



Appeal Decision

Site visit made on 22 July 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/F2415/W/20/3248030

Vacant piece of land between nos. 26 and 28 The Green/Main Street, Great Bowden LE16 7EU

- 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 Barnaby Trystram against the decision of Harborough District Council.
 - The application Ref 19/00760/FUL, dated 13 May 2019, was refused by notice dated 4 September 2019.
 - The development proposed was originally described as 'Erection of a single storey commercial unit (A1, A2, A3 and B1(a)).'
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Barnaby Trystram against Harborough District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal was amended during the course of the application to reduce the width of the building and to omit reference to Use Classes A1, A2 and A3. Consequently, the Council determined the application as being for a Class B1(a) office use only, and I have considered the appeal on the same basis.
4. A number of interested parties took issue with the address given for the site. For the avoidance of doubt, I have used the address description given originally on the application form which is sufficiently clear to identify to the site.

Main Issues

5. The main issues are the effect of the proposal on the living conditions of neighbouring occupants, with respect to light, outlook, noise and disturbance; and the effect on highway safety with respect to the demand for on-street parking.

Reasons

Living Conditions

6. Policy GD8 of the Harborough Local Plan 2011-2031 (April 2019) (the HLP) seeks good design in development and amongst other criteria, requires proposals to be designed to minimise impact on the amenity of existing and

- future residents by i) not having a significant adverse effect on the living conditions of existing and new residents through loss of privacy, overshadowing and overbearing impact, and ii) not generating a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so would have an adverse impact on amenity and living conditions.
7. The Great Bowden's Neighbourhood Plan (2016-2031) (June 2018) (the NP) forms part of the development plan for the area. Policy H6(e) states that proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Policy EMP2(d) sets similar requirements for proposed employment developments.
 8. The appeal site is a vacant piece of land within the centre of the village, facing the open space of The Green. The site stands between a Grade II listed dwelling at 26 The Green, and the side extensions of the village shop. There is access to the rear gardens of 30 and 31 The Green via a gate on the front boundary and along a path which crosses the site from front to rear. The front boundary comprises a low red brick wall with solid timber fencing above, and a timber bus shelter and broadband box stand in front of the site. I understand that the site was formerly a garden space and is a longstanding gap in the built form which stands to the south of Nos 30 and 31 and provides a main source of sunlight and outlook for occupants of these dwellings, the rear elevations and gardens of which are otherwise largely enclosed by the surrounding built form.
 9. The proposed building would be single storey in height and roughly square in footprint, with a dual pitched roof and gables to either side elevation, having the general appearance of a traditional outbuilding or workshop. It would be positioned centrally within the site, set in from the front and rear boundaries, and would stand 3.85 metres high to the ridge of the roof. A 1.5m boundary wall would be constructed to the rear and part of the side boundary to enclose a rear courtyard.
 10. The dwellings to the rear of the site exhibit an irregular and intimate layout characteristic of the historic village core, and a sense of communality exists given the shared access and relatively low boundary walls. The proposed building would be located close to the rear windows and gardens of both Nos 30 and 31, the Council estimating the respective distances to the kitchen windows as 7 metres and 11 metres (the appellant estimating 12 metres for the latter). No 30 has a modestly sized rear garden which provides a private external space for occupants. The nearest corner of the building would stand as close as 2 metres from this rear garden, where it would appear as an immediate and imposing structure which would substantially enclose the existing townscape gap, eroding the sense of openness it provides, and dominating and harmfully impinging upon the outlook from the rear windows and garden of No 30.
 11. No 31 has a larger, but still relatively modest courtyard garden which extends across the rear of the site. However, the proposed building would be in direct view from the rear windows and garden and, in a similar manner to No 30, would physically and visually block off the existing townscape gap, significantly reducing the outlook and creating a harmful sense of enclosure for occupants.
 12. I acknowledge the appellant's point that office uses can co-exist with residential properties. However, the rear yard of the office building would stand

directly across from the rear garden of No 30, but would also be close to and visible from the garden of No 31 given the moderate heights of the existing and proposed boundary walls. In view of the limited floorspace and lack of internal storage proposed for the office, it is not unreasonable to think that this rear yard would be used for storage of bins and other materials, which would further harm the outlook for occupants of Nos 30 and 31.

