
Appeal Decision

Site visit made on 22 January 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2020

Appeal Ref: APP/Y2430/W/19/3240668

1 Station Lane, Old Dalby, Leicestershire LE14 3ND

- 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 Vale Electrics against the decision of Melton Borough Council.
 - The application Ref 19/00575/FUL, dated 20 May 2019, was refused by notice dated 5 August 2019.
 - The development proposed is described as '6 new dwellings and associated landscape and access works. Amendment to extant application ref 15/00881/FUL.'
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is a roughly rectangular flat parcel of land at the junction of Station Road and Station Lane. The latter is a private road running south and is access to a small group of dwellings. The area is largely open and rural to the north and west. There is a cluster of industrial development to the east. The appeal scheme proposes the erection of six two storey dwellings, arranged line abreast as three groups of two. They would be rear elevation on to Station Lane, side elevation on to Station Road. Access would be via a road running south from Station Road and parallel to Station Lane. Parking would be to the front of each dwelling with enclosed private gardens to the rear.
4. As set out above, an extant planning permission exists for the development of the appeal site for four dwellings¹. The key differences between that and the scheme before me is that the appeal scheme proposes two more units and all six would face in the opposite direction, taking access from a new road.
5. I do not object to the increase in the number of dwellings over the extant scheme. As the appellant has pointed out, the site is larger this time around and the density would be in a similar vein to that which exists elsewhere on Station Lane. Each dwelling appears to be accessible, sufficiently spaced and have modest but acceptably sized gardens. I do however share the Council's

¹ Local Planning Authority Reference 15/00881/FUL

concerns over how the proposed development would effectively turn its back on the secondary road of Station Lane. The switch over the extant scheme in this respect would create something of a dead frontage to Station Lane, exacerbated by the fact that there would also be no frontage to Station Road. The proposed development, as a small and contained one, would appear somewhat isolated and insular, unrelated to its surroundings.

6. I appreciate that Station Road does not necessarily have a defined active frontage in built development terms and there is a clear semi rural and part industrial feel to the immediate surroundings of the appeal site. I do not feel however that this is sufficient to justify a development scheme ignoring a street frontage and giving rise to the effects I have mentioned. Put simply, I do not feel that the approach used by the appeal scheme would represent a sufficiently high quality design.
7. I understand from the evidence there is a reason for the development of the appeal site to have been revised in the way that it has. It appears to be the case that owing to Station Lane being a private road, gaining access therefrom has encountered difficulties. I have not been party to discussions in this respect and the appellant has not gone into great detail about the situation as it stands. That said, private issues pertaining to land ownership and commercial decisions are not matters that I can ascribe a great deal of weight to in a balance of my considerations. I am also mindful of the fact that the appeal scheme is arguably one design solution to the problems that have been created by not being able to gain access from Station Lane and I have not seen alternatives that have been explored or discounted or the reasons therefore.
8. The wider area to the west and south of the appeal site has extant permission for a much larger development of up to 72 units. There is also a development site to the east signposted as having permission for 25. In conjunction with the extant scheme on the appeal site these developments would no doubt change the character of the area significantly. I am aware that in the case of larger developments, owing to the shape and other constraints of a given site it might sometimes be unavoidable to have dwellings side or rear elevation onto abutting roads. It is also possible that if the other sites came forwards then the appeal scheme would be read as part of the wider entity and the effects that I have explained above be somewhat diluted.
9. Be this as it may, I would be largely relying on the other planning permissions, which are currently only at outline stage, to come to fruition. This could be sometime off, there is no guarantee they would be built out, final decisions about layout and design have yet to be made and ultimately they are not in my control as a decision maker on the appeal scheme. I have to consider the fact that the appeal scheme could therefore come forward in isolation and in that respect it would remain to be harmful in the manner that I have described.
10. With the above in mind therefore, the proposed development would harm the character and appearance of the area through the use of poor quality design and layout. This would give rise to conflict with Policy D1 of the Local Plan², Policy H6 of the Neighbourhood Plan³ and Section 12 of the Framework⁴. Between them and amongst other things these policies seek to ensure that new

² Melton Borough Local Plan 2011-2036 (2018)

³ Broughton and Old Dalby Parish Neighbourhood Plan 2017-2036 (2018)

⁴ The National Planning Policy Framework 2019

development is of a high quality and contextually appropriate design and appearance and gives an impression of pleasant street scenes.

Other Matters

11. The Council make comment in their evidence on how parking would be provided to each unit on its frontage. They consider this would be an equally retrograde step when comparing it to the previously approved scheme. I agree that this would lead to a cluttered appearance akin to placing a formal car park in front of what would otherwise be well designed dwellings. An effect that would be exacerbated by how close the two spaces for each dwelling would be. Whilst it is debatable as to whether this factor would be sufficient alone to resist the appeal scheme, it would nonetheless add to the harm that I have found above. Harm that would arise from the design and layout of the scheme and essentially its overall quality, accordingly conflicting with the policies cited.
12. Whilst also not a reason for the refusal of planning permission, the Council raise substantive concerns over the creation of an additional access and how that would be viewed in the context of the new ones that would serve surrounding committed developments and the rural qualities of the road more generally. I agree that this would no doubt change the character of Station Road to a more urban one but then so would the developments themselves should they come forwards as I have alluded to above. In addition, the Council's highways advisors do not seem to object to the proposed arrangements and have clearly considered access to other developments equally acceptable. Taken together, these factors lead me to conclude that this concern would not be sufficient a ground to withhold planning permission.
13. In the same vein, and whilst the gardens provided to each dwelling would be modest as I have said, I do not consider they would be so small as to necessarily amount to a poor provision for future occupiers.
14. The appellant suggests that not having vehicular access points to new dwellings from Station Lane would have benefits for private users thereof given its geometry and the proximity of the access points to the junction with Station Road. Whilst this might be the case, I have limited evidence before me to substantiate this statement. In the context of which I am mindful that it doesn't seem the Council's highways advisors objected to the extant scheme.
15. I note the appellant's further argument that the revised facing of the new dwellings would add to the natural surveillance of areas around the potential new access for the wider consented development to the west and south. That said, it does not strike me that such surveillance would not be possible from the rear elevation of new dwellings.
16. As well as design in terms of the buildings themselves, the appeal scheme would also be acceptable in a number of other planning respects. However, this would amount to a lack of harm which by definition cannot be used to weigh against harm. They would be neutral in any balance. There would be benefits arising out of the provision of new dwellings adding to choice and mix locally as well as investment in the construction industry and expenditure from future occupiers. Nonetheless, these would be very similar to the benefits associated with the extant planning permission. The addition in net terms of two more units would mean such new benefits would be limited and thus

unlikely, given the nature of the harm and conflict with the development plan I have found, to be sufficient to allow the appeal.

Conclusion

17. Whilst having regard to other matters that have been raised, it is for the reasons set out above that the appeal is dismissed.

John Morrison

INSPECTOR