

Appeal Decision

Site visit made on 28 January 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/T2405/W/19/3240794
18 Glenville Avenue, Glen Parva LE2 9JF

- 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 & Mrs Evill against the decision of Blaby District Council.
 - The application Ref 19/0691/OUT, dated 1 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is a dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have had regard to points made by the appellants relating to the description of development used by the Council. Having regard to the submitted plans, the appellants' original description on the application form adequately describes the proposal and I have duly used it in the banner heading above.
3. The appellants raise concerns as to the Council's processing of the application, including whether a decision was issued prior to end of consultation periods. However, the Council has confirmed that consultees were either given 21 days or responded prior to the 21 days in the case of the Local Highway Authority. On the evidence before me, I am content that there is no procedural reason why the appeal cannot be determined. Any concern the appellants may have with the Council's administration of the application would be a matter for local government accountability.
4. The application was made in outline with access, layout and scale to be considered at this stage. I have determined the appeal on that basis and treated details of appearance and landscaping shown on the plans as being for illustrative purposes only.
5. On 13 February 2020, the Government published the 2019 Housing Delivery Test (HDT) results, which show the Council's delivery has been above the requirement over the last three years (at 207%), and whether the Council has a five year supply of deliverable housing sites is not at issue between the parties. The HDT results do not change the housing position, nor do they have any implications for the parties' respective positions at appeal. Therefore, it has not been necessary to seek their further views in this matter.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the area, and the effect of the proposal on the living conditions of neighbouring occupants, with respect to noise, disturbance and outlook.

Reasons

Character and appearance

7. Glenville Avenue is a residential street with detached dwellings arranged in a linear pattern towards the front of deep plots with generous rear gardens. The dwellings vary in design, but are similar in position and scale, giving a consistency and rhythm to the street scene which contributes positively to the character of the area. The appellants refer to the area having a mixed character, with particular reference to an industrial area to the rear. The tops of some industrial buildings can be seen from the rear gardens; however, they are largely screened by mature planting, and I heard no noticeable noise within the gardens. Overall, I found the industrial area did not have a strong influence on what is predominantly a well-established suburban residential character.
8. The proposal would create a backland development which would divide the rear garden of the existing dwelling and place a detached dwelling behind and directly facing it, accessed by a driveway directly to the side of the existing dwelling replacing an existing garage. The appellants claim the dwelling would not be a true tandem arrangement as the proposed dwelling would be visible from the street through the driveway; however, the dwelling would not front the road but would sit significantly back from the street frontage. As a result, it would not appear as a consistent part of the street scene, but would interrupt the pattern of development in a conspicuous and jarring manner.
9. The garden of the appeal site is open to clear views from the neighbouring house and garden at No 20, due to a low, clipped hedge, and from the upper floors of properties beyond. The dwelling would have a substantial footprint spanning most of the width of the garden, and at some 6.86 metres to the roof ridge, it would be a highly visible presence from neighbouring properties, even taking into account the taller boundary fence proposed to the No 20 side. There are no other dwellings within the rear gardens on Glenville Avenue, with only small, garden outbuildings populating otherwise expansive lawns which give a sense of spaciousness and openness. The proposed dwelling would erode these qualities over a large part of this area, instead introducing significant built form and hardstanding for parking areas and the access driveway, which itself would be anomalous within a street scene featuring no comparable features. Moreover, the driveway would open up views of the rear garden from the street, drawing attention to and allowing the dwelling to be seen, adding to its prominence within its surroundings.
10. The appellants argue that the Council has relied indirectly on a superseded policy, R1 of the Local Plan 1999, which specifically resisted tandem development; and criticise the Council for 'subjective interpretations' of the policy requirements. Whilst Policy R1 has been withdrawn, this does not imply active or unqualified support for such development, in my view. Rather, the Council cites conflict with Policies CS2 of the Blaby District Core Strategy (2013) (the CS) and DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) (the DDPD) which require an assessment

of the proposal's effect on the character of the area, which inherently involves matters of judgement encompassing necessarily subjective elements. As seen from my reasoning, my assessment has found the effect would be harmful.