13. Moreover, the limited internal space means the yard could also be used by employees of the office during breaks, or for deliveries via the proposed rear access gate next to No 30. Such activity would give rise to noise and disturbance which would undermine residents' enjoyment of what are presently secluded and private rear gardens.
14. In respect of light, the appellant has submitted a shadow analysis for various times of day¹ in February and August. Whilst these are representative, the selected times of year do not reflect the times when the sun is highest or lowest in the sky at the summer and winter solstices. I accept that in summer months, the sun would be sufficiently high in the sky and sunlight would not be impeded by the proposed building, though the shadow cast at 12:30pm in February would extend into the neighbouring garden and would be expected to be longer in December when the angle of the sun is lower. However, I accept that the presence of existing buildings would limit the extent to which the proposed building would contribute to loss of sunlight or increased shadowing. The appellant also points to the possibility of a taller boundary wall being built under permitted development which could cast longer shadows. Nonetheless, the existing gap is the main source of sunlight to the rear of the neighbouring properties, and whilst the increase in shadowing and reduction in sunlight to the neighbouring windows and gardens may be modest, it would add to the adverse effects on neighbour's living conditions.
15. I also saw on site that the ground floor rooms of Nos 30 and 31 were quite dark internally beyond the areas immediately next to the windows. In my view, the close presence of the proposed building to No 30 is likely to further reduce the quality of daylight reaching the rear windows to the detriment of its occupants. However, the greater distance to the windows of No 31, which include a large, glazed, bi-fold patio door, means I am not persuaded that the proposal would demonstrably reduce daylight to this property.
16. I visited the small rear courtyard of No 26, which is separated from the appeal site by a tall boundary wall. The ridge of the proposed building would be visible above this wall, but given the wall height, the position of the rear windows to No 26 and the orientation of the courtyard relative to the sun's path, I find there would not be a significant impact on the levels of sunlight and daylight reaching this property and occupants' living conditions would not be materially harmed in this respect.
17. However, for the reasons set out above, I conclude that the proposal would lead to loss of light and outlook, increased shadowing, sense of enclosure and noise and disturbance which together would significantly harm the living conditions of neighbouring occupants at 30 and 31 The Green. Accordingly, there would be conflict with the aforementioned aims of Policy GD8 of the HLP and Policy H6 and EMP2 of the NP. The proposal would also conflict with the aims of Paragraph 127 of the National Planning Policy Framework (the

¹ 8:30am, 12:30pm and 4:30pm, 15 August and 15 February

Framework) to create places with a high standard of amenity for existing and future users.

Effect on Parking and Highway Safety

18. Policy GD8 of the HLP states that development will be permitted where it ensures safe access, adequate parking and servicing areas, and safe, efficient and convenient movement of all highway users. Policy EMP2(e) of the NP states that new employment development will be required to not generate severe levels of traffic movement and provide on-site car parking for all employees and visitors. The Council and interested parties refer to the Leicestershire County Council Parking Standards and Guidance which indicates that for an office of the size proposed, two on-site parking spaces should be provided.
19. The proposal makes no provision for on-site parking, and in this respect there would be conflict with criterion (e) of Policy EMP2. The appellant refers to inconsistency between Policy IN2 of the HLP and Policy EMP2 as the former does not specify parking needs to be provided on site. The Council did not refer to Policy IN2 in its reason for refusal, but its requirements in these respects are largely echoed by Policy GD8 as set out above. There is a degree of conflict in this respect, with the HLP policy adopting a more flexible approach. The HLP has become part of the development plan more recently than the NP. Therefore, in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended), I accord more weight to the approach to parking set out in the HLP.
20. I note that Leicestershire County Council as the Local Highway Authority (LHA) in its consultation response stated that whilst a lack of on-site parking would normally prompt it to object to a proposal, it acknowledged that the prevalence of on-street parking in the vicinity of the site is well established. Within the immediate surroundings of the appeal site, this parking relates to several commercial uses, including the local shop/post office, public house and café, as well as to numerous residential properties which do not have driveways and are required to park on the street.
21. The appellant has provided a Transport Technical Note² (TTN) in response to the LHA's request for further information on trip generation and parking demand. Based on an estimate of five employees, the TTN indicates an anticipated requirement for five vehicles to park and seven additional two-way vehicle movements a day. There is a bus service immediately outside the site which would provide an opportunity for employees to reach the site without using a car. The LHA has not disputed the anticipated trip generation figures of the TTN, and the estimate of five employees is reasonable given the limited floorspace proposed. Moreover, an office use of the scale proposed would be unlikely to generate substantial numbers of visitors over and above the TTN figure. The question therefore is whether this additional demand for parking can be accommodated within the village.
22. A parking survey undertaken as part of the TTN estimated a total of 311 parking spaces across surrounding streets within 200 metres of the appeal site, with an average of 67 vehicles parking across the day, a rate of 21.5% occupation. My own rough count of the same area indicated a comparable number, with the greatest concentration to the west of the appeal site along

² Dated July 2019 by Ardent Consulting Engineers

Main Street between Langton Road and Manor Road, but with other areas, including around The Green, not particularly heavily parked. I am aware that my visit was only a snapshot of the situation, and I noted that the village shop adjacent to the site had closed around the time I was conducting my visit. My visit also took place during the ongoing Covid-19 situation and school holidays and the levels of parking I saw may not reflect typical conditions.

