
Appeal Decision

Site visit made on 11 March 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/K2420/W/19/3239130

Land adj to No 29 Elizabeth Road, Hinckley, Leicestershire LE10 0QY

- 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 Mrs Zoe Finlay against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00198/OUT, dated 14 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as 'proposed bungalow'.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are a) the effect of the proposed development on the character and appearance of the area; b) whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to the provision of private garden space; and c) whether the proposed development would provide sufficient off street car parking.

Reasons

Character and Appearance

3. The appeal site is an enclosed parcel of land abutting the rear garden to No 62 Middlefield Lane. It is mostly overgrown with close boarded timber fencing to the boundaries. There is a gated access onto Elizabeth Road. Plot sizes in the immediate vicinity vary and development appears at a slightly higher density in and around the junction of Elizabeth Road and Middlefield Lane owing to a number of plots having been subdivided and developed. Despite this resulting in the noticeable variation in plot sizes, the wider residential area does have a discernible sense of spaciousness in its built form to space ratio. Again, due to the variation in plot sizes gardens do equally vary in their extent but each plot has noticeable clearance to at least its front and rear boundaries, reinforcing the spacious feel. In addition, and whilst already physically separated from No 62 Middlefield Lane the appeal site, as an undeveloped land parcel, contributes positively to the spaciousness of the area.
4. Even in the context of some of the surrounding sub divided plots, the appeal site appears very small and therefore development thereon, even as a modest

bungalow, would be somewhat squeezed. The scale parameters of the proposed dwelling have yet to be set owing to the outline nature of the scheme but to allow for off street parking and a meaningful garden space (matters which I shall come onto in more detail later) I am struggling to see how a dwelling, and a bungalow at that which by their nature tend to demand a wider floorplan, would not be built close to the plot's boundaries on the majority of its sides and thus close to fill the plot. This would reduce the spacious feel of not only the loss of the appeal site itself but also result in a dwelling that would appear artificially shoe horned into an available space. It would, as a consequence of these factors be harmful to the character and appearance of the area.

5. As such, and in regard to this main issue, the appeal scheme would be contrary to Policy DM10 of the Local Plan¹ and section 12 of the Framework² which states, amongst other things, that new development will be permitted providing it complements or enhances the character of the surrounding area and that high quality buildings and places should be created.

Living Conditions – Garden Space

6. As I have said above, the appeal scheme seeks outline planning permission with all other matters reserved for future consideration. However, and as I have also said, I find it difficult to see how even a modest bungalow could physically fit on the appeal site and leave sufficient space for an acceptable garden. Particularly should off street parking be provided which would in itself take up a reasonable portion of any other available space. Even in the event that parking was not provided within the curtilage to the proposed dwelling, it strikes me that any available garden space, whilst probably bordering on acceptable in amount for a small dwelling in this instance, its quality would be unacceptably poor, being hemmed in as it would be between the plot's boundary treatment and the walls of the dwelling itself. Such quality of space would garner an oppressive experience for its users.
7. With the above in mind, the proposed development would fail to provide acceptable living conditions for future occupiers with specific regard to the provision of acceptable private garden space. Consequently, and with regard to this main issue, there would be conflict with Policy DM10 of the Local Plan which seeks to ensure that, amongst other things, the amenities of occupiers would not be adversely affected. The appeal scheme would also conflict with paragraph 127 (f) of the Framework which sets out that developments should create places that are safe, (amongst other things) with a high standard of amenity for existing and future users.

Off Street Parking

8. Again, owing to the outline nature of the appeal scheme, precise details in regard to parking provision within the appeal site have not been provided. There is an indication on the submitted plans however that access to the site would be provided via an existing opening onto Elizabeth Road which is currently gated. There is no firm indication of the number of spaces that would be provided albeit an indicative layout plan provided by the appellant as part of

¹ Hinckley and Bosworth Borough Council Local Plan 2006-2026 Site Allocations and Development Management Policies Development Plan Document 2016

² The National Planning Policy Framework 2019

their appeal documentation seems to show that space for two vehicles could physically fit side by side close to the purported access point.

9. Purely on this basis, it seems physically possible for some form of off street parking to be provided. I would remain to be slightly concerned that such would, judging it purely on what I have seen, result in the potential for reversing either into it or out of it which is less than ideal in highway safety terms but the lack of fixing the detail of this or the position of the dwelling at the application stage means that it is an arrangement which the Council's highways advisors are unlikely to have considered in detail.
10. If I were to take a view on the capability of the appeal site to accommodate off street parking as an isolated matter and base that judgement solely on what the indicative layout shows, I can only conclude that the appeal scheme would be capable of providing such and thus prevent vehicles from parking on the street. In that case therefore I would not find conflict with Policies DM17 or DM18 of the Local Plan which, between them and amongst other things seek to ensure appropriate parking provision for new development and that it does not significantly impact highway safety.
11. Be this as it may, and as I have said, the solution that is advanced (which accepted is only indicative) may give rise to potential access problems of the type I have identified. I also share the Council's concerns in regard to the usability of the proposed space as it is shown indicatively, particularly with regard to the position of it relative to the plot's boundary and the side wall of the proposed bungalow.

Other Matters

12. The indicative layout provided with the appellant's appeal documents shows a very modest bungalow located adjacent an area for car parking and, on its face, an acceptably sized garden. However, such a configuration would result in a building that would not only be very small in the context of those around it but it would also lead to it being sat noticeably far forward in its plot, reinforcing the reduction in the area's spacious character as I have defined it. Of course, one could move it rearwards but this would take the building close to its rear boundary and therefore in seeking to address one adverse impact another would be created. Such impacts could also be exacerbated by a need to move the dwelling to be able to make the level of parking provision usable in highway safety terms, allowing for breathing space either side as I have alluded to above. All told, this reinforces my view that the appeal site is simply too small to be able to accommodate the proposed development and all that it would entail to the extent that planning harm would be caused of the type and extent I have explained.
13. The Council set out in their reasons for refusal as well as their supporting information therefore that due to the proximity of No 62 Middlefield Lane, occupiers of the proposed development would experience an overbearing effect. I agree that this may give rise to some harm to the living conditions of future occupiers but not such that would justify resistance of the appeal scheme given how far No 62 would be away, the relatively high density of development in the immediate area and how the plot abuts the open and undeveloped garden of No 60, which is located to the south. In any case, I feel that the oppressive and hemmed in nature a dwelling's garden would be on the

appeal site would be more felt and thus more harmful to future occupiers than the proximity of No 62 Middlefield Lane.

14. The appellant has directed my attention to a number of other planning permissions granted by the Council which has resulted in a variation in plot and garden sizes. I am not however aware of the exact circumstances of these schemes or the reasons for their approval and as such I cannot be sure that they are sufficiently similar to the one before me to the extent that I would change my conclusions. In any case, I have acknowledged that there is a variation in the size of plots in the immediate area which has had a subsequent effect on the varied size of gardens. However, and despite the variation, the proposed plot for the proposed development would be uncharacteristically small even in such a varied context, ostensibly since it would be too close to its boundaries and thus cluttered, reducing the spacious feel of the area in built form terms. Each development proposal should be considered its own merits and with regard to its context. As I have done so in this case.
15. I note that in some respects the appeal scheme would be acceptable, for example that the living conditions of existing occupiers would not be unduly harmed. In each case however this would represent a lack of harm and thus, by definition, not capable of weighing against it. I am also mindful of the support the scheme has received from some local residents. This would not however absolve me, as the decision maker in this case, from making an assessment of its impacts in planning terms. I have done so and found there to be planning harm of the type and extent explained.

Conclusion

16. If I were to find conclusively that there would not be any harm arising out of the third main issue, this would not reduce that which would be caused by the first and second. The appeal is therefore dismissed.

John Morrison

INSPECTOR