction of 2 dwellings as a replacement of the former dwelling No 91 Grantham Road Refs 15/00035/OUT and 15/00604/REM (the 2015 permissions). Separate accesses for the two dwellings have been permitted Ref 15/00823/FUL. The houses are under construction and the garage to the front of the house at Plot 1 has been partially constructed.
 5. The appeal proposal is a garage to serve the house which is under construction at Plot 2 of the 2015 permissions. It would be about 9.5m by 6.5m and would have a flat sedum roof some 2.5m high.
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6. The proposed garage would be located about 6.5m in front of the house. The finished floor level would be lower than that of the house reflecting the gradual slope of the site. There is a track that runs between the side boundary of the appeal site and No 89 Grantham Road. From third party observations it appears to be a public footpath or bridleway.
7. Part of the hedge along that boundary has been removed and the rear wall of the garage would replace the existing fence. Although set back some 27m from the roadside boundary it would appear as a dominant and discordant urbanising feature that would be prominent from the junction of the drive to No 89, the service road serving nearby properties and the track. Moreover there would be relatively little space for planting of trees and shrubs to soften the urbanising effect.
8. The garage would be of a similar design to the permitted garage at Plot 1. However, although it can be glimpsed from the road, that garage is not as open to view from the public realm and therefore does not set a precedent in respect of the appeal proposal before me. I acknowledge that the recommendation to the Planning Committee was that permission should be granted but I am required to consider the proposal afresh.
9. For the above reasons I conclude that the proposed development would amount to poor design that would have an unacceptable adverse effect on the character and appearance of the surrounding area. It would therefore conflict with Saved Policies BE1 and OS1 of the LP and those principles of the Framework that seek good design that respects the character of the local area.
10. Whether or not conditions attached to earlier permissions have been breached is a matter for the Council. The position of boundaries and the effect of a development on adjacent land are matters for the respective land owners.

Conclusion

11. In conflicting with Policies BE1 and OS1 the proposal cannot be in conformity with the development plan taken as a whole. For the reasons set out above and taking into account all other relevant matters raised I conclude the appeal should not succeed.

SDHarley

INSPECTOR