



Appeal Decision

Site visit made on 6 August 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/K2420/W/19/3229645

17 Main Street, Higham on the Hill CV13 6AE

- 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 Lisette Sampey against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00303/FUL, dated 12 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is new detached dwelling and alterations to existing cottage. The proposed work entails the demolition of a single unused garage and a disused workshop on the site.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form and the Council's decision notice describes the development as 'demolition of existing workshop, garage and wall, subdivision of plot and erection of one detached dwelling, single storey front extension to existing dwelling and new access to serve existing dwelling'. This is a clearer description of what is being proposed. I have accordingly dealt with the appeal on the basis of this revised description.

Main Issues

3. The Council's third reason for refusal relates to the proposal's adverse impact upon highway safety due to the lack of provision of off-street parking and subsequent addition of on-street parking issues. Since issuing the decision notice, the Council has subsequently contacted Leicestershire County Council Highways Department who have advised that they would not seek to resist the proposal on highway safety grounds. In light of this, the Council has confirmed its concerns set out in refusal reason 3 have been addressed. Based on that evidence and my observations, I have no reason to consider otherwise
4. Against this background I consider the main issue to be whether the proposed development would provide acceptable living conditions for occupiers of both the proposed dwelling and the existing dwelling at 17 Main Street, with particular regard to amenity space provision and outlook.

Reasons

5. The appeal site is located on the northern side of Main Street, within the Higham on the Hill Conservation Area. 17 Main Street is a two-storey, semi-detached dwelling, that forms a pair of dwellings with 19 Main Street attached to the east. The rear elevation of the existing dwelling is located close to the recreation field to the north of the site. The access to the recreation field is from Main Street and is located adjacent to the western boundary of the site. A substantial hedgerow bounds the front of the site and a mix of hedgerow and metal fencing forms the rear boundary. A gated pedestrian access is located at the eastern end of the site, whilst vehicular access is located at the western end.
6. The proposed dwelling would be sited adjacent to no 17, along a matching building line. Whilst the proposal includes the demolition of the existing garage and workshop, the subdivision of the existing plot would result in a significant reduction in the outdoor land associated with the original dwelling.
7. The appellant asserts that both the existing and proposed dwellings would be provided with approximately 72 sqm of private / usable outdoor space. This space is outlined on a layout plan provided by the appellant and includes the narrow strip of land to the rear of the dwellings, the land between the dwellings and an area to the front of the dwellings excluding parking areas.
8. The proposed rear gardens are long and narrow, squeezed between the rear elevations and the boundary of the adjacent playing field. The outdoor areas at the side of the dwellings would be significantly overshadowed. These outdoor areas, given their limited size, awkward shape and proximity to built form, would not provide high quality, usable garden space.
9. The submitted proposed layout plan shows the outdoor areas to the front of the existing and proposed dwellings separated by a new 1.2 m high fence. This fence would not provide appropriate privacy screening and these areas could be overlooked by the adjacent occupiers. The appellant has indicated a willingness to erect a higher boundary between the dwellings to address this concern. Nevertheless, even if a higher boundary was to be constructed, these spaces would be significantly overshadowed by the dwellings and the roadside boundary. Furthermore, these spaces would be of limited privacy, given public views through the access drives, and of insufficient size to meet the reasonable requirements of occupiers of the dwellings.
10. Turning to the concerns of the Council regarding outlook, the rear elevation of the proposed dwelling includes two full length glazed openings, from the lounge and dining area, directly facing the rear boundary. In order to ensure appropriate privacy of the ground floor main habitable rooms of the new dwelling and the rear outdoor amenity space, it would be necessary for a high boundary treatment of some description to be secured by condition. Given the proximity of the boundary to the rear ground floor windows, such a boundary treatment would result in a poor outlook for the future occupiers of the new dwelling. The lower ground levels of the adjacent recreation field would not address the detrimental impact on outlook that would result from a boundary treatment that provides appropriate levels of privacy.
11. For the above reasons, the proposal would fail to provide appropriate private outdoor space for existing and future occupiers of the existing and proposed

dwelling. Furthermore, the siting of the new dwelling would provide poor outlook from the ground floor windows, harmful to the living conditions of future occupiers. It would conflict, therefore, with policy DM10 of the Hinckley & Bosworth Site Allocations and Development Management Policies Development Plan Document (2016) which seeks to protect the amenity of future occupiers of a proposed development. It would also conflict with similar guidance contained within chapter 12 of the Framework, including paragraph 127, that guides development should create places with a high standard of amenity for existing and future users.

Other matters

12. The appeal site is located within a Conservation Area and, as such, I have a statutory duty under section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The proposed dwelling, in terms of design details and scale, respects the existing dwelling at no 17 and the wider Conservation Area. Furthermore, the removal of the existing garage and workshop would provide a slight enhancement to the character of the area. As such, the proposal would be consistent with the preservation of the character and appearance of the Conservation Area. It would not breach policies DM11 or DM12 of the Hinckley & Bosworth Site Allocations and Development Management Policies Development Plan Document (2016) which require the significance of Conservation Areas to be preserved or enhanced.
13. I note that there is significant variation in the size and arrangement of private outdoor spaces within the surrounding area, including at 19 Main Street. Notwithstanding this, I have considered the appeal on its own merits.
14. I acknowledge that the proposal would contribute towards housing supply and its occupation would provide support for local services. Being for one property, however, it would only make a very limited contribution and this significantly limits the weight I attach to this consideration.
15. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the conflict with the development plan, nor do they indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

16. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR