



Appeal Decision

Site visit made on 5 November 2019

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/Y2430/D/19/3239012

42 Avon Road, Melton Mowbray, LE13 0EJ

- 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 and Mrs A Abrames against the decision of Melton Borough Council.
 - The application Ref 19/00365/FULHH, dated 25 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the proposed demolition of existing garage and erection of a side/front extension to form a family annex and a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of 30 Derwent Drive with particular reference to outlook.

Reasons

Character and appearance

3. The appeal property is a detached house in a residential area of similar properties. The proposal includes a two storey side and front extension which would replace the existing attached garage. It is described as a family annex and is intended (along with the proposed two storey rear extension) to provide accommodation for members of the family who need support and care. It includes a kitchen, lounge and bathroom on the ground floor (along with a store) and an en-suite double bedroom and bathroom upstairs.
4. The proposed extension would be some 6.54 metres wide and would project forwards of the existing front wall of the house at two storeys with a single storey lean to element at the front. It also includes a single storey element at its rearward extent. It would have an overall depth of some 12.2 metres, 7.8 metres of which would be at two storey level, and would be sited on the boundary with neighbouring No 30 Derwent Drive.

5. The Council is concerned about the width, mass and forward projection of the proposal (which it considers to be an over intensive use of the site) and its impact on the street scene and character of the area.
6. The proposal would extend up to the plot's side boundary and project well forward of the host property and its existing projecting front gable end feature. It would create a new two storey double width gable end that would sit in front of the existing gable end and be much wider than it. It would also be taller than the existing gable end feature and its pitched roof would extend to the full height of the ridge of the main roof. As such, it would be a considerable and imposing addition to the front of the property that would significantly alter its character. Although the proposal has been designed to reflect the appearance of the host property, in my view it would be seen as an unduly large and bulky addition of such a size and prominence as to overwhelm the appearance of the existing house. Thus, I consider that the proposal would fail to respect the scale and character of the host building and would unacceptably dominate it.
7. The appeal property and its immediate neighbours are located on a bend in Avon Road close to its junction with Derwent Drive. The building line here is staggered and I appreciate that the proposed side and front extension would sit behind neighbouring No 30 and remain set back from the road behind a front driveway. Nevertheless, the staggered nature of the building line means that the northern flank walls of the properties in the short row are for the most part visible. The proposal would bring the front of the appeal property close to the front building line of No 30 and obscure much of that property's flank elevation. As a result, the staggered nature of the building line here would be considerably eroded and much less pronounced and the appeal property would appear out of step with the rest of the row. This would be so despite the initial front section of the proposal being single storey.
8. Whilst there is open space on the other side of Avon Road and no houses immediately opposite the appeal property, the proposal would be clearly visible from the road. In its position on the bend it would be prominent in the street scene on approach to the appeal site from both directions along Avon Road, but particularly in views from the north. I accept that the character of the area is mixed and have had regard to the appellants' reference to a number of houses in the vicinity of the appeal property which have been extended, including at neighbouring No 44. However, I confirm that even in this context, I consider that the proposal would be unduly large and dominant and would stand out as an unsympathetic and incongruous feature in the street scene that would detract from the established residential character and pattern of development in this part of Avon Road.
9. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the host property and the surrounding area. This would be contrary to Policy D1 of the Melton Local Plan (Local Plan) which requires all new developments to be of high quality design and that siting and layout must be sympathetic to the character of the area (a). It would also be at odds with paragraph 130 of the National Planning Policy Framework (the Framework) which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions

10. Adjacent No 30 is at a higher level to the appeal property and has a flank ground floor window facing the appeal property's driveway. This is a secondary window to a room which is also served by a main window in the front elevation. Whilst it would be constructed on the boundary and forward of the host property's existing garage, the proposed side and front extension would incorporate a single storey lean to section on its front elevation and be set back behind the level of No 30's flank window. As such, I am not persuaded that the proposal would be unduly dominant from No 30's flank window or materially obscure any views from there.
11. I therefore conclude on this main issue that the proposal would cause no harm to the living conditions of the occupiers of No 30 with particular reference to outlook. As such, there would be no conflict with Local Plan Policy D1 which states that the amenity of neighbours and neighbouring properties should not be compromised by development proposals (d). Furthermore, the proposal would not be at odds with paragraph 127 (f) of the Framework which advises that decisions should ensure that developments provide a high standard of amenity for existing and future users.

Other matters and planning balance

12. As set out above, the proposal would provide accommodation for members of the appellants' family. Whilst the plans do not specify which parts of the proposal are intended for which family members, I appreciate that the scheme as a whole has been carefully considered and designed over a number of years to meet the family's social and medical care needs. I also confirm that I have had regard to the medical letters provided. I understand that the appellants provide daily care for Mrs Abrames' elderly disabled mother who lives some distance away. The proposal would allow her to move in with the appellants who could provide more consistent and better quality care. Mrs Abrames is also a registered personal assistant for her four year old disabled twin nephews. They have complex health needs and only Mrs Abrames and her sister are able to care for them outside a hospital setting. I understand that the proposal includes a dedicated room for the twins and their medical equipment to allow Mrs Abrames to continue to provide daytime and overnight respite care for them as they grow older.
13. These are benefits of the proposal which count in its favour. However, even taken together they are insufficient to outweigh the harm that would be caused in relation to the first main issue in this case and the proposal's conflict with the development plan in this regard.
14. I have considered the Equality Act 2010 and the Public Sector Equality Duty (PSED) to which I am subject. Section 149 (7) of the Act sets out the relevant protected characteristics which include disability and age. Since there is the potential for my decision to affect persons with protected characteristics, I have had due regard to the three equality principles set out in Section 149 (1) of the Act. The negative impacts of dismissing the appeal on the appellants arise since they would be unable to extend and improve their home as sought and the needs of their family members requiring care would not be met in this regard. Furthermore, there is a chance that their needs would not be met if an acceptable alternative could not be put forward. However, having due regard to this, and to the need to eliminate discrimination and promote equality of

- opportunity, in my view the adverse impacts of dismissing the scheme on those with protected characteristics would be proportionate having regard to the legitimate and well-established planning policy aims to protect the character and appearance of the host property and the surrounding area. Even taken alongside the other considerations forwarded, including the benefits of the scheme, the PSED considerations do not outweigh the harm I have identified.
15. I have also had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and am aware that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Convention on the Rights of the Child. However, I am mindful that the appellants' individual rights for respect for private and family life (along with the best interests of the children in this instance) must be weighed against other factors including the wider public interest and legitimate interests of other individuals. I have found that this proposal would be harmful to the character and appearance of the host property and the surrounding area and am satisfied that the legitimate aim of granting planning permission in accordance with the development plan and planning policy, can only be adequately safeguarded by the refusal of permission. I consider that the dismissal of the appeal would not have a disproportionate effect on the appellants and their family members.
16. As set out above, a two storey rear extension on the property's north side to provide a study and en-suite double bedroom above also forms part of the proposal. No objections to this element of the scheme are raised by the Council and I see no reason to come to a different view on this matter. Despite the concerns of local residents, the Council raises no objections to the proposal as a whole in terms of highway safety and car parking provision or the privacy of nearby occupiers. The absence of harm in all these regards counts neither for, nor against the proposal. My findings in relation to the second main issue are also neutral in the planning balance.
17. Finally, I appreciate that the planning application the subject of this appeal was recommended for permission by Council officers. However, I confirm that I have considered the proposal on its individual planning merits and made my own assessment as to its potential impacts.

Conclusion

18. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR