
Appeal Decision

Site visit made on 20 July 2020

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/G2435/D/20/3250110

Birds Hill House, 231 Tamworth Road, Appleby Magna DE12 7BH

- 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 Kevin Meers against the decision of North West Leicestershire District Council.
 - The application Ref 20/00254/FUL, dated 5 February 2020, was refused by notice dated 25 March 2020.
 - The development proposed is the creation of a new detached garage to the front of existing property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on protected species.

Reasons

Character and Appearance

3. The appeal site comprises a large detached property in a short clearly defined linear group of dwellings set back from the highway by drives and front gardens. The boundary lines of properties are marked by a mix of brick walls and hedgerow.
4. The scheme would be sited to the front of the dwelling breaking the consistent building line. The very large double garage would be of a size and scale that would create a discordant addition to the street scene. Trees in the front garden and the front boundary wall of the dwelling would only provide some visual screening given the height and massing of the proposal. The use of brickwork to match the main dwelling along with a comparable roof pitch would do little to mitigate the harm.
5. I note the appellant's reasons for the scheme and the restrictions presented by the site layout. However, this is outweighed by the harm that would be caused to the character and appearance of the area. As such it would conflict with the part of Policy D1 of the North West Leicestershire Local Plan which requires

new development to be well designed. It would also conflict with the relevant parts of the Good Design for North West Leicestershire Supplementary Planning Document, including the need for new development to respond positively and respect local context.

Protected Species

6. The site lies within the River Mease Special Area of Conservation (SAC) catchment area. The SAC was designated for its internationally important habitats and species. Discharge from sewage treatment works within the SAC catchment area is a major contributor to higher phosphate levels in the river which provide a threat to the protected species and their habitats within the SAC.
7. The Council is of the view that the scheme would have no harmful impact in this regard. I have no reason to take a different view. If I had been minded to allow the appeal I am satisfied that the integrity of the SAC would not be harmed.

Other Matters

8. It has been identified that the development would cause no harm to the living conditions of neighbouring residents or to highway safety. Be that as it may, it would not outweigh the harm to the character and appearance of the area.
9. The appellant has identified a willingness to submit amended plans for a smaller garage to reduce the visual impact. However, the appeal process is not the place to further a scheme. My decision is based on the scheme submitted to the Council which interested parties have had an opportunity to comment on.

Conclusion

10. The proposal would not harm protected species. However, it would harm the character and appearance of the area. For the reasons identified and taking into account all other matters, including the absence of objections from neighbouring residents, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR