
Appeal Decision

Site visit made on 30 November 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/L2440/W/16/3154696

17 Fludes Court, Oadby LE2 4QQ

- 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 Pupinder Rai against the decision of Oadby & Wigston Borough Council.
 - The application Ref 16/00186/FUL, dated 31 March 2016, was refused by notice dated 22 June 2016.
 - The development is use of annex to be used as an independent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for use of annex to be used as an independent dwelling at 17 Fludes Court, Oadby LE2 4QQ in accordance with the terms of the application, Ref 16/00186/FUL, dated 31 March 2016, and the plans submitted with it.

Procedural Matter

2. The address in the above header is taken from the original planning application form. However, I note that the annex concerned is annotated as No 17a on the submitted location and block/site plans and so I have referred to it as such in my reasoning.
3. The Council, in its decision notice, refers to its Residential Development Supplementary Planning Document (the SPD). I have applied some weight to that document due to its role in supporting the relevant development plan policies.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the surrounding area and whether adequate provision is made for car parking.

Reasons

Background

5. The use of No 17a as a separate dwelling has commenced, contrary to a condition of planning permission Ref 09/00185/FUL restricting the approved annex to purposes ancillary to No 17. In this respect, I note that this has been
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the subject of three previous appeal decisions¹. These relate to enforcement matters concerning the steps required by the enforcement notice (EN) to achieve its purpose and the time period for compliance with the EN. However, those decisions do not relate to the principle of the use under consideration in this appeal.

Character and appearance

6. It is not disputed by the parties that No 17a remains unchanged in its external appearance from the annex approved under that previous planning permission. I have no basis to disagree with that position. There is a small front garden area but this remains open to the street without any road frontage screening. There are no other outward signs of it being a separate dwelling. Therefore, whether the building is used as an annex or a separate dwelling is not clearly apparent when viewing the site from the street. The Council, in its officer report, refers to an unacceptable loss of amenity space. However, the only outdoor space that has transferred from No 17 to No 17a is the small area of garden in front of it, leaving the rest of the existing amenity space to No 17.
7. The siting of a separate dwelling in front of the larger house at No 17 is not characteristic of the locality generally where houses are aligned in a fairly regular way set behind front gardens. However, in this case, not only was the building, as a garage, part of the original design of the property, but its current design, including entrance doors and windows facing the street on two sides was also approved, albeit in relation to an annexe. Furthermore, it does not appear incongruous in terms of its proximity to the street in the context of the dwelling at No 18 adjacent to the site, which is also very close to the road.
8. The site is also at the end of a short cul-de-sac and so is not in a prominent location within the wider street scene, and the building concerned is mainly offset from the front of No 17. Furthermore, its design, materials and fenestration all match that of No 17.
9. There is no off-street parking dedicated to the site, and there can be no guarantee that the parking in front of No 17 would be shared in perpetuity, if the two buildings were in use as separate dwellings. However, the small scale nature of the dwelling concerned is likely to be reflected in its level of occupancy and so is unlikely to generate significant additional demand for parking.
10. I noted that there is scope for on-street parking in the vicinity of the site, without creating a significant obstacle in respect of traffic flow and highway safety. This was evidenced by a small number of cars parked on the street at my visit, albeit that I acknowledge that to be a snapshot observation. Whilst off-street parking is generally the norm, some on-street parking is therefore not unexpected. The potential for an additional small amount of such parking associated with No 17a would therefore be unlikely to materially change the character of the street.
11. I have had regard to concerns raised about a precedent being set for other similar proposals. However, as I have previously referred to, the original design of the property relating to No 17, with the detached front double garage is uncommon in the context of other housing in the vicinity. A similar situation

¹ APP/L2440/C/16/3143287; APP/L2440/C/16/3143448; APP/L2440/C/16/3143449

would therefore be unlikely to arise to any significant degree in that context. In any case, any such proposals elsewhere would have to be considered on their own merits as I have done in this case.

12. For the above reasons, the development does not cause unacceptable harm to the character and appearance of the surrounding area and there is adequate provision for car parking on the street. As such, it accords with Core Strategy Policies 14 and 15 of the Oadby & Wigston Core Strategy, and Landscape Proposal 1 and Housing Proposal 13 of the Oadby and Wigston Local Plan, and would not be at odds with the principles set out in the SPD, which together in respect of this issue require, amongst other things, development to protect the character and appearance of the area. It would also accord with the National Planning Policy Framework which, in section 7, relates to requiring good design.
13. The Council, in its decision notice, also refers to Core Strategy Policy 4. However, that policy relates to sustainable transport and accessibility and so is not directly relevant to this issue.

Other matter

14. The Council, in its submissions, also refers to the living area falling short of National standards. However, I note that those standards are not adopted by the Council. I have therefore applied little weight to this factor, which is insufficient to outweigh my findings in respect of the main issues.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR