



Appeal Decision

Site Visit made on 27 January 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/K2420/W/20/3260922

64 Lychgate Lane, Burbage, Hinckley, Leicestershire LE10 2DS

- 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 Ms T Powell against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/00611/OUT, dated 19 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed is a new detached dwelling with associated parking and garden space.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached dwelling with associated parking and garden space at 64 Lychgate Lane, Burbage, Hinckley, Leicestershire LE10 2DS in accordance with the terms of the application, Ref 20/00611/OUT, dated 19 June 2020, subject to the conditions in the schedule at the end of this decision.

Preliminary Matter

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance the area.

Reasons

4. The appeal site is the rear half of the back garden to the house at 64 Lychgate Lane and fronts Flamville Road. Located within the settlement boundary of Burbage, within easy reach of its services and facilities, residential development of the plot is supported in principle by the spatial strategy of the development plan.

Character and appearance

5. Flamville Road is a mature 'T' shaped cul-de-sac characterised by closely spaced semi-detached houses. Owing to the shallow depth of the front gardens and the shared surface nature of the road the cul-de-sac has an intimate character. At its western end the road has residential development on both sides. However, as the road moves closer to the rear of the houses to the east along Lychgate Lane the original residential development along the northern side of the road stops. As a result, the remaining houses along Lychgate Lane which back onto Flamville Road past this point have particularly long rear

- gardens. In 2009 permission was granted on appeal for the subdivision of the rear garden of the first of these dwellings, 60 Lychgate Lane, and the construction of a detached two storey house. The appeal plot is the next but one plot along the road to the east of this dwelling.
6. The appellant submitted an indicative proposed plan with the application. The Council states that a supporting statement was also provided. As the application is in outline the appellant is not tied to the detail shown on this plan. However, I have treated it as indicative of her intentions. The application has accordingly been assessed on this basis.
 7. The appeal plot is slightly narrower in width than the plot at No 60 and very similar in width to the facing semi-detached house plots on Flamville Road. The tall close boarded fence and gates which screens the site behind it from public view contributes little to the value of the streetscene. The indicative plan shows how a bungalow with car parking to the front and a garden to the rear could occupy the site and create an active frontage. The bungalow would be set close to the eastern side boundary and retain a 0.9m gap on the opposite side to allow access to the rear along the flank of the dwelling. In my judgement, owing to its limited height, and thus scale, a bungalow that occupies the vast majority of the width of the plot along this intimate road would be appropriately set and would not appear cramped.
 8. The application form makes clear that a 2 bedroom dwelling is proposed. Based upon the footprint of the proposed bungalow and the National Described Space Standard this would mean that the roof space would need to be utilised. Whilst this would mean that the bungalow would need to have a taller roof and windows would need to project from its roof slopes, in scale it would not be so large as to be harmfully out of keeping with its plot. Moreover, in views along the road it would be subservient in size to other residential development and complement the streetscene.
 9. For all of these reasons, I therefore conclude that with the control that exists at reserved matters stage the proposed development would complement the character and appearance of Flamville Road and its pattern of development in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and policy 2 of the emerging Burbage Neighbourhood Plan. These policies require the protection of the character and appearance of a locality through good design that respects local design features.

Other Matters

10. The effect of the proposed dwelling on the outlook, levels of natural light and privacy experienced within the houses that face the appeal site on Flamville Road would be in keeping with that experienced along the western end of the road where houses face each other and is normal for residential development along a street. In terms of Lychgate Lane, sufficient separation would exist between the proposed dwelling and the existing houses for such problems not to occur. On the basis of the indicative plan there would also be sufficient space to the side of the dwelling to allow refuse bins to be stored to the rear.
11. In terms of highway safety, as the street is a shared surface it is a low speed environment and the proposed dwelling's two off-street parking spaces would be in keeping with the amount of off-road parking provided to other dwellings

along the road. As a result, whilst cars would have to reverse into or out of the parking spaces on the site, I find that this would not result in harm to highway safety. Moreover, given that the houses opposite are able to reverse into and out of their parking spaces without coming into conflict with the boundary fence to the appeal site, there would be no need for future occupiers of the proposed dwelling to encroach onto their land in order to enter or exit their parking spaces.

12. It is normal that construction does involve some noise and occasional disturbance. However, the scheme is small in scale and should problems be excessive or occur at unsocial times of the day or week, the Council's environmental health service has statutory powers to address matters.

Conclusion

13. The proposed development complies with the development plan as a whole. The National Planning Policy Framework ('the Framework') though is an important material consideration.
14. It is common ground between the parties that due to the new housing figures required for the Borough that a five year housing land supply cannot be demonstrated. As a result, in accordance with paragraph 11 d of the Framework, the policies of the development plan most important for determining the application are out of date and the so called 'tilted balance' applies. In this case, I have found that there are no adverse impacts of note associated with the proposal. The provision of the dwelling would have environmental, social and economic benefits by helping address housing need in the Borough within a settlement that has good access to services and facilities and through its construction and the spend associated with an additional household. The proposal would therefore constitute a sustainable development and the Framework supports granting permission in this case.
15. There are no material considerations therefore that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Conditions

16. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To ensure that the development complements the appearance of the road, details of ground levels and finished floor levels are required. In the interests of local amenity and highway safety, the development needs to include adequate off road parking.
17. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance. Following the site visit, the appellant provided written consent to the Council's suggested condition 4 being a pre-commencement condition. This condition has been re-numbered condition 5 in this decision.
18. A condition was suggested requiring vehicular visibility splays at the site access. However, as the splays sought are suitable for roads where traffic is travelling at 30 miles per hour, and Flamville Road is a low speed, shared

surface cul-de-sac with limited vehicle movements, this condition is unnecessary. Given these site specific factors, it is also unnecessary to mandate by condition pedestrian visibility splays suggested by the Council's delegated report.

Ian Radcliffe

Inspector

Schedule of conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan ref 20/29 01, Site plan as proposed ref 20/29 04, but only in respect of those matters not reserved for later approval.
5. No development shall commence on the site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved levels.
6. The dwelling hereby permitted shall not be occupied until such time as the two car parking spaces have been implemented in accordance with Drawing No: 20/29 04. Thereafter the onsite parking provision shall be so maintained in perpetuity.

-----End of Conditions Schedule-----