



Appeal Decision

Site visit made on 9 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/T2405/W/19/3232138

68 Narborough Road South, Braunstone Town LE3 2FP

- 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 Steven Duncan against the decision of Blaby District Council.
 - The application Ref 19/0379/FUL, dated 6 March 2019, was refused by notice dated 15 May 2019.
 - The development proposed is new detached 3 bed bungalow with double garage. Site to be divided from existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of occupiers of Nos 68 and 70 Narborough Road South with particular regard to privacy, noise and disturbance; and
 - the safety of pedestrians, cyclists and drivers using Narborough Road South.

Reasons

Character and appearance

3. The area is characterised by a mixture of single storey and two-storey residential development, often with long rear gardens of varying depth. The existing dwelling at No 68 Narborough Road South is a bungalow situated within a notably wider plot than adjoining dwellings. In addition to the neighbouring two-storey dwellings at Nos 66A and 70 Narborough Road South, the appeal site shares boundaries with properties on Cyril Street and Gwencole Avenue. Dwellings on the respective roads are generally positioned towards front boundaries and on a similar alignment to each other.
4. The proposal is for a roughly rectangular shaped single storey dwelling sited to the rear of the existing dwelling at No 68. The design, scale and materials indicated for the dwelling would not be out of keeping with other dwellings in the area. However, the layout of the proposal would introduce built form to the rear of No 68 and neighbouring properties. It would be prominent in views from

neighbouring windows and gardens and would appear at odds with the general pattern of development in the area.

5. The Council's reason for refusal cites that the proposed access drive would appear cramped and incongruous. The access drive utilises an existing driveway to the side of No 68. Details of boundary treatments to separate the driveway from the remaining forecourt serving No 68 have not been provided. However, a condition could be attached to ensure this section of boundary would be kept open to the boundary with No 68. In such circumstances there would be no material change from the existing situation in terms of the appearance of the drive within the street scene. I therefore do not consider that this particular aspect of the proposal would materially harm the character and appearance of the area. However, the removal of the existing garage to facilitate the provision of the driveway would open up views towards the development from Narborough Road South and it is the dwelling itself which would appear out of keeping with the character and appearance of the area.
6. For the foregoing reasons, the proposal would have a harmful effect on the character and appearance of the area. Consequently, in that regard, the development would be contrary to Policy CS2 (Design of New Development) of the Blaby District Local Plan (Core Strategy) Development Plan Document (LPCS DPD) (2013) and Policy DM1(b)(d) (Development within the Settlement Boundaries) of the Blaby Local Plan (Delivery) Development Plan Document (LPD DPD) (2019) which amongst other things require design to be appropriate in its context, take account of local patterns of development, be in keeping with the character and appearance of the area and have a satisfactory layout and design.
7. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework).

Living conditions of Nos 68 and 70 Narborough Road South

8. The proposed vehicular access drive would sit close to the side elevation of the existing dwelling at No 68 and the side boundary with No 70. The existing bungalow at No 68 has two large clear glazed windows to the side elevation facing the proposed access drive. No 70 has a door and window to the ground floor side elevation facing the appeal site.
9. There is already an established level of activity to the side of the existing dwellings at Nos 68 and 70 as a result of vehicles associated with No 68 accessing the carport and garage serving this dwelling. The proposal would replace traffic associated with the single dwelling at No 68 with that of the appeal proposal. I consider it unlikely therefore that there would be any discernible increase in noise and disturbance for the occupiers of No 70 in relation to the proximity of the access drive to the door and window to the side elevation of this neighbouring dwelling.
10. Any current vehicular activity on the driveway close to the windows to the side elevation serving No 68 is that associated with the dwelling itself. The proposal would introduce vehicular activity not associated with No 68 on this driveway close to these main habitable windows. This would have the potential to result in increased noise and disturbance for occupants of No 68, as well as an impact on privacy given the clear glazed nature of the windows and proximity to passing pedestrians and vehicles.

11. The appellant suggests that the side windows serving No 68 could be altered either through provision of obscure glazing or by making them smaller. Whilst it would be possible to secure such alterations by condition, I have nothing before me to demonstrate such alterations would retain suitable living conditions within the rooms they serve or that such alterations would overcome the potential for noise and disturbance.
12. For the foregoing reasons, whilst I have found that there would be no material harm to the living conditions of the occupants of No 70, the proposal would have a harmful effect on living conditions for occupants of No 68 by reason of increased noise and disturbance and loss of privacy. Consequently, in that regard, the development would be contrary to Policy DM1(a) of the LPD DPD which requires that proposals provide a satisfactory relationship with nearby users that would not be significantly detrimental to the amenities enjoyed by the existing occupiers including consideration of privacy, noise and disturbance.
13. The proposal would also conflict with paragraph 127 of the Framework which amongst other things states that developments create places with a high standard of amenity for existing and future users.

Highway safety

14. The proposal would utilise the existing vehicular access point serving No 68. The Leicestershire County Council Standing Advice for Planning Case Officers on Minor Development Proposals that have an Effect on the Highway (September 2011) (the Standing Advice) sets out that the typical access width to serve a single residential property should be 2.75 metres. The suggested conditions under the Standing Advice include a note confirming that where such an access is bounded immediately on one side by a wall, fence or other structure an additional 0.5 metre strip will be required on that side. If bound on both sides, additional 0.5 metre strips will be required on both sides. These width requirements are repeated in the Leicestershire Highways Design Guide.
15. The proposed access drive would be bound by the side elevation wall serving No 68 on one side and the boundary wall with No 70 on the other side. The evidence before me suggests the access would be less than the suggested 3.75 metres width at this point but greater than 2.75 metres. The section of the access drive that would have a lesser width than the requirement within the Standing Advice would be set back from the boundary with the highway and would be for a relatively short section of the drive. Consequently, I am not persuaded in this particular instance that the dimensions of the drive would have a direct impact on highway safety.
16. With regards to visibility splays, the Standing Advice requires that for all residential drives accessed off a 30mph road, a visibility splay of 2.4 metres x 43 metres is required. The Standing Advice also states that normally a pedestrian visibility splay of 1 metre by 1 metre would be acceptable. The Council contends that these visibility splays cannot be achieved within the appeal site. Whilst this might be so, I noted on site that front boundary treatments to the appeal site and neighbouring dwellings on Narborough Road South were generally low walls and this afforded good visibility in both directions.
17. The appellant has drawn my attention to a planning approval at No 22 and 24 Evelyn Road, which they say included a 3.0 metre wide access. I note the

information provided by the Council as to the nature of that site and from the limited information before me this does not appear to be directly comparable and has not influenced my site-specific considerations on highway safety.

18. Taking the site specific considerations into account, whilst there would be some conflict with Policy DM8 (Local Parking and Highway Design Standards) of the LPD DPD, which requires all new development to meet highway design standards as set out in the most up to date Leicestershire Local Highway Guidance, I am not persuaded that in this particular instance, that the proposed access drive would compromise the safety of pedestrians, cyclists and drivers using Narborough Road South. In coming to this view I am also mindful of paragraphs 109 of the Framework which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

19. The appellant suggests that alterations could be made to the scheme if they were to overcome the reasons that the planning application was refused. However, I must consider the scheme before me which for the above reasons conflicts with the policies of the development plan and national guidance in the Framework.
20. The appellant's desire to continue living in the area, the potential provision of sustainable features including solar panels and their good relations with neighbours are not matters which overcome the harm identified.

Conclusion

21. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR