
Appeal Decision

Site visit made on 15 October 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2020

Appeal Ref: APP/X2410/W/19/3234268
102 Warwick Avenue, Quorn LE12 8HE

- 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 M Horsley against the decision of Charnwood Borough Council.
 - The application Ref P/18/2172/2, dated 13 October 2018, was refused by notice dated 04 February 2019.
 - The development proposed is erection of 3 no detached 3 bed houses and alteration to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 3 no detached 3 bed houses and alteration to existing dwelling at 102 Warwick Avenue, Quorn LE12 8HE in accordance with the terms of the application, Ref P/18/2172/2, dated 13 October 2018, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The Quorn Neighbourhood Plan (QNP) (2019) was made subsequent to the issuing of the Council's decision notice but prior to the submission of this appeal. As such, the parties have had the opportunity to comment on any relevant policies within the made QNP as part of the appeal.
3. At the time of my site visit, it was clear that alterations to the existing dwelling had recently taken place, including the insertion of new openings on the north-east elevation and the bricking up of openings on the north-west and south-east elevations. These alterations give the existing dwelling a clearly defined front elevation facing north-east onto Warwick Road. They do not, however, correspond with the proposed alterations to the existing dwelling on the plans before me. The appellant's statement advises that these works have been completed in pursuance of a planning permission¹ granted subsequent to the Council's refusal of the current proposals. The works do not, however, wholly correspond with that subsequent permission either. I am mindful that much of the works could have been completed under permitted development rights. However, in the absence of amended plans in relation to these changes, I have assessed this appeal based on the proposed plans submitted by the appellant.

¹ P/19/0268/2

Main Issues

4. The main issues are the effect of the proposal on:
- the character and appearance of the area;
 - the living conditions of surrounding occupiers and future occupiers;
 - meeting the identified housing mix need in Quorn.

Reasons

Character and Appearance

5. The site is located on the southern side of Warwick Avenue and includes an existing 2-storey detached dwelling, its surrounding garden and associated flat roof garage. The site is within an established residential area characterised by a mix of detached and semi-detached dwellings with gable-ended roofs. Dwellings are set back from the highway along relatively consistent building lines, with a mix of driveways and landscaping to the front. Many existing dwellings in the area have been extended, often with first floor side extensions, and the streetscene includes a mix of brick, render and timber cladding. The existing dwelling at No 102 predates, and sits within a significantly larger plot, than the majority of the surrounding dwellings. Its design includes hipped and gable roof forms and numerous prominent chimneys.
6. Whilst the proposal represents a significant increase in the density of dwellings on the site, given the larger than average existing plot, the resultant density would be similar to other recent developments in the nearby area, including at 87 & 89 Warwick Avenue. The space between dwellings would not be out of kilter with the surrounding area and would not result in a harmful terracing effect given the positioning and variation in design of the adjacent dwellings at 96 and 108 Warwick Avenue.
7. The set-back of the dwellings behind a mix of frontage parking and landscaping would reflect the local character and respect the existing building line. Whilst the proposed gardens are smaller than many on Warwick Avenue, they are of an appropriate length and area for the family sized dwellings proposed. Furthermore, the comparatively lesser length of the gardens would not readily be perceived from public viewpoints. Given the variation in scale and design of dwellings in the streetscene, the height and frontage width of the proposed dwellings would not appear incongruous. The proposed simple gable-ended form of the dwellings is sympathetic to the existing character of the area and a condition is attached to secure appropriate finishing materials.
8. For these reasons, the proposed development would respect the character and appearance of the area in accordance with Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) (Core Strategy), Policy EV/1 of the Charnwood Local Plan 1991-2006 (2004) (Local Plan) and QNP Policy H5 which require, amongst other things, that development should respect and enhance the character and appearance of the area in terms of scale, massing, height, layout and materials. It would also comply with the Council's Leading in Design Supplementary Planning Document (the SPD) which seeks to ensure high quality development. Furthermore, it would support the aims of the National Planning Policy Framework (the Framework) which promotes high quality in design.

