
Appeal Decision

Site visit made on 3 January 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 19th January 2017

Appeal Ref: APP/L2440/16/3158662

The Garages, New Street, Oadby, Leicestershire LE2 5EB

- 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 Simon Henson against the decision of Oadby & Wigston Borough Council.
 - The application Ref 16/00224/FUL, dated 29 April 2016, was refused by notice dated 28 June 2016.
 - The development proposed is for the erection of a two storey house over existing garage with bay window to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: firstly, the effects of the proposal on the character and appearance of the area; secondly, whether the proposal would provide adequate living conditions for future occupiers of the appeal dwelling by reason of amenity space provision and; thirdly, the effects of the proposal on the living conditions of occupiers of the neighbouring property, number 86 Harborough Road in terms of outlook.

Reasons

Character and appearance

3. The appeal site is located on the eastern side of the busy approach of New Street with Harborough Road close to the town centre of Oadby. The street scene in this location is of mixed character with traditional two storey terraced dwellings on the eastern side opposite commercial development on the western side and a modern development of apartments. The neighbouring development immediately to the south consists of two storey blocks of four houses incorporating hipped roofs and bay windows, which are either double or single storey height. These properties are set back and elevated above New Street and the aforementioned features provide symmetry and rhythm that result in a relatively distinctive character.
 4. The appeal proposal takes advantage of the presence of an existing single garage on the site, which is set slightly forward of the building line of the adjacent properties. The proposal would see the incorporation of this structure into the proposal by building a two storey house on top, which would result in a
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three storey dwelling in appearance from New Street. A flight of steps and guard rails would be provided to descend from the front door to the level of the adjoining footway. An appeal¹ for a similar proposal for a taller structure was dismissed in 2014. Although the details of this appeal are not before me, the Inspector opined that a three storey property forward of the building line would be out of keeping whilst also expressing concern that the proposed amenity area would provide inadequate space for future occupiers.

5. I also believe that this revised proposal consisting albeit of a slightly lower two and a half storey dwelling forward of the building line and poorly designed features would still be markedly different from properties on this side of New Street. The combination of height, narrow frontage, bulky gable and awkward entrance steps arrangement would result in a highly prominent and incongruous building style which would be out of kilter with the street scene. The significant retaining structure that is also proposed merely adds to the prominence and insensitivity of the appeal proposal.
6. Although I acknowledge the presence of commercial properties of mixed character in the immediate area and that the proposal involves the re-use of a redundant structure, I do not consider that these points outweigh the significant harm that would be caused to the character and appearance of the area.
7. Consequently, I conclude that the appeal proposal would be contrary to Policies CSP14 and 15 of the Oadby & Wigston Core Strategy Development Plan Document (DPD) as well as to Landscape Proposal 1 of the Oadby and Wigston Local Plan (LP). These policies combine to ensure that development proposals respect and reflect local character, and that building design, scale and form is carefully related to existing development. Moreover the proposal is contrary to section 7 of the National Planning Policy Framework that seeks to ensure quality of design that responds to local character and distinctiveness.

Living conditions for future occupiers

8. The proposed development would provide a detached two bedroom property with a relatively small courtyard area to the rear, which would provide the sole outdoor amenity area for future occupants. This area has been estimated by the Council to amount to some 20 sqm.
9. The adopted Oadby and Wigston Residential Supplementary Planning Document (SPD) contains what the Council believes to be best practice guidance for the provision of outdoor amenity space. For a two bed property, this would equate to 75 sqm with 50 sqm being the absolute minimum to facilitate health and well being. The proposal before me continues to fall short of the Council's standards by a significant margin and would offer inadequate and therefore unacceptable levels of provision for future occupiers of the property.
10. I therefore conclude that the proposal would be contrary to the SPD and to Policy CSP 14 of the DPD which seeks to ensure that developments of this nature are well designed. The proposal would also be contrary to the Framework and its core principles that planning should always seek to ensure a good standard of amenity for all future occupants of buildings.

¹ APP/L2440/A/13/2205188

Living conditions of existing occupiers

11. The proposed development would present a two storey rear elevation to the closest neighbouring property, No 86 Harborough Road. Whilst much of the outdoor living space is to the side of this property, I observed that the side is used extensively for off-street parking. Although properties on Harborough Road are set at an acute angle when compared to the properties along New Street, the intervening space between the appeal site and 86 Harborough Road would be similar to what is presently experienced between neighbouring properties at this location. I do not consider that this arrangement would be unacceptably overbearing or result in an unacceptable reduction in living conditions.
12. Accordingly, the proposal would comply with CSP Policy 14 that seeks to ensure that new developments are of high quality inclusive design and are sympathetic to their surroundings. The proposal in this regard would not conflict with the SPD that seeks to prevent visual intrusion and loss of privacy.

Conclusions

13. Although I have found in favour of the proposal in terms of the effects of the proposal on the living conditions of occupiers of the existing neighbouring property this does not overcome the serious harm that I have identified in terms of the significant adverse effect on character and appearance and on the living conditions of future occupiers of the proposed property.
14. For the above reasons, and having regard to all other matters raised, this appeal is dismissed.

Gareth W Thomas

INSPECTOR