
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/X2410/W/16/3159942

41 Anstey Lane, Thurcaston, Leicestershire LE7 7JB

- 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 John Cole against the decision of Charnwood Borough Council.
 - The application Ref P/15/2304/2, dated 5 November 2015, was refused by notice dated 6 April 2016.
 - The development proposed is the erection of a detached bungalow with an integral garage to front of existing dwelling
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form. Whilst it differs from the planning application form, it most accurately describes the development to which this appeal relates. It is clear that the Council are content with this approach since the same description appears on their decision notice. I have determined the appeal on this basis.

Main Issues

3. There are two main issues. These are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Thurcaston Conservation Area (TCA); and
 - The effect of the proposed development on the living conditions of its future occupiers.

Reasons

Whether or not the proposed development would preserve or enhance the character or appearance of the TCA

4. The appeal site is the extensive and landscaped front garden of Number 41 Anstey Lane. The existing building is a detached two storey dwelling set back from and on a lower ground level to the road. The garden is enclosed by a mature and managed hedge. Together with deep highway verges and planted front gardens, the frontages of Nos 39 to 47, and 42 to 46 opposite, contribute to a leafy and spacious street scene. Whilst there are examples of frontage
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development in the TCA, the open and spacious character of the immediate street scene creates a positive contribution to the character and appearance of the TCA.

5. The siting of a dwelling in the front garden of No 41 would introduce an additional tier of development that would reduce the spacious character as well as altering much of the gardens planted and landscaped appearance. Whilst I accept that it would be single storey, its height and orientation, as well as its siting on a slightly raised ground level to No 41, would make it more noticeable. The visibility of the proposed development would be furthered by the loss of a section of the managed front hedge to create the vehicular access.
6. As a result of the above, the proposed development would cause harm to and consequently fail to either preserve or enhance the character or appearance of the TCA. The harm caused would be, in this case, less than substantial and as such it should be weighed against the public benefits¹.
7. I have regard to the recently adopted Thurstaston and Cropston Neighbourhood Plan 2016 (NP). The evidence that has been presented to me in this respect details that the neighbourhood plan suggests an identified local need for more modestly sized dwellings for both young and retired people. I make specific reference to NP Policy T&C5 in this respect. The appellant has also suggested that the proposed development would assist in the support of local services.
8. Whilst I have not been provided with any further evidence as to how local services may be performing and specifically how the proposed development may be capable of supporting them, it would provide for a dwelling that NP Policy T&C5 would support. Since this Policy is supported by local evidence, it would clearly therefore result in a form of development which could be of benefit to the community.
9. Nevertheless, the very fact that the proposed development would be supported by this Policy of the NP does not automatically mean that it is capable of overriding the harm that it would cause; harm that would result in conflict with the development plan which the evidence before me suggests is up to date. Particularly in the case of harm to the character and appearance of the TCA, which is a designated heritage asset. The Framework (paragraph 132) states that great weight should be given to an asset's conservation. Consequently, I do not consider that the beneficial elements of the proposed development in this case are sufficient to outweigh the harm that it would cause.
10. Taking all of the above matters into consideration, the proposed development would fail to accord with Policies CS2 and CS14 of the Core Strategy² and saved Policy EV/1 of the Local Plan³. There would also be conflict with both the Framework⁴ and the Council's Leading in Design SPD⁵.
11. These Policies and additional guidance seek to ensure that, amongst other things, new development is of a high quality and contextually appropriate design and appearance and preserves or enhances the character or appearance of the historic environment.

¹ Paragraph 134 of the National Planning Policy Framework

² Charnwood Local Plan 2011 to 2028 Core Strategy (2015)

³ Borough of Charnwood Local Plan 1991-2006 (2004)

⁴ The National Planning Policy Framework (2012)

⁵ Charnwood Development Framework Leading in design Supplementary Planning Document (2005)

Living Conditions

12. The proposed dwelling would have its own access from the highway into its only area of private garden space which would be located to the front of the dwelling. The rear wall of the proposed dwelling would be very close to a high sided close boarded timber fence, separating it from the existing driveway to No 41.
13. All of the private garden space for the dwelling would be between it and the road. I am of the view that this, coupled with a reasonable proportion of it being taken up by access to the garage and vehicle manoeuvring space, significantly reduces its quality and usability as a private garden. I accept that the development plan nor additional design guidance are explicit on minimum sizes. However, this does not absolve a scheme for a new dwelling from providing private garden space to an acceptable standard.
14. I agree with the appellant that the size of the garden in isolation would not be unduly harmful given the modest size of the dwelling and its intended occupants. However, this would not be sufficient to overcome the harm to the living conditions of future occupiers that would be caused by its siting and overall quality.
15. As a result, the proposed development would conflict with Policy CS2 of the Core Strategy and saved Policy EV/1 of the Local Plan. These Policies, along with the Framework, seek to ensure a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

16. My attention is drawn to an extant planning permission for the erection of a detached dwelling to the front of No 47 Anstey Lane. I would accept that it has had a slight eroding effect on the open and spacious character that defines the street scene. It would however be read more in the context of other frontage development in the shape of No 53 Anstey Lane and No 99 Rectory Lane. In addition, the appeal site is roughly central to the street scene and surrounded by a dominating open character. As such a dwelling in this location would appear more intrusive. I do not therefore consider that the granting of a planning permission at No 47 is sufficient justification to allow the appeal.

Conclusion

17. For the above reasons and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR