



Appeal Decision

Site visit made on 6 October 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 11th November 2020

Appeal Ref: APP/G2435/W/20/3253043

8 Redlands Estate, Ibstock LE67 6HT

- 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 King against the decision of North West Leicestershire District Council.
 - The application Ref 19/01948/FUL, dated 30 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is the erection of a 3 bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 bedroom detached dwelling at 8 Redlands Estate, Ibstock LE67 6HT, in accordance with the terms of the application, Ref 19/01948/FUL dated 30 September 2019, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Main Issue

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

Reasons

3. The host dwelling is one of a pair of semi-detached dwellings on a residential estate. The appeal site is land which currently forms a drive and garden land to the side of the host dwelling.
4. The Redlands estate comprises two distinct areas of development. Older properties to one side of the estate have a consistency of design which arises in part from their semi-detached layout and similar plot sizes. Some of these have a distinctive projecting front gable. There is more variation in property design and plot size within the area of more modern dwellings to the other side of the estate.
5. The host dwelling lies at the edge of the area of older properties and adjacent to the more modern development. The rear elevations to the newer dwellings at Nos 10 and 12 Redlands Estate face the appeal site, and further areas of newer development are visible where the road turns a corner. Both areas consequently form the appeal site's context.
6. The host dwelling has a central position within the estate. It lacks the front gable of development on the opposite side of the road, however, together with

its semi-detached neighbour it is the only older property on this length of street to have this design. Otherwise, the front gable design is a strong feature of the street scene as a whole as a result of its inclusion on the row of properties which lie opposite the host dwelling.

7. The new dwelling's front gable would have a steeper pitch than that of the properties opposite. Nevertheless, as the building would have a narrower width this would accord satisfactorily with its overall proportions, where a closer replication of the original front gables may not. Its smaller plot size would be characteristic of a proportion of the newer development, which forms part of the site's context.
8. Whilst a detached dwelling is proposed, this difference from the layout of the original semi-detached properties does not automatically result in harm. It would have similar proportions to the host property and would follow its building line, so that its type would not result in undue prominence within the estate. The building would not have a chimney, however this is also a feature of some properties within the newer portion of the estate. Thus, it is not so integral a characteristic that its absence results in any unacceptable harm.
9. The host dwelling's drive holds a single storey garage, with hardstanding for a further vehicle in front of it. An area of land in front of the host dwelling has a stone surface. Many property frontages on the estate are surfaced with hardstanding for parking, so that whilst soft landscaping adds positively to the street scene where present, it is not a strong characteristic of frontages in the vicinity.
10. The appeal proposes two parking spaces in front of both the host and new dwellings, with an area of soft landscaping adjacent to these in both cases. As there is minimal soft landscaping within the property's frontage at present, the proposal would increase the quantity of this, with a resulting modest positive effect on the area's appearance. Furthermore, natural form within gardens would remain visible to the rear of the property, which would help to soften the appearance of built form. Moreover, soft landscaping is not so strong a characteristic of property frontages that the quantity proposed would harm an established pattern of development. Thus, in this case, a divergence from the quantity of soft landscaping recommended in the Council's guidance¹ (the SPD) would not be unacceptably out of character.
11. Accordingly, whilst a limited degree of conflict with the SPD exists, the proposal would have an acceptable effect on the character and appearance of the area. As a result, it complies with Policy D1 of the North West Leicestershire Local Plan (2017) (the LP), which states that the Council will support proposed developments that are well designed. Further compliance exists with the design principles of the National Design Guide and the National Planning Policy Framework (2019) (the Framework).

Other Matters

12. I acknowledge concerns regarding the effect of the proposal on demands on the drainage system and on highway safety. However, there is no evidence before me that the proposal would have an unacceptable effect on such matters. Furthermore, I consider that these matters can be adequately

¹ Good design for North West Leicestershire Supplementary Planning Document for new developments

addressed by conditions. Accordingly, I do not consider that the proposal would cause unacceptable harm in these regards.

13. The proposed dwelling would lie an adequate distance from No 15 Redlands Estate to cause no unacceptable harm to the living conditions of the occupiers with regard to outlook and sunlight. Similarly, the bathroom window which would lie within the side elevation facing No 10 Redlands Estate would be likely to have obscure glazing, and sufficient garden land would separate the two properties to safeguard the privacy of the occupiers of both households.

Conditions

14. I have imposed a condition specifying the relevant drawings as this provides certainty.
15. Condition 3 is imposed in order to protect the character and appearance of the area. It is a pre-commencement condition in order to provide protection over the full course of development.
16. Condition 4 is imposed in order to protect the character and appearance of the area, in accordance with Policy D1 of the LP and the design provisions of the Framework.
17. Condition 5 is imposed in order to ensure the positive contribution of soft landscaping to the appearance of the scheme, in accordance with Policies D1 and EN3 of the LP.
18. Condition 6 is imposed in order to provide for the replacement of any soft landscaping where necessary, in view of its positive contribution to the appearance of the scheme and in accordance with Policies D1 and EN3 of the LP.
19. Condition 7 is imposed in order to safeguard the character and appearance of the area and in accordance with Policy D1 of the LP.
20. Condition 8 is imposed in order to reduce the potential for the development to cause harm by inappropriate highway parking and in accordance with Policies IF4 and IF7 of the LP and the transport provisions of the Framework.
21. Condition 9 is imposed to ensure that a sustainable drainage system is provided in accordance with Policies CC2 and CC3 of the LP.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

C Beeby

INSPECTOR

Schedule of 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 plans: Drawing No. 001 (Proposed Elevations) of March 2019, Drawing No. 002 (Proposed Floorplans) of March 2019, Drawing No. 003 (Location Plan) of January 2019, Drawing No. 04 (Site Plan) of March 2019 and Drawing No. 006 (Storm Attenuation Plan) of October 2019.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development above damp proof course level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless a variation to the landscaping scheme is approved in writing by the local planning authority.
- 7) The development hereby permitted shall not be occupied until details of hard landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.
- 8) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with Drawing No. 004 for four cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 9) The building hereby permitted shall not be occupied until the sustainable drainage system for the site shall have been completed in accordance with the submitted details shown on Drawing No. 006, the Additional Information document concerning drainage and the Polystorm-R Modular Cell document received by the local planning authority on 15 October

2019. The sustainable drainage system shall be managed and maintained thereafter.