
Appeal Decision

Site visit made on 18 January 2018

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal Ref: APP/L2440/W/17/3185255

121a & 123 Stoughton Road, Oadby, Leicestershire LE2 4FS.

- 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 the Stoughton Road Partnership against the decision of Oadby & Wigston Borough Council.
 - The application Ref 17/00302/FUL, dated 26 June 2017, was refused by notice dated 4 August 2017.
 - The development proposed is the demolition of 2no. bungalows with the erection of 4no. two storey dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Appeal Form as this is more accurate than the version provided on the Application Form.
3. The Council has referred to Policy 15 in the emerging Local Plan in its Appeal Statement. However, whilst the plan has reached the publication draft stage, I do not know whether there are outstanding objections to Policy 15. Consequently, until the plan has been examined and found to be sound, the policies therein could be subject to change. Therefore, with cognisance to Paragraph 216 of the "*National Planning Policy Framework*" (the Framework), I am giving the emerging Local Plan limited weight at this time.

Main Issues

4. The main issues are the effect of the development on, firstly, the character and appearance of the area and, secondly, the living conditions of neighbouring occupiers with particular regards to privacy.

Reasons

Character and appearance

5. The appeal site comprises 121a and 123 Stoughton Road. Both properties are bungalows occupying deep, spacious plots on the northern outskirts of Oadby. The street scene is distinguished by an array of large detached houses most of which are two storeys in height. This settlement pattern along with the generous set-back of houses and the prevalence of landscaped frontages are principal components of the locality. These features together with the presence

- of open land on the eastern side of Stoughton Road, lend the area a spacious, semi-rural character.
6. Many of these qualities are reflected in the "*Oadby & Wigston Landscape Character Assessment*" (the LCA) which highlights the negative impact that new housing has had in recent years and also warns against further development which, unless carefully planned, will further erode the spacious settlement pattern of the Oadby Arboretum Area. Notwithstanding, the allowed appeal to which the appellant has drawn my attention, the Council argue that there is a general presumption against the sub-division of existing plots and backland development in this area.
 7. Given that the existing bungalows are of little aesthetic value and appreciably smaller than most the other houses on Stoughton Road, I can find nothing objectionable to the principle of replacing the existing properties with two larger, contemporary dwellings as shown on the submitted plans.
 8. However, I do have concerns about the erection of two substantial dwellings to the rear of the site. They would undoubtedly create a more closely spaced pattern of development than is typical in the Stoughton Road/Cranbourne Gardens area. The dwellings would lack a traditional frontage to Stoughton Road and in marked contrast to neighbouring properties, would fill a large proportion of their plots. The outdoor space requirements of plots 3B and 4B would be met by relatively small rear gardens. In my opinion this is indicative of poor design and would compound the feeling of too great a building mass for the plots and, cumulatively with all four dwellings, for the whole appeal site.
 9. Although plots 3B and 4B would not be prominent in public views, they would be visible from Stoughton Road in glimpses along the access road. In addition, there would be significant visual exposure from neighbouring dwellings and gardens. In any event, the argument that the dwellings would be out of public view is not a good one in principle as it could be oft-repeated to the overall detriment of the character and appearance of the area.
 10. Overall, the dimensions and shape of the proposed plots in relation to the dwellings would be out of character with the established settlement pattern in the Oadby Arboretum Area. I therefore conclude that the proposal would be significantly harmful to the character and appearance of the area and contrary to saved Policy CS15 of the "*Oadby and Wigston Core Strategy Development Plan Document 2010*" (the CS), Policies LP1, LP2 and HP13 of the "*Oadby and Wigston Local Plan 1999*" (the LP), paragraphs 53 and 58 of the Framework and the LCA. These require amongst other things; that development respects local character and settlement patterns, is sympathetic to its surroundings and the proposed building form is well related to existing development.
 11. In coming to that view, I have had regard to the appellant's submissions regarding the Blackthorne Lane appeal decision¹. However, save for the appeal decision, I have few details of that case before me. Moreover, from reading the Decision Notice it appears that the land in that case was an area of "unkempt land" and not residential gardens as is the case here. It also appears that the site benefitted from an extant planning permission. That being the case, I consider that the circumstances of the Blackthorne Lane case are materially different to the scheme before me. I have therefore determined

¹ PINS ref: APP/L2440/A/13/2201108

the current appeal purely on its own merits, in the light of the particular circumstances which apply in this case.

Living conditions

12. LP Policy HP13 states that new development should not harm the amenities of neighbouring occupiers. That the houses would be visible from surrounding gardens does not in itself amount to an unacceptable impact. The Council has not cited any local separation/privacy distances that would be breached and it seems to me based on drawing PL(-)03 that there would be more than adequate separation between the dwellings and their nearest neighbours. Moreover, the appellant has confirmed that the scheme would adhere to the Council's SPD including the 25% rule.
13. Other than a fleeting reference to the first floor balconies the Council's evidence in terms of overlooking is unsubstantiated. The balconies would be set well away from the site boundaries and therefore there would not be any significant loss of privacy whether actual or perceived. I therefore conclude that the development would not harm the living conditions of neighbouring occupiers. There would thus be no conflict with LP Policy HP13.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector