
Appeal Decision

Site visit made on 28 July 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/K2420/W/20/3250796

2 Preston Drive, Newbold Verdon, LE9 9PJ

- 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 Mr Steve Walters against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 20/00140/OUT, dated 06 February 2020, was refused by notice dated 06 April 2020.
 - The development proposed is described as: currently, 2 Preston Drive has one single residential property situated on a corner plot. I wish to split the land of the corner plot and sell it so that another single residential property can be built on the land that is sold. I will not be carrying out the building work myself. New parking will be created for 2 Preston Drive at the front of the property by having the kerbs lowered to allow 2 parking spaces. Existing parking to the rear of the plot will be allocated to the proposed dwelling and can accommodate 2 car parking spaces.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The application was submitted in outline with all matters reserved for future consideration. I have considered the proposal accordingly.

Main Issues

4. The effect of the proposed development upon 1) the character and appearance of the area, 2) the living conditions of the occupiers of No 2 Preston Drive, and future occupiers of the appeal development, with regard to outlook and the amount of private amenity space.

Reasons for the Recommendation

Character and appearance

5. The appeal site lies in a residential area at the junction of Preston Drive and Dragon Lane. The area is characterised by semi-detached and detached dwellings, with a limited number of terraced houses and bungalows, which are set back from the highway with well defined 'building lines' to both roads. The trees and hedgerows within the appeal site combine with the open space to the rear of it to make a positive contribution to the character and appearance of this otherwise largely built up area.
6. Although no detail is before me at this stage in terms of the layout and appearance of the new dwelling, there is a high probability that given the size and shape of the appeal site, and the likely relationship between the new dwelling and the host property, that it would be at odds with the established grain and pattern of development of both Preston Drive and Dragon Lane, being set back from No 2 and nearby development in Preston Drive, and close to the boundary with the highway on Dragon Lane
7. Moreover, it is likely that the existing trees and hedgerow on the Dragon Lane frontage would have to be removed to enable the construction of the dwelling, and in order to secure the provision of associated services. As a result, a dwelling on the site would be visually prominent in the streetscene and out of keeping with the more spacious properties found in the locality. Furthermore, it would close the gap between the host property and properties on the western side of Dragon Lane, restricting the views along Dragon Lane to the landscaped open spaces to the south. Consequently, it would appear as an incongruous feature within the street that would not enhance the character of the area.
8. I visited the nearby streets and saw that whilst some properties had been extended, the overall character of the built environment was well preserved. I took particular note of the bungalow at No 60 Dragon Lane. Whilst there are similarities with the appeal site the development of this prominent corner site does not provide an example of good design that reflects the character and appearance of the area. Furthermore, the context of this site appears different to the appeal site and its relationship to the open space to the rear of it. Moreover, I am not aware of the circumstances that prevailed when it was granted. In any event, each application and appeal should be determined on its individual merits, and this is the approach that I have adopted.
9. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area, in conflict with Policy DM10 of the Hinckley and Bosworth Borough Council Local Plan 2006-2026 - Site Allocations and Development Management DPD (SADMP). The proposal also conflicts with the Hinckley and Bosworth Borough Council – Good Design Guide (DG) and Part 12 of the National Planning Policy Framework (the Framework), which jointly seek to promote high quality design that complements or enhances the character of the surrounding area.

Living conditions

10. At this outline stage I have no details of the layout or design of the proposed dwelling. Notwithstanding this, it is likely that the new dwelling would be located a short distance from the side gable of the host property and project a small distance beyond its rear wall. Although the proposal would be close to the party boundary, I am satisfied that sufficient distance would remain between the host property and the new dwelling, and the projection beyond the rear wall of No 2 would not be so great, that it would result in development that would be overly intrusive or overbearing on the rear amenity space, or rear rooms of the host property.
11. The resultant gardens that would be created as a result of the proposal would be similar in size to others in Preston Road. Given this, and in the absence of evidence to substantiate the Council's concern, I find that a suitable amount of outdoor space could be provided for future occupiers of the new dwelling, providing that the size of the dwelling was controlled as part of a subsequent application. Moreover, an acceptable outdoor space would be provided to the occupiers of the host property.
12. In light of the above, I find that acceptable living conditions would be provided to the occupiers of No 2 in terms of outlook. Acceptable living conditions would also be provided to the intended future occupiers of the new dwelling, subject to the size of the dwelling being controlled as part of a subsequent application. Consequently, I conclude that the proposal would comply with Policy DM10 of the SADMP which seeks to protect the privacy and amenity of nearby residents. Moreover, the proposal complies with Framework paragraph 127 f) which, amongst other matters, requires places to be created with a high standard of amenity for existing and future users.

Other Matters

13. I acknowledge that the removal of the side conservatory to accommodate the new dwelling would not have an adverse effect on the character of the area. Furthermore, I note that the Council state in their delegated officers report that the development would not have a significant impact on parking or highway safety. I have no reason to disagree with them on this matter. These matters however are neutral factors in my consideration of this case.

Planning Balance and Conclusion

14. The proposal would result in 1 new family sized dwelling in a sustainable location close to services and facilities. This is not in dispute. The scheme would make a contribution, albeit small, to the supply of housing in the area, at a time when the Council is unable to demonstrate a five-year supply of deliverable housing sites. This matter carries considerable weight.
15. Paragraph 11 d) of the Framework requires decision makers to apply a presumption in favour of sustainable development where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, when assessed against the policies in the Framework taken as a whole.

16. Notwithstanding the absence of a five year supply of deliverable housing I find that Policy DM10 of the SADMP is relevant to this appeal, is consistent with the Framework, and is not out of date. For the reasons set out above I find that harm would be caused to the character and appearance of the area, and as a result, the appeal proposal would be in conflict with the development plan, and the Framework. Moreover, I find that the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. There are no material considerations which lead me to determine the appeal otherwise than in accordance with the development plan. Accordingly, the proposal would not comprise sustainable development.

Recommendation

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR