
Appeal Decisions

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: 26th March 2020

Appeal Ref: APP/G2435/W/19/3231458
142 Melbourne Road, Ibstock LE67 6NN

- 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 Lee Alesbrook against the decision of North West Leicestershire District Council.
 - The application Ref 19/00148/FUL, dated 25 January 2019, was refused by notice dated 23 May 2019.
 - The development proposed is new dwelling and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for proposed new dwelling and associated parking at 142 Melbourne Road, Ibstock LE67 6NN, in accordance with the terms of the application Ref 19/00148/FUL, dated 25 January 2019, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Lee Alesbrook against North West Leicestershire District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located to the east of Melbourne Road within a built-up area of Ibstock. The site is surrounded by residential properties to the south, St Denys Church of England Infant School to the west and a public right of way (PROW) to the north that separates the site from further residential properties. The site includes part of the rear garden of the end terrace dwelling at 142 Melbourne Road and also a single storey, pitch-roofed, detached garage that, whilst currently unused, has an established commercial use.
5. There is a significant degree of variety in dwelling types and plot layouts in the surrounding area, including terraced, semi-detached, detached and bungalow style dwellings. Whilst many of the surrounding dwellings face directly onto Melbourne Road and have only on-street parking, there are notable exceptions to this, including the dwellings at 113 and 113a Melbourne Road which are

orientated perpendicular to the Road. Further variety in the street scene and building line is provided by the detached bungalow at No 2A Central Avenue, the car dealership buildings to the south of 128 Melbourne Road, and by Ibstock Junior School.

6. The proposed dwelling's hip-roofed bungalow design would be visible from Melbourne Road and its frontage, whilst set back, would form part of the street scene. The dwelling would not reflect the scale, design or building line of the adjacent terraces. It would, however, be in a similar location to the existing garage building on the site and would also be single storey. Whilst public views into the site would increase due to the proposed access and removal of boundary vegetation, given the set-back of the dwelling from Melbourne Road and the context of other buildings to the rear, the dwelling would not appear unduly prominent from public views in comparison to the existing visual impact of the garage building.
7. I note that the North West Leicestershire Good Design Supplementary Planning Document 2017 (the SPD) advises that development should achieve a street environment that isn't dominated by parked cars and guides that a solution to achieving this is for soft landscaping to be equivalent to the off-street parking provision. Significant areas of soft landscaping would be provided to the front of the dwelling and given the set-back of the parking spaces within the plot, the development would not result in a street scene dominated by parking. Implementation of a landscaping scheme secured by condition could ensure that any hard landscaping and car parking is appropriately softened in terms of visual impact.
8. Whilst the dwelling would be sited to the rear of an irregular shaped plot and the garden to No 142 would reduce in scale and change in shape, given the existing garage building and the variation in garden sizes and shapes in the wider area, this would not result in harm to the character of the area. Both the garden to the existing dwelling and the proposed dwelling would be of a size commensurate with the associated dwellings and would provide appropriate space surrounding the dwellings to prevent them appearing cramped.
9. Overall, given the existing mixed character of the area, including the existing garage building located to the rear of the terraced dwellings, the proposal would respect the character of the surrounding area and offers a good standard of design in accordance with Policy D1 of the North West Leicestershire Local Plan 2017 (the Local Plan). It would also comply with the SPD which seeks to ensure high quality development. Furthermore, it would support the aims of the National Planning Policy Framework (the Framework), including paragraphs 124 and 127 which promote high quality in design and requires development to be sympathetic to local character.

Other Matters

10. I note interested parties' concerns regarding the impact of the development on the safety of users of the PROW and Melbourne Road, with particular reference to the significant number of children using the PROW travelling to and from local schools. Whilst interested parties indicate that vehicles have not accessed the existing garage for a significant period of time, it is not a matter of dispute between main parties that the garage building has an established commercial use. The proposed access would reduce the length of the PROW that would be

required to be crossed over by vehicles to access the site. As such, the development would reduce the potential for conflict with pedestrians.

11. The development would include parking and turning areas within its plot. This would reduce the likelihood, in comparison to vehicles using the existing garage, that a vehicle would reverse onto the highway. The highways authority advises that the development would generate a low number of vehicular movements and that, whilst proposed visibility splays onto Melbourne Road would be inadequate, this would not represent a deterioration of the current situation. As such, whilst I understand the concerns raised, I have no substantive evidence to suggest the proposal would result in any greater impact on pedestrian or highway safety than the existing use.
12. The proposed bungalow would be a sufficient distance from the boundaries with 140, 142 and 144 Melbourne Road to ensure appropriate living conditions in terms of privacy, light and outlook.
13. 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

14. I have considered the conditions suggested by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance. On the whole, I find them to be reasonable and necessary in the circumstances of this case. I have amended some of the suggested conditions in the interests of clarity and I have omitted the Council's suggested condition 4 as the level of detail requested is not necessary for the character and visual amenity of the area to be protected.
15. 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.
16. In the interests of highways safety, a condition is attached to ensure delivery and retention of visibility splays, turning and parking areas.
17. A condition to secure the implementation of a Construction Method Statement is also necessary in the interests of highway and PROW 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 to ensure they are effective.

Conclusion

18. For the above reasons, the appeal is allowed subject to the conditions in the attached Schedule.

Schedule of Conditions attached to Appeal Decision
Appeal Ref: APP/G2435/W/19/3231458
142 Melbourne Road, Ibstock LE67 6NN

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: LIFE-18-897-001C, LIFE-18-897-002A, LIFE-18-897-003A, LIFE-18-897-004B, LIFE-18-897-005B, LIFE-18-897-007
3. Notwithstanding the submitted details, 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. Notwithstanding the details shown on the approved plans, nor condition 2 above, the dwelling, hereby permitted, shall not be occupied until a soft landscaping scheme has first been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping scheme shall then be implemented in full within the first planting and seeding season following the first occupation of the dwelling, hereby permitted, unless an alternative timeframe for implementation is first submitted to and approved in writing by the Local Planning Authority.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
6. Notwithstanding the details shown on the approved plans, nor condition 2 above, the dwelling, hereby permitted, shall not be occupied until a scheme of hard landscaping has first been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping scheme shall then be provided in full before the first occupation of the dwelling hereby permitted.
7. Prior to the first occupation of the dwelling, hereby permitted, the boundary treatment scheme referenced on drawing number LIFE-18-897-001C shall be provided in full. The above applies unless an alternative hard landscaping scheme and/or implementation programme is first submitted to and approved in writing by the Local Planning Authority. The boundary treatment scheme shall then be provided in accordance with any alternative scheme and/or implementation programme subsequently approved.

8. Notwithstanding the details shown on the approved plans, nor condition 2 above, before first occupation of the dwelling hereby permitted, the following shall be provided: -

- The proposed access for the new dwelling in accordance with the details shown on drawing number LIFE-18-897-001C;
- Vehicular visibility splays in accordance with the information shown on drawing number LIFE-18-897-001C;
- Pedestrian visibility splays in accordance with the information shown on drawing number LIFE-18-897-001C;
- A minimum of two off-street parking spaces in accordance with the information shown on drawing number LIFE-18-897-001C;
- The vehicular manoeuvring facilities within the site as shown on drawing number LIFE-18-897-001C;

Once provided, the above shall thereafter be so maintained at all times with nothing being positioned or allowed to grow above a height of 0.6 metres above the adjacent carriageway within the visibility splays.

9. 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.