11. I have also had regard to examples of purportedly similar development put forward by the appellants. Many of these relate to other Council areas with different local policy contexts and site circumstances. As such, they have little relevance to the appeal scheme. I observed the development at the end of Cork Lane, which included the formation of an access at the end of the street, adjacent to a public bridleway, creating a new street perpendicular to Cork Lane with a corner building. It therefore differs from the appeal scheme which would place a single dwelling in a detached and conspicuous position within an area of private rear gardens, parallel to and facing existing dwellings. As such, I do not regard this development as comparable to, or a precedent for, the scheme before me, which I have assessed on its own merits.
12. For the reasons given, the proposed dwelling would harmfully disrupt the existing pattern of development on Glenville Avenue and would significantly harm the character and appearance of the area. The proposal would conflict with the requirements of Policies CS2 of the CS and DM1 of the DDPD, which together require development to secure a high quality environment by respecting distinctive local character, through application of good design principles including layout, scale and orientation.

Living Conditions

13. The proposed dwelling has been designed without upper floor windows facing directly towards existing properties, and a 1.8 metre close boarded fence is proposed to the side boundary with No 20, and the new boundary with No 18, to prevent direct overlooking from the ground floor windows. However, the presence of a dwelling within the rear garden would significantly increase the level of activity compared to normal garden use, through vehicle movements, internal and external lighting illuminating areas presently dark at night, and noise from everyday activity of the dwelling's occupants. From my observations on site, the proximity of the driveway would be a further source of noticeable disturbance to occupants of No 16 and future occupants of No 18 from cars travelling past the dwellings.
14. The scale of the dwelling would also form an imposing and incongruous feature which would overbear on the gardens of Nos 16, 18 and 20, diminishing the outlook from, and enjoyment of, the gardens for occupants of these properties.
15. The appellants refer to other developments granted by the Council as evidence that the proposed arrangement would not be harmful to neighbours' living conditions; however, assessing the effect on living conditions requires an analysis of the specific circumstances of the site, its relationship with neighbouring properties and the scale and design of the proposal. As such, I give little weight to examples from other locations with different circumstances and have reached my own view on the proposal based on my observations and the site-specific evidence before me.
16. For these reasons, the dwelling would lead to adverse impacts in terms of noise, disturbance and outlook which would significantly harm the living conditions of neighbouring residents. The proposal would conflict with Policy DM1 of the DDPD, which requires development to provide a satisfactory

relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers, including consideration of privacy, light, noise, disturbance, overbearing effects and vehicular activity.

Other Matters

17. I have had regard to other concerns raised by interested parties beyond those already addressed, including the effect on ecology, and use of the bridleway to the rear. However, none of these matters would alter my findings in respect of the main issues, and none would weigh in favour of the appeal, so it is not necessary for me to consider them in further detail. No objection was raised by the Council in respect of highway safety, contamination or flood risk. However, these are neutral matters in the planning balance.
18. The appellants refer to the possibility of constructing a large outbuilding and driveway within the rear garden under permitted development (PD) rights. However, I have seen nothing in evidence to suggest the appellants would actually pursue this option if the appeal failed, or that such a scheme would be materially worse than what is currently proposed. Moreover, the PD rights referred to would not enable the formation of a new dwelling. As such, it is a matter of negligible weight.
19. The appellants point to the proposal's compliance with CS Policy CS8, which seeks to provide the appropriate quantity and mix of housing to meet the needs of the District's current and future populations; and CS Policy CS24, which sets out the presumption in favour of sustainable development, which reflects that of the National Planning Policy Framework (the Framework).
20. The Framework provides that sustainable development comprises three objectives – social, economic and environmental. An additional dwelling would add to the Council's housing stock and mix and would be in an accessible location for local services and facilities. This would be a social benefit of the scheme, but a limited one given the small scale of the proposal.
21. The appellants point to the dwelling providing accommodation suitable for older occupants. I acknowledge the proposed layout could facilitate this, including accommodation for a carer if necessary. However, there is nothing within the appellants' submissions which indicate that the dwelling would be permanently retained for occupation only by older residents. In the absence of a mechanism to secure this, the dwelling would be capable of general occupation. As such, I regard the social benefits of a layout conducive to occupation by older persons to attract only limited weight in favour of the proposal.
22. There would be some economic benefits arising from the construction of the dwelling, though these would be temporary, and subsequently from spending by future residents in the local economy. Given the scale of the development, such benefits would not be significant, and I afford them limited weight.
23. Set against these benefits, I have found there would be significant environmental harm arising from adverse effect on the character and appearance of the area, and on the living conditions of neighbouring occupants. These adverse impacts of development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

24. I conclude that the harms I have identified in respect of the main issues results in conflict with the development plan, taken as a whole, which is not outweighed by the other material considerations, including the Framework. Therefore, the appeal is dismissed.

K. Savage

INSPECTOR