The Planning Inspectorate

Appeal Decision

Site visit made on 25 August 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2020

Appeal Ref: APP/G2435/D/20/3254026
8 The Moorlands, Coleorton LE67 8GA

- 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 Hudson Kennaugh against the decision of North West Leicestershire District Council.
- The application Ref: 20/00036/FUL, dated 8 January 2020, was refused by notice dated 20 March 2020.
- The development proposed is the erection of a new build garage to the front of the property. A timber and brick pier fence to be installed to the front boundary. Replace the garage door with a patio door to the existing dwelling.

Decision

1. The appeal is dismissed insofar as it relates to the erection of a new build garage to the front of the property and a timber and brick pier fence to be installed to the front boundary. The appeal is allowed insofar as it relates to replacing the garage door with a patio door to the existing dwelling and planning permission is granted for replacing the garage door with a patio door to the existing dwelling at 8 The Moorlands, Coleorton LE67 8GA in accordance with the terms of the application, Ref: 20/00036/FUL, dated 8 January 2020, so far as relevant to that part of the development hereby permitted and subject to the following conditions:

    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 plan: HK-8M-PL05 Existing & Proposed House Elevations

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the details shown on the approved plan: HK-8M-PL05 Existing & Proposed House Elevations.

Main Issue

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

Reasons

3. The appeal property comprises a detached dwelling that is well set back from the site frontage. The area up to this boundary is spacious, and contains a front garden and a parking area that is set slightly down from the road. The hedgerow along this boundary is an attractive feature, as is a pine tree found just to the rear of it.

4. To the north, there is a row of dwellings that share a number of these characteristics with the appeal property. Whilst they have differing architectural styles and include more modern infill dwellings, they maintain a similar building line and are also well set back from the road. This results in an open character to the front of these dwellings. Hedgerows are the predominant form of how their site frontages are enclosed. These are pleasing attributes of the local character.

5. The proposed garage would be positioned well forward of the appeal property and the building line of the row of the dwellings. Hence, it would not adhere to this characteristic and it would disrupt from the open character of their front areas. The lower ground level than the road would not address that the proposed garage would be out of keeping by virtue of its siting, and nor would that it would be subservient to the host dwelling and be constructed of similar external materials.

6. The appellant has provided photographic evidence that a car port was located in this part of the site. The proposed garage would, though, be on a substantially greater scale and its design would result in a more enclosed structure than the car port. The open sides of the car port would have resulted in it having a markedly less detrimental effect on the open character.

7. The dwellings to the south of the site are of an appreciably different character because they are positioned around a cul-de-sac development. They do not share the same qualities with the appeal property and the row of dwellings to the north, in terms of either building lines or how they display an open character. The proposed garage would also be sited forward of a single storey projecting element on the neighbouring dwelling to the south and this would draw attention to that it would appear incongruous. The properties that front a side road well to the north of the site are too distant so as to appreciably inform its character with the row of dwellings in between.

8. The replacement of the hedgerow with the proposed fence sited along the site frontage would further disrupt the open character. With its solid design and its scale, in particular the height, the degree of enclosure would be stark in these surroundings. That a property opposite the site is enclosed in a similar way does not change the prevailing character, where hedgerows are more prevalent.

9. There is not substantive arboricultural evidence before me concerning whether the hedgerow is damaged or dying and the effects on the pine. Moreover, it is not apparent why this necessitates a fence of the design as proposed with its adverse effects on the character of the area.

10. The Council's Good design for North West Leicestershire Supplementary Planning Document for new developments (2017) (SPD), in part, provides guidance on extensions. Whether or not this particular guidance in the SPD is

to be applied to householder outbuildings and fencing is unclear from the parts of the SPD that I have been referred to. Nevertheless, the SPD states that it applies to all development and sets out to create well designed buildings and spaces. This would not be achieved for the reasons that I have set out.

11. The benefits that are referred to concerning the occupiers of the appeal property and the accommodation are largely of a personal nature. The lack of unacceptable effects on the living conditions of the occupiers of the neighbouring properties and in highway safety terms attract neutral weight. Sustainable design and construction methods are not in dispute, but do not overcome the broader design concerns.

12. Taking these matters together, I conclude that the proposed garage and fence would have an unacceptable effect on the character and appearance of the area. As such, they would not comply with Policy D1 of the Council's North West Leicestershire Local Plan (2017) where it states that the Council will support proposed developments that are well designed and as a minimum offer a good standard of design, and criteria related to assessment and appraisal, and place making.

13. As well as not complying with the SPD, the proposed garage and fence would also not accord with paragraph 130 of the National Planning Policy Framework (Framework) where it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

14. The proposed external alterations to the front elevation of the dwelling would raise less of a concern and are not objectionable. In terms of the overall appearance of the front of the dwelling, the effect of these alterations would be neutral, and so they would not justify permitting the remainder of the proposal. Nonetheless, they would not be unacceptable in their own character and appearance terms and would comply with Policy D1, related guidance in the SPD and the Framework.

Conditions

15. In addition to the timescale for implementation, I have imposed a condition concerning the approved plan for the purposes of certainty in relation to the proposed external alterations to the front elevation of the dwelling. I have also imposed a condition by way of the materials shown on the approved plan. This is in order to protect the character and appearance of the building and the area.

Conclusion

16. I conclude that the appeal should be allowed insofar as it relates to replacing the garage door with a patio door to the existing dwelling but dismissed insofar as it relates to the erection of a new build garage to the front of the property and a timber and brick pier fence to be installed to the front boundary.

Darren Hendley

INSPECTOR