

Appeal Decision

Site visit made on 11 January 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/P3040/W/16/3160192

57 Woodgate Road, East Leake, Loughborough, Leicestershire LE12 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Terri Williams against the decision of Rushcliffe Borough Council.
 - The application Ref 16/01706/OUT, dated 9 June 2016, was refused by notice dated 19 September 2016.
 - The development proposed is the erection of one detached bungalow (outline – all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the site address as a combination of those shown on the planning application and appeal forms as it is the most complete version and most accurately identifies the site to which this appeal relates.

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) the living conditions of existing and future occupiers.

Reasons

Character and Appearance

4. The appeal site is the rear garden of Number 57 Woodgate Road. Its long and narrow shape and largely open and undeveloped nature is typical of others in the street and wider area. This contributes to a strong sense of uniformity to buildings and spaces along Woodgate Road where there is mainly frontage development set back from and facing the public highway to the north.
 5. The proposed development seeks outline planning permission with all matters reserved. Details shown in the evidence are indicative but nonetheless the proposed development would subdivide the plot and create an additional tier of development. Introducing therefore a form which would be out of keeping, in terms of its nature and location, with the character of that which currently exists. Whilst its siting to the rear and intended design would mean public
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views of a new dwelling would be limited, this would not make the development acceptable.

6. I acknowledge that the increase in density that would arise out of the proposed development would be marginal to the extent that it wouldn't cause harm in isolation. However, a new dwelling would have a small garden, which would subsequently result in a much smaller garden to No 57. Neither of which would be reflective of the established character of the area as I have described it above. This would add to the harm that I have identified.
7. I accept that an outbuilding of similar scale could be erected in the rear garden of No 57 under permitted development. Aside from the fact that I do not have such a proposal before me for comparisons sake, a separate dwelling would have a materially different character effect insofar as it would have a separate access, a defined and demarcated curtilage and independent parking.
8. For these reasons, the proposed development would cause harm to the established and strongly defined character of the area. As such it would be contrary to Policy 10 of the Core Strategy¹ and Policy GP2 of the Local Plan².
9. These Policies, amongst other things and along with section 7 of the Framework³, seek to ensure that new development is contextually appropriate; it reinforces valued local characteristics and is sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

Living Conditions

10. Whilst a reserved matter, it would appear from the evidence that access to the appeal site would have to rely on that which exists and serves Nos 53a, 53b and 53c. I accept that there would therefore be some additional vehicular movements associated with the proposed development both passing between Nos 53 and 55 and then using the space to the front of 53a, 53b and 53c to manoeuvre.
11. Additional movements would be associated with a single dwelling. In the context of those associated with three other dwellings, I do not consider that harm to the living conditions of existing occupiers would arise from the operation of the proposed development. In essence, affected occupiers would already be well used to vehicular activity, of what would continue to be a modest scale, beside and in front of their respective dwellings.
12. With regard to the living conditions of future occupiers, the proposed private garden space would be of sufficient size for both the purposes of enjoyment and the purported scale of the proposed dwelling. In addition, I am of the view that a dwelling could be sited sufficiently far away from existing dwellings, and orientated accordingly, to ensure that it would not be overlooked to the extent that the privacy of occupiers would be compromised.
13. I do not therefore find that the proposed development would cause harm to the living conditions of either existing or future occupiers. Consequently, and with regard to this particular issue, there would be no conflict with Policy 10 of the Core Strategy or Policy GP2 of the Local Plan. These Policies seek to ensure,

¹ Rushcliffe Local Plan Part 1: Core Strategy 2014

² Rushcliffe Borough Non-Statutory Replacement Local Plan 2006

³ The National Planning Policy Framework 2012

amongst other things and along with one of the core principles of the Framework, a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

14. I accept that the garden to No 55 has been reduced in size to allow for an access to Nos 53a, 53b and 53c. The recently completed development in respect of these three dwellings has therefore altered the character of one of the gardens in the street.
15. Nevertheless, the development is a largely self-contained cluster which has interrupted only one of what is a large number of other unaltered rear gardens. The shape and open/undeveloped nature of rear gardens in the area are therefore largely unaltered and this remains a dominant element of local character. The erection of these three dwellings does not therefore justify allowing the appeal.
16. It appears to be common ground between the parties that the Council are currently unable to demonstrate the housing supply required by the Framework. In addition, the appellant suggests that modest bungalows are in short supply in the area and the proposed development would make use of land surplus to requirements.
17. With this in mind, the proposed development would add a single dwelling to the Council's supply but would be of limited strategic benefit. In addition, I have not been presented with any compelling evidence of the supply of the specific dwelling proposed beyond a visual survey of the immediate locality. Furthermore, whilst the existing rear garden may be surplus to the requirements of the current owners, this would not be sufficient to justify the erection of a dwelling on it, particularly given the harm that it would cause.
18. This harm would be to the character of the area in the manner I have set out above. It would result in conflict with policies of the development plan and the Framework. Taking all of these matters into account therefore, it is my view that the adverse impacts of granting a planning permission in this case would significantly and demonstrably outweigh the benefits.

Conclusion

19. Whilst I have not found harm in respect of the living conditions of either existing or future occupiers, this would not be sufficient to outweigh the harm that would be caused to the character of the area. The appeal therefore fails.

John Morrison

INSPECTOR