23. I have had regard to the numerous representations made by local residents which make clear their concern over existing levels of parking, some of which have provided photographs of parking in the vicinity of the appeal site. The level of local concern is also apparent in the supporting text of the NP where the existing traffic issues and concerns over increases in parking demand from future housing developments are identified as important issues. I also note the representations made at the Planning Committee meeting by a local councillor which questioned the level of parking identified in the appellant's TTN, suggesting it did not account for places where cars could not be parked on both sides of the street, and that the actual number of spaces was 176, or as low as 152 allowing for clearance at junctions.
24. I accept that the streets are narrow around the appeal site, and the unrestricted nature of the parking means that situations can arise where vehicles park on both sides and restrict traffic to a single lane. Photographs and comments from local residents indicate that parking stress is most prevalent within the area around the appeal site, due to the presence of the aforementioned commercial uses, and I can understand the concern that the additional parking demand arising from the proposal is likely to occur where parking pressure is already most acute.
25. In this respect, the appellant's parking survey indicates that for the area immediately surrounding the appeal site (Area 9, The Green North), parking occupancy reached 56% at 1800 hours, whilst Area 10 (The Green South) showed occupancy of at least 44% and up to 67% across the day, although this relates to parking on both sides of the roads surrounding the green which photographs before me indicate can impede traffic through the village when it is particularly heavy. However, the results of the survey show ample parking available across the wider network of surrounding streets. I recognise that employees and visitors may want to park as close to the proposed office as possible, but the unrestricted nature of the parking in the area means it may not always be available, as it may not be for shoppers or pubgoers presently, and employees would therefore make use of the parking available on surrounding streets which is within easy walking distance of the appeal site.
26. I have sympathy with residents who experience frustration and inconvenience with parking and traffic within the village and I do not doubt their concerns are genuine. However, perceptions of how bad an existing situation is or how significant the traffic generated by a development will be can differ greatly and the purpose of documents such as the appellant's TTN is to provide quantifiable evidence of the expected impact of the development to enable an objective conclusion to be reached. In this case, whilst I do not disregard the photographic evidence supplied by the Council and interested parties, I cannot be certain that it demonstrates a materially greater parking pressure than shown by the results of the TTN. Even if I was to take the councillor's lower figure of 152 available spaces, an average occupancy of 67 vehicles as expressed by the TTN would still equate to only around 44% of spaces being

used, which would leave more than enough space to accommodate five additional vehicles.

27. Taking these matters together, demand for parking as a result of the proposal would be modest and, on the basis of the appellant's TTN, the results of which neither the Council nor the LHA has disputed, there would appear to be sufficient availability of parking across surrounding streets to accommodate the limited parking demand arising from the proposal.
28. I note reference to proposals to mark road edges with red lines outside and near to the shop and in front of the appeal site which would restrict waiting by vehicles at all times. However, I have limited evidence about the status of this proposal and afford it limited weight as a result. Nonetheless, on the basis of the plan I have seen of this proposal, the extent of the proposed restriction would not reduce the overall availability of parking to such an extent that it would alter my conclusions on this issue.
29. The Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Having regard to the totality of evidence before me, and given the limited number of employees and parking demand the proposal would generate, I am not persuaded that it would lead to a significant reduction in the availability of parking or lead to severe cumulative effects on highway safety, and so the Framework does not indicate the proposal should be prevented on this basis.
30. Overall, I conclude that the proposal would not generate severe levels of traffic movement nor significant parking demand which would result in unacceptable impact on highway safety. Therefore, the proposal would accord with the aims of Policy GD8 of the HLP to ensure adequate provision is made for parking, access and the safe movement of all highway users. This policy being the most recently adopted, compliance with it outweighs the limited conflict with Policy EMP2(e) due to the lack of on-site parking.

Other Matters

31. The site is in the Great Bowden Conservation Area (CA), and adjacent to several listed buildings, including Nos 26, 30 and 31 The Green, and I have had regard to the statutory duties relating to proposals affecting these designated heritage assets. The significance of the CA derives from its network of greens and open spaces, the fragmented and irregular shape of which results in many different angles to the built form. The Council's CA Character Statement refers to many intimate areas within the built form and to infill development giving a mosaic of buildings of different ages. The irregular layout of the site surroundings, including the recessed positions of Nos 30 and 31 are examples of this character. Having regard to the scale and traditional form and materials of the proposed building, it would contribute to this irregular and organic pattern of development whilst maintaining a consistent appearance with adjacent buildings. On the evidence before me, I do not conclude differently to the Council and find that the character and appearance of the conservation area and the settings of the listed buildings would be preserved.
32. I have had regard to other concerns raised by interested parties, beyond those already addressed. However, none of these raise matters of such significance

as to attract further positive or negative weight to be factored into the planning balance, and therefore I do not address them in further detail.

Planning Balance

33. The proposal would create an office use, and I recognise the support in principle within the HLP, the NP and the Framework for new business uses, though the NP does not set out a specific local need for new business development in Great Bowden, nor has other evidence of such a need been put to me. Nonetheless, the development would generate economic benefits from its construction and subsequently through creation of up to five jobs in the local economy. Given the scale of the proposal I afford these benefits moderate weight overall.
34. Whilst I have not found harm in respect of the issue of parking, the harm I have identified with respect to the living conditions of neighbouring occupants means that the proposal would result in conflict with the development plan, taken as a whole, to which I afford significant weight. The benefits of the proposal and other material considerations would not be sufficient to outweigh this conflict, and do not indicate that permission should be granted.

Conclusion

35. The appeal is therefore dismissed.

K Savage

INSPECTOR