
Appeal Decision

Site visit made on 1 October 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/G2435/W/19/3232197

The Grange, 33A Turvey Lane, Long Whatton, Leicestershire LE12 5DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Bentley against the decision of North West Leicestershire District Council.
 - The application Ref 18/01810/OUT, dated 28 September 2018, was refused by notice dated 25 April 2019.
 - The development proposed is construction of 6 houses with associated access.
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Decision

1. The Appeal is allowed and outline planning permission is granted for the construction of 6 houses with associated access at The Grange, 33A Turvey Lane, Long Whatton, Leicestershire LE12 5DN in accordance with the terms of the application, Ref 18/01810/OUT, dated 28 September 2018 subject to the conditions set out in the Schedule to this decision.

Main Issue

2. The main issue is the effect of the proposals on the character and appearance of the area.

Procedural Matters

3. The application is in outline with only access to be considered at this stage. I have dealt with the appeal on that basis.

Reasons

4. Within the vicinity of the appeal site there are a range of housing types including short terraces, new low density estates comprising detached and semi-detached properties and several large detached properties set in spacious gardens. Opposite the appeal site detached houses lie on the frontage but behind these is a new residential estate. The site has been identified through local plan policies as having some development potential.
5. The appeal site comprises 0.37ha at the southern and secluded part of a garden to one of these large detached properties, 'The Grange'. The site is level with well treed boundaries which includes a group Tree Preservation Order (TPO) on its southern boundary along Ashby Road. Whilst the proposal would result in the loss of some protected trees, the Council has not sought to refuse the application for that reason.

6. In support of its position in this appeal, the Council has taken the site's context as being informed by the plot sizes of the host property and 33A Turvey Lane and the existing pattern of development of the detached properties along Ashby Road.
7. However, the proposed density would be broadly representative of development along the south side of Ashby Road and on Oakley Drive to the north. In this context it would not be incongruous. The scheme would include detached and semi-detached properties set within garden areas commensurate with their size. The proposed scheme would be screened by the retained protected trees and the site's other well treed boundaries. An indicative plan identifies that the boundary planting could be strengthened which could form part of any reserved matters application. The plot size of both the host property and 35A Turvey Lane are exceptional even in the local context. The proposals would therefore represent a form of development which is acceptable in the immediate context of the site and the wider area. I acknowledge that the proposal would not provide a frontage along Ashby Road. However, that in itself does not lead me to a different conclusion that the proposal would broadly accord with its surroundings.
8. Although the appeal seeks outline permission with only the means of access to be determined, I am satisfied that an acceptable form of development could come forward to provide 6 dwellings on this site. The proposed scheme would be sympathetic to local character and would maintain a sense of place.
9. It would therefore accord with policy D1 of the North West Leicestershire Local Plan (2017), which seeks to ensure, amongst other things, that new development is responsive to its local context. It would also accord with the Council's supplementary planning document (SPD), Good Design for North West Leicestershire (2017) which identifies a series of place shaping principles which underpin design. The policy is consistent with the National Planning Policy Framework 2019 (the Framework) which recognises the importance of good design.

Other Matters

10. Objections have been received to the appeal proposals on grounds of highway safety given the existing volume of traffic along Ashby Road and the additional traffic which would be generated by the proposed scheme. It is considered that the traffic generated by the scheme would be low and the sight lines required at the new junction onto Ashby Road would ensure safety for all users of the highway. Other concerns relate to the potential for surface water flooding. It is considered that this matter could be addressed as part of 'Landscaping' at reserved matters stage.

Conditions

11. I have considered the list of conditions suggested by the Council in light of the Framework and Planning Practice Guidance. I have imposed conditions on time limits for the submission of reserved matters and the commencement of development. I have deleted a reference to the 'Indicative Layout Drawing 00005a' as 'Layout' is a reserved matter. Other conditions are required to ensure the adequate protection of trees in order to protect the character and appearance of the area. I have not included the condition suggested by the Council regarding the protection of natural habitats as I consider that other

legislation would protect them from the adverse impacts of development proceeding. Conditions requiring details of the proposed access including levels, visibility splays and minimum lengths of footway are required to ensure that the proposed access would allow safe movement for all highway users. I have replaced the Council's suggested condition regarding the protection of trees/hedgerows during construction with another which I consider is clearer.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 2) Details of the, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the buildings in relation to an existing datum point.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Option 4 Drawing No 006a and Access Drawing (7496-01 REV2).
- 6) The proposed access shall be constructed to have a width of a minimum of 6m, a gradient of no more than 1:20 for a distance of at least 5m behind the highway boundary and shall be surfaced in a bound material with a 7.3m drop crossing. The development shall not be occupied until these works have been completed.
- 7) No part of the development hereby permitted shall be occupied until such time as 1.0m by 1.0m visibility splays have been provided on the highway boundary on both sides of the access with nothing within those higher than 0.6m above the level of the adjacent footway/verge/highway and, once provided shall be so retained in perpetuity.
- 8) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m by 160m have been provided at the site access. These shall thereafter be maintained with nothing within those splays higher than 0.6m above the level of the adjacent footway/verge/highway.
- 9) Details of a scheme for a new pedestrian footway to be established and new crossing facilities between footways on the development site side and the south side of Ashby Road (including any lighting, surfacing and loss of trees) shall be submitted and approved in writing by the local

planning authority before development proceeds above ground level. No dwelling shall be occupied until such time as the agreed scheme has been provided in full and the agreed scheme shall be retained thereafter.

- 10) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (a tree protection plan) and the appropriate working methods (an arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]