
Appeal Decision

Site visit made on 23 June 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 9 July 2020

Appeal Ref: APP/T2405/W/19/3243736

2 Vicarage Close, Kirby Muxloe, Leicestershire LE9 2AS

- 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 Warren (Invicta Universal Ltd) against the decision of Blaby District Council.
 - The application Ref 19/1136/FUL, dated 19 August 2019, was refused by notice dated 26 November 2019.
 - The development proposed is the erection of one detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development upon, firstly, the character and appearance of the area and, secondly, the living conditions of future occupiers with particular regards to privacy.

Reasons

Character and appearance

3. The proposed bungalow would be sited to the rear of 2 Vicarage Close on land that was formerly part of its rear garden. No 2 is a traditional two-storey property which is typical of many in the immediate area save for its recent sub-division into private flats.
4. Whilst there is some variance in relation to detailed design, dwellings in the area tend to be two-storeys in height and address the highway behind front gardens and/or paved driveways. Mature landscaping, grass verges and established street trees lend the area a spacious suburban character.
5. In that regard, the siting of the bungalow with a small set-back and a narrow gable end fronting Vicarage Close would represent a conspicuous departure from the surrounding settlement pattern. The garden area would be sandwiched between the bungalow and the boundary fence to No 2 and hidden away behind a fence such that it would not be seen in public views.
6. The frontage area would mostly be taken up by areas of hardstanding with little space to implement a meaningful landscaping scheme. The overall result would be a contrived and cramped looking development which would assimilate poorly with the Vicarage Close street scene.

7. I therefore conclude that the development would harm the character and appearance of the area, contrary to Policy CS2 of the "*Blaby District Core Strategy 2013*" (the CS) and Policy DMP 1b) of the "*Blaby District Local Plan: (Delivery) Development Plan Document 2019*" (the DMP). These policies seek high quality design that respects local character and takes account of local patterns of development.
8. In coming to that view, I have noted the Appellant's submissions regarding 4 Vicarage Close. Whilst I accept there would be some architectural similarities, there would also be significant differences in terms of layout and siting. Accordingly, No 4 affords no precedent for the proposed development.

Living conditions

9. As a consequence of being robbed of most of its original garden, the rear elevation of No 2 is located very close to the rear of the property. The result is that several upper floor windows overlook the appeal site at close quarters. As I experienced on my site visit, there is a perpetual feeling of being under surveillance. Whilst I accept that a degree of mutual overlooking is to be expected in built-up areas, the proximity of rear windows to the proposed garden area would result in unacceptable living conditions for future occupiers.
10. Given that No 2 is already hemmed in by the new boundary fence any additional planting/screening is likely to have an unacceptable overbearing effect on neighbouring occupiers. Moreover, the problems of planting of trees close to a shared boundary are well documented. Once matured they can often lead to resentment and neighbour problems. In this case I also have concerns that planting on the boundary would make an already highly constrained rear amenity area nothing more than a dank, sunless corridor. I do not therefore consider my concerns could be overcome by additional screening.
11. Accordingly and notwithstanding that the overall size of the garden and location of the bedroom window would be acceptable, I find that the development would conflict with CS Policy CS2 and DMP Policy DMP 1a)i) which seek a satisfactory level of privacy for existing and future occupiers.

Other Matters

12. I have carefully considered the range of other planning decisions drawn to my attention but by reason of; site characteristics, location and development proposals, I find none to be directly comparable to the case in hand. In any event, I am required to assess the appeal before me on its own merits in the light of particular circumstances which apply in this case and this is what I have done.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

D. M. Young

Inspector