



Appeal Decision

Site visit made on 16 July 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/L2440/W/19/3227035

33 Blaby Road, Wigston LE18 4PA

- 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 Ms Tasneem Latif against the decision of Oadby & Wigston Borough Council.
 - The application Ref 19/00034/FUL, dated 26 January 2019, was refused by notice dated 20 March 2019.
 - The development proposed is a one bedroom flat and storage at the rear of the existing A1 shop.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have confirmed that policies cited in the refusal notice as emerging are now adopted and are relied upon in this appeal. For the avoidance of doubt, these are Policies 6, 11, 15, 40, 41 and 44 of the Borough of Oadby and Wigston Local Plan 2011-2031 (adopted April 2019). I am satisfied that the appellant has had the opportunity through the appeal process to provide comments on the updated policy position.
3. The Council's decision included a reason for refusal relating to the Government's Technical Housing Standards. The Council have confirmed that they are not defending this reason for refusal and I have dealt with this under Other Matters.

Main Issue

4. The main issue is the effect of development on the character and appearance of the locality together with the wider South Wigston Conservation Area.

Reasons

5. The appeal property forms part of a terrace on the south side of Blaby Road and is part of the South Wigston Conservation Area, designated in recognition of South Wigston being a 'model' town, following in the tradition of those established by Victorian philanthropists. In South Wigston's case, the town goes beyond the typical approach of housing workers of industry (in this instance a large brickworks) but also provided for other commercial premises from the outset, including the clothing industry.

6. The settlement is noted within the adopted Conservation Area Supplementary Planning Document 2019, Landscape Character Assessment 2018 and the South Wigston Conservation Area Appraisal (June 2006) to be generally laid out to a grid pattern with the majority of housing in terraces. Most houses are recorded to be of a similar type with some limited variance in their size and garden
7. Blaby Road was noted on Ordnance Survey mapping in 1886 to be one of the earliest and most established of streets and by 1893 was a location for housing, shops and some public buildings. The appeal site continues to follow this pattern of use, typical of others on Blaby Road, with retail premises on the ground floor fronting the street, access to the rear garden/yard via a gated ginnel/snicket and accommodation on the first floor. In the case of No 33 Blaby Road this is shown on the submitted plans as a self-contained 1 bedroom flat.
8. Access to the rear of the property is via a service road from Bassett Street (also within the Conservation Area), a street characterised by terraced housing of varying ages, though typically late 19th or early 20th Century, together with more modern development on the site of a former school. The appeal site is amongst the most visible of the Blaby Road properties when viewed from Bassett Street.
9. The wider character of this part of the Conservation Area is noted by the Council's Historic Buildings Officer to be typified by long rear gardens, something which I observed during my visit and a feature which is recorded as making a positive contribution to the significance of the designation.
10. The proposed development would substantially extend the host property, drawing the built form to the end of the plot. The introduction of a large, single storey, flat roofed extension would be out of character with the host building and would, by virtue of the visibility from Bassett Street, be a prominent feature. The development would detract from the existing spatial pattern of development and built form, both of which make a positive contribution to the conservation area, and therefore result in unacceptable harm being caused to the heritage asset
11. The appellant has identified a number of existing properties with extensions or larger volumes to the rear. Whilst I acknowledge the point, the details or status in respect of the planning process is not before me nor do they justify the harm caused in this specific case.
12. In respect of design, the modern fenestration and material choice would introduce incongruous elements to the built environment, further detracting from the character and appearance of the area in general terms and specifically in relation to the heritage asset.
13. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes the need to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area. I have identified that the proposals would have a negative effect on the significance of the designated heritage asset and would in turn result in less than substantial harm (as per paragraph 196 of the National Planning Policy Framework (the Framework)). No public benefits have been presented to weigh against the harm that I have found.

14. In overall terms, the proposals would fail to preserve the character and appearance of the locality and cause harm to the South Wigston Conservation Area, contrary to the adopted Borough of Oadby and Wigston Local Plan 2011 – 2031 (the LP), relevant policies of which (together with the issues they seek to address) are: 6 (design and material choice); 11 (respecting local character); 15 (development on garden/open amenity space of plots); 40 (protecting culture and historic environment assets); 41 (development in conservation areas); and, 44 (landscape and character).

Other Matters

15. The Council's second reason for refusal was based on the Government's Technical Housing Standards in respect of the quantum of floor area to be provided for within dwellings, the substance of which in respect of this appeal relates to the living conditions of the proposal. The Council have since confirmed that those standards, whilst forming part of what is now adopted Policy 11 of the LP, cannot be defended or reaffirmed as they should not have been applied to the proposals in question.
16. Despite this, the appellant has responded by indicating that storage space could be incorporated within useable floorspace of the dwelling. Whilst there is no evidence before me to suggest that significant harm would be caused in respect of space standards, and notwithstanding their status in the context of this appeal, the proposed reorganisation of the internal layout to facilitate increased floorspace does not provide a benefit to override the harm found in respect of the main issue.
17. The appeal is dismissed.

M Harris

INSPECTOR