
Appeal Decision

Site visit made on 13 March 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 5th April 2017

Appeal Ref: APP/Y2430/W/16/3164910

36 - 38 Wartnaby Road, AB Kettleby, Melton, Leicestershire LE14 3JJ

- 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 Mr E Hanlon against the decision of Melton Borough Council.
 - The application Ref 16/00416/OUT, dated 10 June 2016, was refused by notice dated 30 September 2016.
 - The development proposed is 5 houses and 1 cottage, garages and parking.
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Decision

1. The appeal is allowed and planning permission is granted for 5 houses and 1 cottage, garages and parking at 36 - 38 Wartnaby Road, AB Kettleby, Melton, Leicestershire LE14 3JJ in accordance with the terms of the application, Ref 16/00416/OUT, dated 10 June 2016, subject to the conditions set out in Annex A.

Application for costs

2. An application for costs was made by Mr E Hanlon against Melton Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline with access, layout and scale to be determined at this stage, and I have dealt with the appeal on this basis.
4. It has been indicated that the appeal site encroaches onto land whose ownership is currently being disputed. However, I can see no reason why an approval of planning permission would negate or supersede any private legal rights relating to land ownership. Accordingly in this respect I have made my decision only on the planning merits of the case.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The *National Planning Policy Framework* (the Framework) sets out in paragraph 47 that, to boost significantly the supply of housing, local planning authorities should be able to demonstrate a five year supply of deliverable housing sites. The Council acknowledge that they currently cannot do this. In such situations paragraph 49 of the Framework indicates that housing applications should be
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considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date. Paragraph 14 indicates that for decision making, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay.

7. The appeal site is currently occupied by a pair of semi-detached houses, one of which I understand has been converted into 2 flats. The properties are situated to the rear of the plot with long front gardens. The village in which the site is located contains dwellings that vary considerably in age, type, size and design. The site stands at the transition between the densely developed historic core of the village, which is designated a conservation area, and more recent housing that has an open, suburban layout.
8. The proposal would replace the existing properties on the site with 5 houses located towards the front of the site and a bungalow at the rear. The bungalow would be accessed from a new central access that would also provide access to the parking and garages for each of the houses. As both houses and bungalows are evident in the surrounding area, the proposed mix of dwelling types would not be out of character.
9. Many of the houses in the village, particularly in the historic core, are located immediately adjacent to the pavement or behind small front gardens. Consequently the position of the 5 houses close to the front of the site would not be detrimental to, or out of keeping with, the street scene. Similarly, the density of the development, and the layout of the scheme with the garages and the bungalow behind the houses at the front, would also be similar to the density and juxtaposition of buildings within the historic core.
10. In this way the appeal scheme would respect the character and appearance of the surrounding area, and would not have a detrimental effect on the setting of the adjacent conservation area. Accordingly there would be no conflict with Policies OS1 and BE1 of the Melton Local Plan (adopted June 1999) which seek to ensure that developments do not adversely affect the character and appearance of the area, and that buildings are designed to harmonise with the surroundings. It would also be consistent with the overarching principle of the Framework to secure high quality design.

Other Matters

11. A number of concerns have been raised regarding highway safety issues. The footway to the front of the site would be unaffected by the proposal, and as such pedestrian access to the adjacent primary school would not be affected. The appeal scheme provides 2 off-street parking spaces for each dwelling, and would replace the two existing accesses to the site with a single access. Unlike at present the parking areas would have sufficient space to ensure cars can turn within the site, and so cars using the access will be able to enter and exit in forward gear.
12. Due to the presence of the primary school adjacent to the site, I appreciate that at particular times of the day the level of traffic and parking in the area is significant. However, I note that, subject to various conditions, there is no objection to the proposed development from the Highway Authority. Given this, and my own observations on site, I am satisfied that the proposed scheme

would not have an unacceptable impact on highway and pedestrian safety in the area.

13. It has been highlighted that the scheme would not provide any affordable housing. However, the Council have confirmed that due to the size of the site, no contribution to affordable housing would be required. Whilst it is suggested that there are limited services and facilities in the village, the Council have indicated that the village is a "Rural Supporter" settlement where small scale housing developments are allowed if all other matters are addressed satisfactorily. In addition, I understand that evidence supporting the emerging Local Plan highlights the need for 2 and 3 bed dwellings, as would be provided by the scheme.
14. It has been put to me that there are not enough school places in the locality. However, I have not been given any detailed evidence which quantifies the extent of any local shortage, or the need for new facilities. In addition there are no persuasive reasons to believe that the proposed development would have any detrimental impact on flooding or drainage in the area.
15. Although the proposed houses would be positioned closer to the road, I am satisfied that sufficient distance would be maintained to ensure there would be no unacceptable overlooking of nearby houses. In addition there is no persuasive evidence to indicate that the proposal would have a detrimental impact on any of the nearby trees.

Conclusion and Conditions

16. For the reasons set out above, I conclude the appeal should be allowed.
17. In addition to the standard implementation and reserved matters conditions, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of highway safety conditions are required: to ensure the provision of adequate visibility splays and the access, parking, and turning areas before the houses are first occupied; to ensure surface water does not drain onto the public highway; and requiring the submission of a construction traffic management plan.
18. As appearance and landscaping are matters reserved for future judgement, I do not consider that conditions relating to the materials to be used for the dwellings, the landscaping of the site, or boundary treatments are necessary at this stage.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. P100; Existing Block Plan Drawing No. P101; Existing Site Boundaries and Features Drawing No. P102; and proposed Site Layout Plan Drawing No. P103.
- 5) Prior to the first occupation of any part of the development hereby permitted, the access shall be provided in accordance with Drawing No. P103. Notwithstanding the proposed design in Drawing No. P103, all design matters shall be in accordance with the standards contained in the current County Council design guide, and the access shall be retained as such thereafter.
- 6) Prior to the first occupation of any part of the development hereby permitted visibility splays of 2.4m by 43m shall be provided at the junction of the access with Wartnaby Road, and pedestrian visibility splays of 2.0m by 2.0m shall be provided on the highway boundary on both sides of the access. These shall be provided in accordance with the standards contained in the current County Council design guide. The splays shall be provided clear of obstruction to visibility exceeding 600mm in height above footway level. Once created, the visibility splays shall be maintained clear of any obstruction, and shall be retained at all times.
- 7) Prior to the first occupation of any part of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway including private access drives, and shall be retained as such thereafter.
- 8) Prior to the first occupation of each dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to 3 bedrooms and 3 spaces for a dwelling with 4 or more bedrooms. The parking spaces so provided shall thereafter be kept available at all times for such purposes.
- 9) No dwelling shall be occupied until its access drive, and any turning space has been laid out and hard surfaced for a distance of at least 5 metres behind the highway boundary, and shall be retained as such thereafter.
- 10) No development shall take place until a construction traffic / site management plan, including details of wheel cleansing and vehicles parking facilities, and a timetable for their provision, has been submitted

to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable.