
Appeal Decision

Site visit made on 8 December 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/K2420/W/20/3259585
73 Mill Lane, Newbold Vernon LE9 9PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Andy Armstrong against Hinckley & Bosworth Borough Council.
 - The application Ref 20/00702/OUT, is dated 16 July 2020.
 - The development proposed is described as erection of a single dwelling (outline – access only) land adjacent 73 Mill Lane, Newbold Verdon, LE9 9PU.
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Procedural Matter

1. The application was made in outline with all matters reserved except access.

Decision

2. The appeal is allowed, and outline planning permission is granted for erection of a single dwelling (outline – access only), at land adjacent to 73 Mill Lane, Newbold Verdon, LE9 9PU, subject to the conditions listed in the attached Schedule of Conditions.

Main Issues

3. The main issues are the effect of the proposal on the host dwelling, street scene and character and appearance of the area.

Reasons

4. The appeal site is part of the domestic curtilage of the host property. The surrounding area is characterised by a mix of semi-detached and detached dwellings, mainly two-storey, though there are several bungalows within proximity of the site. The space between properties varies.
5. Mill Lane is off Barlestone Road, which passes the north-eastern built-up boundary of Newbold Vernon; there are several minor bends in the road. Except for a small number of properties, land to the north-west of Barlestone Road is open countryside. Apart from the property on the opposite corner of Mill Lane/Barlestone Road to the appeal site, the other properties on the Barlestone Road do not front the road.
6. I note that Council considers No 73 to be the closest built form to Barlestone Road. However, from my observations on site I consider there to be several buildings closer to the road than No 73; ie a few buildings located at the north-western end of the road, and the rear elevation of 'Forest View', a

property south-east of the site, which is sited very close to the edge of the road.

7. I acknowledge the Council's description of Barlestone Road having a strong verdant boundary. The south western side of the road comprises a combination of rear gardens of properties on Preston Drive (some of which have hedges along their rear boundary and trees within the gardens), the side garden of the host dwelling, the front garden of the dwelling opposite it, a grass verge buffer located between Barlestone Road and Sparkenhoe and some narrow grass verges and hedges along the edge of the road.
8. However, due to factors such as some properties being closer to Barlestone Road than the host property, bends in the road, the site being screened by trees when one travels in both directions, and as one gets closer to the site, the built form of existing properties currently forms the backdrop to where the proposed dwelling is broadly to be sited. Furthermore, although appearance, scale, layout and landscaping are matters reserved for a subsequent reserved matters application, I am satisfied that a dwelling which would respect the appearance, size, scale, separation distances between properties and layout and grain of the area could be achieved within the site, whilst retaining sufficient space along the boundary adjacent to Barlestone Road to provide landscaping in keeping with, and maintaining, the verdant character and appearance of the road.
9. I therefore conclude that the proposal would have an acceptable relationship with the host property, No 73, an acceptable relationship with the street scene and would be in keeping with the character and appearance of the area. As such, the proposal would accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and guidance in The Good Design Guide-Supplementary Planning Document (2020), which, in summary, seek to ensure that new development complements or enhances the character of the surrounding area.

Other Matters

10. I note that the Parish Council expressed concerns about highway safety. However, the Local Highway Authority (LHA) did not object to the proposal and I agree with the LHAs assessment of the location, the nature of the road network, the likely speeds of vehicles using the roads in proximity to the site, and the extent of visibility splays deemed to be suitable. As such, and subject to the conditions attached, I am satisfied that the proposal would not create any highway safety concerns.

Conditions

11. I have attached conditions regarding the timing of a reserved matters application, and implementation of development, to ensure development is carried out in a timely manner. A condition specifying the approved plans is attached for the avoidance of doubt. A condition requiring ground and floor levels is attached to protect the character and appearance of the area. Conditions relating to the access, driveway, visibility splays and parking and turning areas are attached in the interests of highway safety.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

Schedule of Conditions

- 1) An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) No development shall commence until plans and particulars of "the reserved matters" referred to in condition 1 relating to the appearance of the dwelling, including materials for external finishes, landscaping of the site (hard and soft) and boundary treatments, layout of the site and scale of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in complete accordance with the details shown on Drg No: Armstrong-001 Rev A, received by the Local Planning Authority on the 26 August 2020.
- 4) No development shall commence until details of the existing and proposed ground levels of the site, and proposed finished floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until details of parking and turning facilities have been submitted to and approved in writing by the Local Planning Authority and subsequently implemented. The approved parking and turning areas shall be retained and maintained thereafter without impediment to their designated use.
- 6) The development hereby permitted shall not be occupied until the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate), for a distance of at least 5 metres behind the edge of the carriageway. The area shall thereafter be maintained and retained without impediment to the designated use.
- 7) The development hereby permitted shall not be occupied until the access shown on drawing number Armstrong-001 Rev A has been implemented in full.
- 8) The development hereby permitted shall not be occupied until a vehicular visibility splay of 2.4 metres by 25 metres, south-western direction, has been provided at the site access. The splay shall thereafter be maintained with nothing being located within the splay higher than 0.6 metres above the level of the adjacent footway.
- 9) Nothing higher than 0.6 metres above the level of the adjacent footway shall be sited within the visibility splay in the north-eastern direction.
- 10) Notwithstanding the provisions of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order), no gates, barriers, bollards, chains or other structures shall be erected to the vehicular access within a distance of 5 metres of the carriageway edge.

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