



Appeal Decision

Site Visit made on 15 March 2021

by Robert Walker BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Appeal Ref: APP/K2420/W/20/3256790

5 White House Close, Groby LE6 0GW

- 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 Mrs Rita Morley against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/00321/FUL, dated 27 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is the part demolition of existing dwelling and erection of a detached dwelling in side garden.
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Decision

1. The appeal is allowed and planning permission is granted for part demolition of existing dwelling and erection of a detached dwelling in side garden at 5 White House Close, Groby LE6 0GW in accordance with the terms of the application, Ref 20/00321/FUL, dated 27 March 2020, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. I have used the one given on the Council's decision notice for completeness as the description on the application form did not refer to the partial demolition of the existing dwelling.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. No 5 White House Close (No 5) is located toward the corner of a small cul-de-sac. Three properties at the end of the cul-de-sac are set back from the street and are distinctly different in design to most of the properties in the cul-de-sac. Most of the houses either side of the street, including No 5, comprise of large 2-storey detached dwellings.
5. The proposed plot width, although narrowing to the rear, would appear similar to others from the street. Moreover, due to the width of the plot, the space to the side boundary and gap to No 5, the dwelling would not appear cramped within its plot.

6. The dwelling would be aligned to follow the broad building line of the other 2-storey houses on that side of the street and would have a similar height to the eaves and ridge. Moreover, its design, including materials, fenestration and architectural detailing would all draw from the character of the surrounding built environment.
7. The proposed dwelling would appear distinctly narrower than others in the street. However, there is a degree of variation, with no fixed repetitive width of dwelling. The design and positioning of the proposed dwelling and the width of the resulting plot would combine to assimilate the building into the group of houses within the cul-de-sac. This would, in my view, mitigate the visual effect of the narrower width and maintain a sense of cohesiveness within the street.
8. In dismissing a previous appeal for a dwelling at the site, the Inspector raised concerns regarding the shape and size of the plot and the modern, gable fronted design with large areas of glazing. Both the plot size and design of the dwelling have changed, and the circumstances are not directly comparable. Accordingly, I have reached my own conclusions on the appeal proposal based on the plans before me.
9. For the reasons set out, I conclude that the proposal would preserve the character and appearance of the surrounding area. The proposal would therefore comply with the requirements of Policy DM10 of the Council's Site Allocations and Development Management Policies DPD (2016). This stipulates, amongst other things, that development will be permitted providing that it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
10. Moreover, despite the dwelling having a narrower width, the proposal would accord with the objectives of the Council's Good Design Guide SPD, in seeking development that sits comfortably in the street scene.

Other Matters

11. The additional build form in comparison with the existing dwelling would be apparent from Nos 14 and 16 White House Close (No 14 and No 16). However, the proposal would maintain the broad front and rear building lines of No 5 at the first floor and roof levels. There would also remain a reasonable separation distance between these dwellings and the proposed dwelling.
12. The proposal would also significantly reduce the number of windows on the first-floor side elevation which face toward No 14, with only one obscure glazed window serving the stairwell. It is the shared access drive of No 14 and 16 that is nearest the boundary to the proposed dwelling, rather than the more useable private amenity space associated with these properties. Overall, the effect on the living conditions of the occupiers of these properties would not, therefore, be significantly harmful.
13. The proposed dwelling would face toward a section of the garden of the White House. However, this is a reasonable distance and is located beyond the access point for No 14 and No 16. This is a residential street and a certain degree of overlooking of gardens from upper floor windows is not unusual. One of the front first floor windows would serve a bathroom and the other bedroom window would not have a significantly different aspect to that from the existing

dwelling. The proposal would not, therefore, be significantly harmful to the living conditions of the occupiers of the White House.

14. Any disturbance to the occupiers of neighbouring properties during construction would be for a limited period and would not amount to a reason to withhold planning permission.
15. Other properties in the cul-de-sac have parking with vehicles reversing onto the road, there is also some on street parking available and space at the end of the cul-de-sac to turn. I have no substantive evidence before me that the existing arrangements within the street have resulted in any safety issues. The comings and goings associated with 1 additional house would be low and, in an existing residential area, are unlikely to result in any significant highway or pedestrian safety risk.
16. Two off street parking spaces would be provided for both the existing and proposed dwelling, along with a modified garage at No 5. As such, despite the proposed dwelling not having a garage there would be sufficient parking for the size of property. Moreover, even if vehicles in connection with the proposal were parked on the street, I have no substantive evidence that this would result in an adverse effect on highway or pedestrian safety.
17. Although part of the proposed rear garden would be awkwardly shaped, this is already the case as part of the garden at No 5, and it has been landscaped to provide an attractive functional space. Overall, both the existing property and the proposed dwelling would have sufficient garden to ensure a usable external amenity space.

Planning Balance

18. The Council has confirmed that it cannot demonstrate a 5-year housing land supply and the so-called 'tilted balance' applies to this case. This indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole.
19. The proposal would support the objectives of the Framework of significantly boosting the supply of homes, making an efficient use of the appeal site in a sustainable location. This would have, albeit as a single dwelling to a very small degree, social and economic benefits.
20. In addition, the proposal would preserve the character and appearance of the surrounding area and would not be significantly harmful to the living conditions of occupiers of neighbouring properties, highway or pedestrian safety. Overall, no harm has been identified, that would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conditions

21. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Conditions relating to materials, landscaping and the finished floor level are necessary in the interests of the appearance of the dwelling. The provision and retention of the access and car parking arrangements is necessary in the interests of

highway safety. I have adapted the Council's suggested conditions where necessary in the interests of precision and brevity.

Conclusion

22. To conclude, there are no material considerations 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.

Robert Walker

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: Dwg No: 2008-001; 2008-050; 2008-110; 2008-111; 2008-210; and 2008-300.
- 3) No development above ground level 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 ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) No development above ground level shall take place until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. 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 dwelling 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.
- 6) The dwelling shall not be occupied until the access arrangements and car parking spaces have been laid out within the site in accordance with drawing nos. 2008-050 and 2008 - 110. The car parking spaces shall thereafter be kept available at all times for the parking of vehicles.

End of Schedule