

Appeal Decision

Site visit made on 29 November 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 04 January 2017

Appeal Ref: APP/Y2430/W/16/3158495

Pilgrim Service Station, 30 King Street, Scalford, Leicestershire LE14 4DW

- 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 JRT Construction Limited against the decision of Melton Borough Council.
 - The application Ref 15/01013/FUL, dated 21 December 2015, was refused by notice dated 27 May 2016.
 - The development proposed is the redevelopment of former Pilgrims Garage site King Street, Scalford to form 3 no. new dwellings and associated parking area. Plot 1, 2 storey 3 bed detached. Plots 2 & 3 semi-detached. Plot 2, 2 storey, 3 bed. Plot 3, 2 storey, 1 bed.
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Decision

1. The appeal is dismissed.

Costs application

2. An application for costs was made by JRT Construction Limited against Melton Borough Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework('the Framework'), having regard to;
 - whether the proposed development would provide acceptable living conditions for future occupiers of the proposed development with regard to amenity space provision and outlook; and,
 - the effect of the proposed development on the character and appearance of the Scalford Conservation Area.

Reasons

4. The appeal site is previously developed land located within the village envelope of Scalford. As such, in accordance with the Melton Local Plan adopted in 1999, it is suitable in principle for residential development.

Living conditions

5. The first part of the reason for refusal in the Decision Notice refers to the living conditions that would be provided for future occupiers of the development proposed, as well as neighbours. However, my reading of the policies BE1 and OS1 of the Melton Local Plan referred to in support of that reason is that together and among other things, they seek to protect the living conditions and
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amenities of existing residents, as opposed to ensuring acceptable living conditions and amenities for future occupiers of a proposed scheme. I find them to be of little assistance therefore. However, a core planning principle of the Framework, which post-dates the policies in the Local Plan, is securing a good standard of amenity for all existing and future occupants of land and buildings. Section 7 of the Framework relates to good design. Amongst other matters it advises that it is important to plan positively for the achievement of high quality and inclusive design for all development, including, amongst other matters, private spaces.

6. In terms of amenity space, two of the three houses would have three bedrooms. As such they can reasonably be considered to constitute family housing. The only private amenity space that would be provided for occupiers of the proposed dwellings would be to the rear. Owing to the short length of the appeal site the rear gardens to the proposed dwellings would be minimal in size. The gardens would be barely large enough to allow future residents to dry their washing whilst sitting outside at the same time. The Council does not have any adopted standards for amenity space provision. Nevertheless, by any reasonable measure, the size of amenity spaces proposed to these family sized dwellings, would be inadequate and far less than is reasonable to allow children to play. I did not see, and no reference been made, to any nearby public play areas for children. Whilst public footpaths that give access to the surrounding countryside have been referred to, they are not a suitable substitute for adequate outdoor play space for children.
7. In relation to overlooking, on the basis of the submitted plans, the outlook from the only window to bedroom one in the house on plot two, and the kitchen / dining room below, would be completely enclosed by the blank gable wall of No 28 which is only a very short distance away. This resulting outlook would be oppressive and would result in far poorer living conditions than it is reasonable to expect within this property.
8. One of the purposes of good design as sought by the Framework is to provide a good standard of amenity for future occupiers. As a result, it would be contrary to national policy to provide a poor standard of amenity, as would occur in this scheme, and allow prospective purchasers to then decide if they are prepared to accept such conditions.
9. The rear first floor windows of the proposed houses on plots three and one would respectively face the side of the front and rear gardens serving No 28. However, the bedroom window facing the front of No 28 in the house on plot one would only overlook the front formal part of the garden and not the more private part immediately in front of the house. In terms of the small rear garden, the only notable area of usable private amenity space is located by the opposite side of the garden and is partly obscured by the side of the house. As a result, material overlooking from the windows of the house on plot three is unlikely to occur.
10. Notwithstanding my favourable findings in relation to overlooking of No 28, this does not override the cogent planning objections in relation to amenity space provision and outlook that I have described. The proposed development would therefore result in inadequate living conditions for future occupants, contrary to a core planning principle.

Character and appearance

11. The appeal site is located within the Scalford Conservation Area. In the exercising of planning functions the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies BE1 and OS1 of the Local Plan which between them require that new development respects and complements the form, siting, scale, mass and architectural detailing of the locality are consistent with this test.
12. In terms of assessing the significance of the Conservation Area, I have relied upon the comments received and my own observations during the site visit. The Conservation Area covers those parts of the village that contains well designed older buildings. Typically, these buildings are modest gable ended buildings with a narrow rectangular plan form, one to two storeys in height, built from ironstone or brick and with pantile roofs. Dwellings are typically set on or close to the back edge of the pavement with some limited residential development in depth. The significance of the Conservation Area therefore is historical.
13. The appeal site, covered in hard standing with a garage building to one side, does not make a positive contribution to the Conservation Area. The demolition of the building and removal of the remains of the garage therefore would not harm the Conservation Area. The proposed development would result in dwellings which in form, shape and position would complement the pattern of development and the appearance and design of nearby houses. Subject to the control that could be exerted by condition regarding the external materials used in the construction of the houses and the detail of the houses, the proposal would enhance the character and appearance of the Conservation Area. The proposal would therefore comply with the statutory test and policies BE1 and OS1 of the Local Plan.

Planning balance and overall conclusion

14. The Framework sets out a presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: social, environmental and economic.
15. The appellant states that the Council has a housing land supply of between 1.9 years and 2.5 years. This has not been challenged by the Council. Consequently, a significant undersupply of housing exists in the District. The development would, therefore, make a small contribution towards the provision of new housing at a time of need. However, the poor quality living conditions that would be provided for future occupiers, in terms of amenity space provision and outlook, would conflict with the social dimension to sustainable development.
16. With regard to the environment, the proposal would make efficient use of previously developed land which the Framework encourages the re-use of. It would also prevent the appeal site from returning to a potentially un-neighbourly use and reduce associated vehicle movements to the benefit of highway safety. Although given the quiet rural location of the village, the fact that the site has been disused for more than ten years and its small awkward shape the prospect of it returning to an unneighbourly commercial use is low. I recognise, however, that the development proposed would also enhance the character and appearance of the Conservation Area.

17. Economically, the scheme would generate some construction employment and help support the related local supply chain, although by its nature this benefit would be short lived.
18. The Council states that the location of the appeal site performs reasonably well in terms accessibility of services and transport links. Located within the village housing on the site is in principle is supported by the Local Plan. The proposed development would result in some social, economic and environmental benefits which I have described above. However, the shortcomings in terms of the living conditions for future occupiers are a significant concern. The adverse impacts in this regard would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

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

Ian Radcliffe

Inspector