Living Conditions

9. To address the issue of the new dwellings having an overbearing impact on the existing dwelling at No 102, the plans show the use of obscure glazing and the insertion of new windows on alternative elevations. This would ensure that the living conditions of the existing dwelling are not compromised as a result of the development of new properties on either side. The alignment of the proposed dwellings within the existing building line ensures proposed and existing dwellings' garden spaces, and rear and front facing windows, would not experience an unacceptable overbearing impact.
10. Separation distances to rear boundaries and facing dwellings are sufficient to maintain the privacy of adjoining occupiers. I note that the site is at higher level than the dwellings on Rumsey Close, however, this height difference would not result in an unacceptable overbearing impact or loss of privacy. The height of the proposed dwellings, their separation distance and northern orientation in comparison to Rumsey Close, is such that the impact on daylight and/or sunlight to adjoining occupiers would be acceptable.
11. The window on the south-west elevation serving bedroom 1 of the existing dwelling would directly overlook the private rear amenity space of one of the proposed dwellings. The proximity of this window would result in an unacceptable impact on privacy and therefore a condition is required to ensure obscure glazing in this window.
12. For the reasons above, the development would provide appropriate living conditions for surrounding occupiers and future occupiers with regard to privacy, outlook and sunlight, and would therefore comply with Policy CS2 of the Core Strategy, Policy EV/1 of the Local Plan and Policy H5 of the QNP which seek, amongst other things, to protect the living conditions of people who live nearby or in the proposed development, and ensure that development does not cause significant adverse effects on the residential amenity of adjoining properties. It would also comply with the SPD and the Framework which requires that new development should ensure that the living standards of existing occupiers are not compromised.

Housing Mix

13. The QNP advises that there is a need within Quorn for smaller homes of up to three bedrooms. The development includes 3 additional 3-bed dwellings. A study/dressing room is also proposed on the first floor of each of the additional dwellings. The Council contends that, whilst the room is too small for an adult's bedroom, it meets the minimum size for a child's bedroom as set out in the Housing Act 1985 and should therefore be counted as a bedroom for the purposes of assessing housing mix. The floor plans show doorways from both the hallway and bedroom 2 to the study/dressing room. The small scale of the study/dressing room and the proposed layout would not be conducive to the use of the room as a bedroom. Furthermore, I do not consider the scale of the dwellings to be disproportionate for a typical 3-bed home. In the absence of any adopted design guidance before me to the contrary, I am not, therefore, persuaded that the study/dressing room should be counted as an additional bedroom.
14. For the above reasons, the development would deliver an appropriate mix of housing to meet the identified need in Quorn in accordance with Policy H3 of

the QNP and Policy CS3 of the Core Strategy which, taken together, state support will be given to 3-bed dwellings and development of an appropriate mix of types, tenures and sizes of homes having regard to the identified housing need and the character of the area. Furthermore, it would be in accordance with the Framework, including paragraph 61, which requires the size, type and tenure of housing needed for different groups in the community to be planned for.

Other Matters

15. I note interested parties' reference to previous traffic accidents in the vicinity of the site and to existing vehicular congestion. I have also had regard to submissions relating to the high levels of pedestrian traffic, including school children in the surrounding area. The submitted plans show pedestrian and vehicular visibility splays from the proposed parking areas. Each dwelling would have 2 off-street parking spaces and a condition can ensure this is retained. The highways authority considers that the visibility splays and parking provision would be appropriate and has not objected to the highway impact of the development. I see no substantive reason to take a different view.
16. I have no substantive basis to consider that the proposal would cause or worsen existing drainage problems or that it would put local schools under undue pressure. Any disturbance during construction would be for a temporary period only and could be appropriately controlled through the submission of a construction method statement. Whilst the proposal would result in a change in the existing landscaping of the site, there is no substantive evidence before me to suggest that this would harm protected species or bio-diversity.
17. It is not disputed that the Council presently has in excess of 5 years supply of deliverable housing land. Some interested parties suggest that this should weigh against the proposal in the sense that there is no need to develop the site. The Framework is clear that the Government's objective is to boost the supply of homes. The appeal site is within an existing urban area, demonstrably available, and in the absence of strong arguments against the form of development proposed, there is no good reason to frustrate the wish of a developer to proceed with the provision of additional homes. I therefore attach very limited weight to the argument that there is no need for the housing and great weight to the delivery of housing on a suitable windfall site.
18. The issue of impact on property values has also been raised. The impact has not been substantiated and, furthermore, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land.

Conditions

19. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. I find them to be reasonable and necessary in the circumstances of this case; although I have amended some in the interests of clarity where necessary.
20. For certainty, I attach the normal planning condition limiting the period of the consent to 3 years. It is necessary to define the plans in the interest of clarity. In the interests of achieving a visually attractive development that respects the

character of the area, I attach conditions requiring details of external materials and landscaping to be approved and implemented.

21. A condition to secure the implementation of a Construction Method Statement is also necessary in the interests of highway safety and to protect the living conditions of local residents during the construction period. It is necessary that details are approved prior to the commencement of development as the construction management arrangements must be put in place prior to commencement and should remain in effect for the full duration of the development.
22. In the interests of highways safety, conditions are attached to ensure delivery and retention of visibility splays and parking areas.
23. In the interests of ensuring good living conditions, a condition is attached to secure provision of obscure glazing and its retention.

Conclusion

24. The development is in accordance with the development plan when taken as a whole. There are no material considerations, taken individually or cumulatively, that outweigh the identified benefits or indicate that the appeal should not succeed.
25. For the above reasons, the appeal is allowed subject to the conditions in the attached Schedule.

**Schedule of Conditions attached to Appeal Decision
APP/X2410/W/19/3234268
102 Warwick Avenue, Quorn LE12 8HE**

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: OS001 Rev C – Site Location Plan; O2001 Rev C - Site Plan; P001 Rev A - Alterations to existing house; P002 Rev J - Proposed site plan; P006 Rev C - Proposed street elevations; P008 Rev C - Proposed floor plans and elevations of dwellings; P009 Rev C - Proposed site sections.
3. No development above slab level shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
4. No development shall commence, including any site works, until such time as a Construction Method Statement has been submitted to and approved by the Local Planning Authority. This document shall include details of the routing of construction traffic, wheel cleaning facilities, vehicle parking facilities, and a timetable for their provision; hours of construction; piling details (if applicable); control of noise emission from site; and dust mitigation. The approved plan shall be adhered to throughout the construction period for the development.
5. No development above slab level shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:
 - i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) full details of tree planting;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
 - v) finished levels or contours.
6. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 5, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
7. No part of the development hereby permitted shall be occupied or used until such time as the pedestrian and vehicular visibility splays shown on drawing number P002 Rev J have been provided on the highway boundary/site

accesses. Once provided in accordance with the approved plan, the splays shall be retained for the lifetime of the development.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and reenacting that Order, with or without modifications), no fence, wall, structure or hedge or other planting exceeding 0.6m in height shall be erected, placed or planted within the splay areas referred to in condition 7 above.
9. Notwithstanding the submitted plans, the proposed accesses shall have minimum widths of 2.75m and shall be surfaced in a bound material with 3.7m wide dropped vehicle crossings. The accesses once provided, shall be so maintained for the lifetime of the development.
10. No occupation of the dwellings shall take place until such time as its respective parking facilities shown on the approved plan have been completed in accordance with the submitted details. Thereafter, the parking facilities shall not be obstructed in any way that would prevent such use.
11. The development hereby permitted shall not be occupied until such time as each access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained for the lifetime of the development.
12. No occupation of the dwellings shall take place until the following windows: dining room north-west elevation; bedroom 2 north-west elevation; bedroom 1 north-west elevation; bedroom 1 south-east elevation; and bedroom 3 south-east elevation as shown on the approved plan P001 Rev A have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.