



Appeal Decision

Site visit made on 25 June 2019 by L Wilson MA (MPlan Honours)

Decision by Ahsan U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2019

Appeal Ref: APP/K2420/D/19/3229835

Kindle House, 21 Peters Avenue, Newbold Verdon, LE9 9PR

- 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 E Sutton against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 19/00057/HOU, dated 14 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is described as a side attached garage, new roof to porch and canopy to front.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The Council's main objection is the proposed side extension. The main issue is the effect that the proposed side extension would have on the character and appearance of the host building and the wider area.

Reasons for the Recommendation

4. No. 21 forms the left-hand half of a pair of two-storey semi-detached houses and sits on a prominent corner plot. Within the street scene is a mix of semi-detached and detached properties. Within Peters Avenue properties are generally set back from the highway behind a front garden and driveway leading to a garage. To the north of the site is Pine Tree Close which is a small development constructed after the application property. The street scene has a spacious feel.
5. No. 21 has an existing two storey side extension, consequently there is a lack of symmetry with the adjoining property. The proposal would increase the width of the property and therefore imbalance the pair of semi-detached properties further. Given the dwelling has already been extended there is limited space to the side of the property. The garage would be an irregular shape which follows the boundary line, filling the gap between the house and side boundary. Whilst it is acknowledged that the proposed garage is set back from the front elevation, the extension would be clearly visible given the sites corner plot. The height of the garage would magnify its impact upon the street

scene. The proposed garage would appear cramped and significantly more noticeable than the existing boundary treatment. The garage extension would harm the street scene as it would appear as a dominant and incongruous feature due to its height, irregular design and prominent location.

6. For these reasons, therefore, the proposed development would introduce a discordant built form to the street scene that would be out of keeping with and harmful to the character and appearance of the host building and the wider area. Consequently, in this regard, it would conflict with Policy DM10 of the Site Allocation and Development Management Policies Development Plan Document, July 2016, and the National Planning Policy Framework.

Other Considerations

7. The appellant refers to other developments in the area. For instance, no. 3 and 7 Pine Tree Close, but these are detached dwellings which are differently located and positioned in the street scene. These other developments are not strong enough reasons to allow visually harmful development. Additionally, a detached garage could be erected under permitted development (PD) rights as a fallback¹. There is limited evidence to show there is a realistic prospect of such scheme being implemented. Even if a detached garage was erected under PD rights, the appeal proposal would be plainly unacceptable given the potential visual harm to the character of the area. Furthermore, the garage offers the ability to accommodate the appellant's van however this has little bearing on the planning merits of the case.
8. The Good Design Guide Supplementary Planning Document has not been adopted by the LPA as it has recently been consulted upon. It is given limited weight and does not lead to conclude differently in terms of the main issue.

Conclusion and Recommendation

9. The other considerations advanced do not outweigh the findings on the main issue above. Having regard to all matters raised, I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too concur that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

¹ The agent refers to the case of *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities & Ors* [2009] EWCA Civ 333, which has been considered.