



Appeal Decision

Site Visits made on 17 December 2020 and 6 January 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/F2415/W/20/3259093

2 Coronation Avenue, Broughton Astley, Leicester LE9 6PB

- 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 Miss M James against the decision of Harborough District Council.
 - The application Ref 20/00359/FUL, dated 6 March 2020, was refused by notice dated 22 April 2020.
 - The development proposed is a new detached 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original site visit was carried out from the road and the plans that accompanied the application did not show the conservatory to the rear of 2 Coronation Avenue. A second site visit was carried out in order to gain access to the rear garden to view the private amenity space that would be available to the occupiers of No 2 if the proposed development went ahead.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area: and,
 - the effect of the proposed development on the living conditions of the occupiers of No 2 with regard to amenity space provision and whether the proposal would provide acceptable living conditions for future occupiers in this regard.

Reasons

4. The appeal site is located within the development limits of Broughton Astley where the principle of infill residential development, such as the appeal proposal, is supported by the development plan.

Character and appearance

5. Coronation Avenue forms part of a housing estate and its streetscene is characterised by a pleasant regular pattern of widely spaced pairs of semi-detached houses with an alternating setback and open street corners. Whilst large side extensions have been built on the opposite side of Coronation Avenue these are attached to houses on corner plots which are angled away from their unattached neighbours. As a result, wide separation gaps of approximately 5 metres, in keeping with development that characterises the rest of the avenue, remain.

6. The appeal site consists of a semi-detached house on a wide chamfered corner plot. Owing to the set back of the proposed house in relation to the existing dwelling, on the approach along Coronation Avenue from Glebe Road it would be out of view and for much of the approach along Jubilee Avenue it would be seen in isolation. However, in nearby views, and in views directly in front of the site, the position of the house, set only approximately 1 metre or so from the side of the dwelling at No 2, would appear cramped and incongruous and incompatible with the pattern of development that characterises the area.
7. For these reasons, I therefore conclude that the proposed development would fail to enhance its immediate setting and would cause unacceptable harm to the character and appearance of the area and constitute poor design. The scheme would therefore conflict with policies GD2 and GD8 of the Harborough Local Plan, policy H3 of the Broughton Astley Neighbourhood Plan and chapter 12 of the National Planning Policy Framework ('the Framework'). These policies and chapter require the protection of the character and appearance of a locality through high quality design that respects local design features.

Living conditions

8. As a three bedroom house, No 2 is a family sized dwelling with a large side garden and smaller rear garden. The wide width of the side garden compensates for the lesser size of its back garden and ensures that the dwelling has a similar amount of amenity space to other houses on the avenue.
9. The plot for the proposed development would occupy the whole of the side garden leaving only the rear garden for the occupiers of No 2 which the appellant estimates would be 40 square metres (sqm) in area. However, a conservatory attached to the house within the rear garden has been omitted from the application plans and no reference has been made to it in the appellant's appeal statement. It significantly reduces the size of the rear garden and its position in the centre of the rear elevation leaves a 'U' shaped private amenity space around its perimeter that would be of little practical amenity value for young children to play outside in and for rest, relaxation and clothes drying. Frolesworth Road Recreational Ground is nearby and easily accessible on foot. However, this would not compensate for the inadequate private amenity space that No 2 would be left with should the proposed development take place.
10. The current occupier of No 2 is the appellant and she has not objected to the proposed development. The issue of consumer choice has also been raised. However, one of the functions of the planning system is to create places that have a high standard of amenity for existing and future users and in this regard the proposal falls short of this goal.
11. The amenity space to the side and rear of the proposed dwelling is mainly rectangular in shape and has been calculated by the appellant as totalling 50 sqm. As the proposed dwelling would be a two bedroom dwelling that could only accommodate a small family, in my judgement, this would amount to acceptable provision.
12. Notwithstanding my favourable findings in relation to amenity space provision for the proposed house, this would not negate the inadequate amenity space provision for No 2 and the resulting demonstrable harm that would occur to living conditions at this property. This would be contrary to paragraph 127 of the Framework which, amongst other matters, requires that planning decisions create places with a high standard of amenity for existing and future residents.

Other Matters

13. My attention has been drawn to permissions that have been granted for other infill houses. These developments though are located several miles away in different settlements and so, for example, do not provide a local context relevant to Coronation Avenue and its particular streetscene. Moreover, the circumstances in each proposal are likely to be different, and in any event the fact that infill housing that has some parallels with the appeal proposal has been granted permission is not a reason, in itself, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. The existence of these other permissions therefore is not a consideration of material weight in favour of the proposal.

Conclusion

14. The appeal site is located within a Key Centre where owing to the good access to services and facilities on foot, bicycle and by public transport the principle of the proposed development is supported by the development plan. However, the proposal would cause unacceptable harm to the character and appearance of the area contrary to policies GD2 and GD8 of the Local Plan and policy H3 of the Neighbourhood Plan. As a consequence, I find that the proposed development would be contrary to the development plan considered as a whole.

15. The proposal would boost the supply of housing and the economy by a very small amount and, as I have noted, it is in an accessible location. However, due to the harm that I have found the proposal would cause it would not be a suitable windfall site within the meaning of paragraph 68c of the Framework. The material considerations put forward in favour of the proposal are insufficient to outweigh the harm identified in this decision and non-compliance with the development plan.

16. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the proposal would not be a sustainable development and that the appeal should be dismissed.

Ian Radcliffe

Inspector