

Appeal Decision

Site visits made on 15 and 22 November 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/F2415/D/16/3157767

15 Hallaton Road, Medbourne, Market Harborough LE16 8DR

- 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 & Mrs Colin Wilson against the decision of Harborough District Council.
 - The application Ref 16/00967/FUL, dated 14 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is a detached garage with store/studio above.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Colin Wilson against the decision of Harborough District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (i) The effect of the development on the character and appearance of the area having particular regard to the location of the site within the Medbourne Conservation Area (CA) and the setting of the Grade II* listed St Giles Church, and
 - (ii) The impact on the living conditions of the occupiers of the neighbouring property at No. 129 Hallaton Road with particular regard to the dominant and overbearing impact.

Reasons

Character and appearance

4. The appeal site forms part of the garden area at the rear of a two storey dwelling that forms part of a linear development of residential properties running along Hallaton Road to the south of the site. To the west and north-west are the garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist behind the residential properties, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying character and appearance, which is further enhanced by the
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- presence of mature landscaping and established trees within the gardens and the playing fields to the north-east of the site.
5. The proposal would involve the construction of a new detached garage building with store/studio above at the end of the rear garden. The proposed building would measure about 9m (width) by 7m (depth) with a dual pitched roof with an eaves height of about 3.3m and a ridge height of about 6.2m.
 6. The proposed development would be situated in the characteristic open gap between the properties and the playing fields. Such positioning would compromise the sense of space and openness in the area. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points in the adjacent playing fields and the nearby public footpaths to the north-east of the site and to a more limited extent, through the gaps between the properties along Hallaton Road. As such, I consider the development, by virtue of its scale, siting and design would result in an incongruous and out-of-keeping addition that would adversely harm the open character and appearance of the area and the CA.
 7. Given the modest scale of the development affecting the CA, the harm would be less than substantial but in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellants desire is to provide a new detached garage building on the site. I find though insufficient public benefit to offset the identified harm to which I attach significant weight.
 8. The Grade II* listed St Giles Church is located to the south east of the site. Given the modest scale of the development and the separation distance and the existing buildings between the appeal site and the listed Church, the proposal would have no material impact on the setting of the listed building. The setting would therefore be preserved.
 9. I have considered the appellants comments about the previous planning approval¹ on the site. However, the appeal scheme is materially different to the previous planning approval and as such limits the weight I can attach to it as a material consideration. I also note the revised scheme put forward by the appellants during the application process. These aspects do not overcome the adverse harm outlined above and as such accord this matter limited weight.
 10. Consequently, I conclude that the development would harm the character and appearance of the area and the CA. It would conflict with the design and conservation aims of Policy CS11 of the Harborough District Core Strategy 2011 (CS). This policy seeks, amongst other things, to ensure that development is a high standard of design which respects the qualities, character and amenity of the local area and protect, conserve and enhance the heritage assets within the District including Conservation Areas.
 11. In addition, it would not accord with national guidance in the Framework that development should seek to secure a high quality of design and conserve heritage assets in an appropriate manner (paragraph 17) and take into account the desirability of new development making a positive contribution to local character and distinctiveness in conserving and enhancing the historic environment (paragraph 131).

¹ 15/01429/FUL

Living conditions of the occupiers of the neighbouring property

12. The north elevation of the proposed garage would be located about 0.7m from the common boundary with No. 129 Hallaton Road (No. 129). The proposal would be separated from No. 129 by a mature hedge and vegetation. The detached bungalow at No. 129 currently has uninterrupted views over the open garden areas and playing fields at the rear of the properties.
13. I have considered the appellants arguments that the impact of the proposal would be similar to that previously approved and it would be largely obscured from No. 129 by the existing boundary hedge and mature vegetation. However, I have viewed the appeal site and I am not persuaded by the appellants arguments.
14. The impact of the proposal would be exacerbated by the changes in the position, orientation and the eaves heights of the proposed development since it was previously approved. Whilst the boundary treatment and the lowering of the ground level on the site would reduce the impact of the proposal to some degree, given the overall height, massing and the design of the proposal and the separation distance between the properties, I consider the proposal would dominate the views from the rooms and garden at the rear of No. 129. It would introduce a dominant and overbearing structure in close proximity to the common boundary that would severely restrict the outlook of No. 129.
15. Consequently, I conclude that the proposal would result in significant harm to the living conditions of the occupiers of No. 129 with particular regard to the dominant and overbearing impact. It would conflict with the overall amenity aims of Policy CS11 of the CS. This policy, amongst other things, seeks to ensure development is well planned and that the amenities of existing and future occupiers are safeguarded. In addition, it would not accord with the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other matters

16. I have noted the letters of objection from the Parish Council and local residents to the proposal on the basis of the scale, siting and design of the proposed garage, the impact on character and appearance of the area including the CA and the amenities of neighbouring properties, access, highway safety, setting a precedent and the potential future use as separate living accommodation. However, in light of my findings of harm to the character and appearance of the area and the living conditions, there is no necessity for me to consider these matters further.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR