The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 12th April 2017

Appeal Ref: APP/Y2430/W/16/3164642
4 Homelands, Dickmans Lane, Harby, Melton Mowbray, LE14 4BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
- The appeal is made by Mr Anthony McKenna against the decision of Melton Borough Council.
- The application Ref 16/00222/REM, dated 3 April 2016, sought approval of reserved matters details pursuant to condition No 1 of a planning permission Ref 13/00556/OUT, granted on 27 September 2013.
- The application was refused by notice dated 30 September 2016.
- The development proposed is two 2 bedroom dwellings with access and parking.
- The details for which approval is sought are appearance.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Details of access and layout were approved at the outline application stage.

3. The application indicates that the only reserved matter for which approval is sought is appearance but the appellant submits that whilst not explicitly stated, the application also sought approval for the outstanding reserved matters of scale and landscaping (Grounds of Appeal paragraph 2.5). The Council advises that "*The subject of the Reserved Matters application relates to Appearance, Landscaping and scale*" (Statement of Case paragraph 2.6) and confirms the application was considered on this basis.

4. Therefore I have determined the appeal similarly. The Council raise no objection to the proposed landscaping and from the submitted information I find no reason to disagree.

Main Issue

5. The main issue in this case is the effect of the scale and appearance of the proposed dwellings proposal upon the living conditions of occupiers of adjacent dwellings.

Reasons

6. Policies OS1 and BE1 of the Melton Local Plan 1999 seek, amongst other things, to ensure that buildings harmonise with their surroundings and that new development does not cause an undue loss of residential outlook and

amenities as enjoyed by occupants of existing dwellings. Although somewhat dated these aims are broadly consistent with the National Planning Policy Framework (Framework) which requires good design and advises that planning should always seek to ensure a good standard of amenity for existing and future occupiers of land and buildings.

7. It is put to me that at March 2016 the Council only had a 2.2 year supply of housing land, however there is little evidence before me in this respect and, having regard to advice at Paragraph 49 of the Framework, I am not persuaded that Policies OS1 and BE1 are policies for the supply of housing. I attach substantial weight to Policies OS1 and BE1.

8. The two 2 storey dwellings would sit between a pair of two-storey brick built cottages (No's 2 and 4 Dickman's Lane) and a low cottage which has the character and appearance of a single storey building with accommodation within the roof space (No 6 Dickman's Lane).

9. The access and layout, including orientation and internal arrangement or accommodation, would be broadly in accordance with the details of the outline planning permission (Ref 13/00556/OUT, Dwg 03042013-1713-2-ab).

10. The Design and Access Statement which accompanied the outline application advised that the limited depth of the dwellings would result in relatively low profile buildings with low ridge height. However, the reserved matters application proposes dwellings which would have full height two-storey walling, with steeply pitched roofs over and a ridge height of approximately 7.1m. This design would result in dwellings of a full two-storey scale and appearance.

11. The tall rear elevations and high pitched roofs of the dwellings would occupy a large part of the views from the garden, conservatory and rear facing windows at No 6 Dickmans Lane. The effects of this would feel enclosing and overbearing for the occupiers of No 6. I conclude that the overall visual impression created by the scale and appearance of the dwellings would be significantly detrimental to the living conditions of the occupiers of No 6, and would be significantly greater than could have reasonably been assumed of the low profile buildings suggested at the outline stage.

12. Having regard to the location of an area of No 6's garden adjacent to the east site boundary, I do not consider that the shadowing effect and loss of sunlight/daylight that would occur here would significantly adversely impact upon the living conditions of the occupiers of No 6.

13. First floor windows in the south elevations would be limited to obscure glazed openings to bathrooms and a landing. This would prevent direct overlooking. Boundary treatment could mitigate views from a ground floor kitchen window in the east elevation. An east facing first floor bedroom window would be in a similar position to one shown on outline application Dwg 03042013-1713-2-ab.

14. A bedroom (room 12) would have a north facing obscure glazed window a few metres from the side elevation of No 4 Dickmans Lane which contains one ground floor obscure glazed window. Notwithstanding concerns about the enforceability of a condition requiring the window to room 12 to be obscure glazed, I am not persuaded that this part of the scheme's design and appearance would result in significant harm to the living conditions of the occupiers of No 4 by virtue of overlooking. A high level rooflight to room 12

would afford a clear view of sky to the south and would, on balance, afford the future occupiers of this bedroom with reasonable living conditions.

15. For the reasons given I conclude that the effects of the appearance and scale of the proposed dwellings would be detrimental to the living conditions of the occupiers of No 6 Dickman's Lane.

16. Accordingly I find that the proposal fails to satisfy requirements of Policies OS1 and BE1 that buildings harmonise with their surroundings and that new development does not cause an undue loss of residential outlook and amenities as enjoyed by occupants of existing dwellings. The proposal is also contrary to advice in the Framework that planning should always seek to ensure a good standard of amenity for existing and future occupiers of land and buildings.

Other Matters

17. The Council raises no objection to the landscaping proposed, and nor do I.

18. The Framework seeks to boost significantly the supply of housing and encourage a wide choice of high quality houses. Paragraph 55 includes advice that in rural areas new housing should be located where it will enhance or maintain the vitality of local communities, recognising that where there are groups of smaller settlements development in one village may support services in a village nearby. The site lies within a sustainable settlement and the proposal would contribute two 2 bedroom houses, of which the Council advises there is a shortfall in the area. The Council recognise a need for a choice of housing and that reflects local demands in terms of size, type and tenure. These effects would result in modest social and economic benefits and attract weight in favour of the proposal.

19. There is nothing to say that the quality of the design would not be of a high standard or that the brick and tile design and the arrangement of the fenestration would not reflect general characteristics of traditional dwellings in the wider locality and, in that way, promote local distinctiveness.

20. The proposal was recommended for approval, but a Council is not bound by the recommendation of its professional officers. In reaching my decision I have been mindful of the findings of my colleague concerning a similar proposal on the site (APP/Y2430/W/15/3002705). I have exercised my own judgement on the planning merits of the proposal before me. A third party objects to any approach to gain access to this new development via the Box House Drive but that is not a matter before me.

Conclusions

21. The contribution of the two dwellings towards the housing needs of the area would result in modest social and economic benefits. However these gains are outweighed by the significant adverse effects upon the living conditions of occupiers of No 6 Dickmans Lane. The proposal would be contrary to Policies OS1 and BE1 of the Melton Local Plan 1999 and does not amount to sustainable development. Therefore, and having taken all other matters raised into consideration, the appeal is dismissed.

Helen Heward

PLANNING INSPECTOR