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## Appeal Decision

Site visit made on 25 September 2019

**by E Griffin LLB Hons**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2019**

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**Appeal Ref: APP/X2410/W/19/3231900**

**Land to the rear of 21 Pine Drive, Syston LE7 2PZ**

- 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 John Bignall against the decision of Charnwood Borough Council.
  - The application P/19/0832/2 dated 12 April 2019 was refused by notice dated 5 June 2019.
  - The development proposed is erection of a detached dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Issue

2. The Council has indicated that it no longer seeks to rely upon Policy H/17 of the Borough of Charnwood Local Plan 1991-2006 Adopted January 2004 (the Local Plan). I have therefore disregarded that policy in the determination of this appeal.

### Main Issues

3. The main issues are (i) the effect of the appeal proposal on the character and appearance of the area and (ii) the effect upon the living conditions of future occupants of the appeal dwelling with regard to outlook and daylight.

### Reasons

#### *Character and Appearance*

4. Pine Drive is made up of largely two storey semi-detached or detached dwellings that have a set back from the road. 21 Pine Drive is a detached dwelling on the corner of Pine Drive and Sycamore Close. Sycamore Close is a cul de sac made up of three pairs of largely symmetrical semi-detached dwellings to one side of the road and the garden of No 21 is to the other side.
5. The appeal proposal is to erect a detached two storey dwelling with 2 bedrooms in the rear garden of No 21 Pine Drive that would be side on with No 21 and would have access onto Sycamore Close. The proposed access would be onto part of the road currently used as a turning head for the cul de sac and also used for visitor parking. The rear of the appeal site has mature trees and hedging and backs into the rear gardens of dwellings on Goodes Close.

6. The appeal proposal would be positioned at the end of the existing garden and less than 1 metre from the appeal site boundary on Sycamore Close. The appeal proposal would also be in front of the side elevation of No 21. The blank rear elevation of the appeal proposal would be around 4 metres from the boundary with No 23. Together with the height of the building, the appeal proposal would add an incongruous feature to land that was formerly part of the garden impacting upon visual outlook for nearby dwellings.
7. The appellant considers that the prevailing character of the area particularly Sycamore Close is of dwellings abutting the boundary. However, from my site visit, I observed that dwellings on Sycamore Close were set back with drives and lawns to the front of the dwellings. The position of the appeal dwelling in the corner and in close proximity of the road would not be in keeping with the character of the surrounding dwellings. The combination of a side garden between the appeal dwelling and tandem parking does add to a cramped form of development within garden land.
8. I do therefore consider that the appeal proposal would harm the character and appearance of the area. It would therefore be contrary to Policy CS2 of the Charnwood Local Plan Core Strategy Adopted 9 November 2015 (2011-2028) (the Core Strategy) which, amongst other things, states that development should respect and enhance the character of the area. It would also be contrary to Policy EV/1 of the Local Plan which, amongst other things, states that planning permission will be granted for new development which is of a design and layout that is compatible with the locality.
9. It would also be contrary to the principles of good design set out in the Supplementary Planning Document "Leading in Design". However, I consider Paragraph 70 of the National Planning Policy Framework (the Framework) to be less relevant to the appeal proposal as it refers to policy making rather than decision taking.

*Living conditions of future occupiers*

10. The window and patio door of the open plan kitchen and dining room to the rear of the appeal dwelling would face the boundary fence of around 1.8 metres with No 23 with a modest garden area in between. The patio doors on the side elevation of the same room would look onto a similar size side garden area with tandem parking beyond. Beyond the parking area, there would be a 1.8 metre fence separating the appeal dwelling from the remaining rear garden of No 21. There would be three roof lights to the upstairs rear accommodation although it is acknowledged that they are not principal rooms. The orientation of the appeal dwelling, the proximity of boundary fences and the size of the garden areas would mean that outlook for future occupiers would be limited. I do however consider that, on balance, with the combination of windows and/or patio doors to all principal rooms, there is likely to be sufficient daylight for future occupiers.
11. I therefore do consider that the appeal proposal would harm the living conditions of future occupiers with regard to outlook but not daylight. It would therefore be contrary to Policy CS2 of the Core Strategy which, amongst other things, states that new development should protect the amenity of those people who will live in the new development with regard to outlook but not with regard to daylight.

### **Other matters**

12. A previous application for the appeal site was refused by the Council and the appellant believes that he has resolved the concerns previously addressed by the Council with regard to that scheme. However, I have to assess the appeal proposal that is now before me.
13. I have noted the objections of local residents in reaching my decision where they relate to material planning considerations.
14. The appeal proposal would provide one dwelling which would make a very modest contribution towards the housing supply. Short term economic benefits during the construction period and long term social and economic benefits including the payment of Council tax would also be modest.
15. The appellant considers that the Council is unable to demonstrate a five year supply of housing based upon the new methodology set out in Paragraph 73 of the Framework. However, the calculation made at 31<sup>st</sup> March 2019 which shows an excess of five years supply is up to date as the Council can rely upon the Core Strategy figures as the Core Strategy was adopted in November 2015 which is within the last five years and the Council is not therefore required to recalculate based upon local housing need.
16. However, even if I had not found that to be the case, I do consider that the adverse impacts that I have identified namely the harm to the character and appearance of the area and living conditions of future occupiers with regard to outlook would significantly and demonstrably outweigh any benefits.

### **Conclusion**

17. For the reasons given, the appeal is dismissed.

*E Griffin*

INSPECTOR