



Appeal Decision

Site visit made on 7 December 2020 by Darren Ellis MPlan

Decision by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2021

Appeal Ref: APP/T2405/W/20/3258646

Ashleigh, Broughton Road, Stoney Stanton LE9 4JA

- 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 Wesley Cartwright against the decision of Blaby District Council.
 - The application Ref 20/0631/OUT, dated 11 May 2020, was refused by notice dated 7 August 2020.
 - The development proposed is a 2 bedroom bungalow.
-

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.

Procedural Matters

3. The application was submitted in outline with approval sought for access and layout, with appearance, landscaping and scale reserved for subsequent approval. I have assessed the appeal proposal on that basis.
 4. The first reason for refusal refers to 2 Vicarage Close. However, as the submitted site plan does not show a Vicarage Close in the vicinity, this appears to be an error. I have dealt with the appeal on the basis of the address set out in the banner heading above and with regard to the plans provided.
 5. The emerging Fosse Villages Neighbourhood Plan 2018 – 2029 (NP), referred to in the decision notice and the Council's report, has not been adopted. However, the NP has been through an independent examination, the amendments proposed by the examiner have been accepted, and the NP is ready to proceed to a public referendum. I therefore afford significant weight to the NP policies.
 6. The reasons for refusal and the Council's report refer to NP Policy FV9, with the wording of the policy provided in the report. However, the submitted policy documents include NP Policy FV6, which has identical wording to that provided in the report for NP Policy FV9. This appears to result from re-numbering of policies following examination. For the avoidance of doubt, I have referred to Policy FV6 of the Fosse Villages Neighbourhood Plan: Referendum 2018 - 2029 version.
-

Main Issues

7. The main issues are the effect of the proposed development on the character and appearance of the area; highway safety; and living conditions of future occupiers, with particular regard to privacy.

Reasons for the Recommendation

8. Located on the inside of a bend on Broughton Road, the site lies within a residential area and comprises part of the side garden area and driveway of Ashleigh. The site is surrounded by a low wooden fence and black metal railings and currently comprises low vegetation with limited shrubs. The proposed development would involve the erection of a two-bedroom bungalow and a slight enlargement of the parking area to provide parking and access for the existing dwelling at Ashleigh and the proposed dwelling.

Character and appearance

9. This part of Broughton Road consists of a mix of detached, semi-detached and terraced two-storey properties of different ages and design. Ashleigh and its semi-detached pair both appear to have relatively spacious side gardens and have only a very small set back from the road, while properties along Broughton Road to the south-east are set back much further from the road behind their front gardens. To the rear of the site are 1 and 2 Church View Close, a pair of semi-detached bungalows with rear dormers which give the appearance of two-storey development.
10. The proposed layout would see the proposed bungalow set back from the road by more than Ashleigh and its semi-detached pair but less than the properties to the south-east. The position of the proposed bungalow on the bend in Broughton Road would cause the proposed bungalow to project forward of the building line of the properties to the south-east. This would provide a visible disruption to the prevailing pattern of development. It would appear contrived and cramped in this location.
11. Notwithstanding the outline nature of the proposed development, it is possible to express concerns about the effect of such a development on the character and appearance of an area. Although matters relating to appearance would be reserved for future consideration, the prevailing character of the area is one of two-storey development. Accordingly, the single-storey property proposed would not reflect the area's general built form.
12. I acknowledge that the site is presently vacant and in poor condition and that this may have given rise to fly-tipping. However, there is little evidence available to me of anything preventing improvements being made to the site's overall condition and security. As such, I am not convinced that this particular proposal is necessary to deliver enhancements to the site and in turn to the surrounding streetscene.
13. Concluding on this main issue, the proposed development would cause harm to the character and appearance of the area, contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) (CS), Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) (DPD), and NP Policy FV6. These policies require, amongst

other things, development to be of a high-quality design which is appropriate in its context and to take account of local character and distinctiveness.

Highway safety

14. The proposed development would retain the existing vehicular access to the parking area, with the access being shared with Ashleigh. The proposed parking area would be enlarged to accommodate two cars for the proposed dwelling, one car for Ashleigh, and a turning area to allow vehicles to leave the site in a forward gear.
15. The Council states that a two bedroom property would require two off-street parking spaces while a three or four bedroom property would require three parking spaces. The two spaces for the proposed dwelling would satisfy the Council's requirements, however the one space for Ashleigh would be one less than is currently provided, and it has not been demonstrated that Ashleigh has fewer than two bedrooms to warrant provision of one car parking space.
16. Although there are no parking restrictions, on-street parking provision is limited in the immediate area, as Ashleigh and the site are located next to a bend in Broughton Road and opposite the junction with Middleton Close. As a result, the proposed development could cause cars to be parked in nearby residential streets. It has been highlighted by local residents that there are already difficulties with inconsiderate parking locally and that the road, which is a main route through the village, can get busy with cars, lorries and emergency vehicles.
17. The appellant illustrates on plan A004 Revision B that visibility splays of approximately 21m in both directions would be provided for drivers exiting the parking area. The Leicestershire Local Highway Guidance requires, for a new access, a vehicular visibility splay on a road subject to a 30mph speed limit of 2.4m x 43m. While the 43m visibility would not be achieved, the access point and visibility would be unchanged from the existing situation and I note that there has been no objection from the Local Highways Authority.
18. However, a driver would have to turn their head more than 90 degrees to the right to achieve this visibility to the east, even with low fencing, and an existing high fence on the western corner of the vehicular access would restrict views to the west. It is not clear if this fence would be retained or removed as part of the proposed development. Additionally, the proposed development would result in two dwellings being served by the same access with more cars being able to park on site. As such, there would be a modest intensification of the use of the parking area. Given the substandard visibility, any intensification of the use of this vehicular access would cause harm to highway safety.
19. I conclude therefore that the proposed development would have an unacceptable impact on highway safety. This would conflict with DPD Policy DM8 and NP Policy FV6 which require housing development to provide a safe and suitable access with an appropriate level of parking provision, and to comply with the Leicestershire Local Highway Guidance.

Living conditions of future occupiers

20. The proposed bungalow as shown on plan A003 Revision B includes a bedroom window facing the side and rear garden of Ashleigh. The first-floor rear windows at Ashleigh are at such an angle that views of the site are very

limited. In this instance, I consider it unlikely that there would be any harmful effect on the privacy of future occupiers of the proposed bungalow. Furthermore, the existing first-floor side window at Ashleigh appears to be obscure-glazed and would therefore not result in any loss of privacy to the proposed bungalow.

21. In conclusion, the proposal would not cause harm to the living conditions of the future occupiers, with particular regard to privacy. It would therefore comply with DPD Policy DM1 and NP Policy FV6 insofar as they require development to not significantly adversely affect the amenities of residents, including privacy. I have not referred to CS Policy CS2 in this main issue as it does not appear to be directly relevant to living conditions.

Other Matters

22. The appellant has highlighted that the proposed development would not have an adverse effect on the living conditions of existing occupiers of neighbouring dwellings at Ashleigh and 1 and 2 Church View Close. On the basis of the information before me, I have no reason to disagree on this matter.
23. While I acknowledge that the proposed development would be constructed of locally sourced sustainable materials, would encourage use of renewable energy, and would have its own external amenity space, this does not alter my concerns regarding character and appearance and highway safety.
24. Although the appellant has suggested that they have previously sought pre-application advice from the Council and has confirmed that they are willing to amend the proposed development to address concerns raised, the appeal process is not the place to evolve proposals. Any concern about the Council's processing of pre-application and application proposals is a matter for the appellant to take up with the Council.

Conclusion

25. The benefits of the proposed development, in terms of the provision of an additional dwelling unit, and the lack of harm in respect of the effect of the proposed development on the living conditions of future occupiers would not outweigh the harm identified with regard to character and appearance and highway safety.
26. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

Joanna Gilbert

INSPECTOR