The Planning Inspectorate

Appeal Decision

Site Visit made on 20 April 2021

by Ian Radcliffe BSc(Hons) DMS MCIEH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2021

Appeal Ref: APP/X2410/W/20/3265244
17 The Nook, Anstey, Leicestershire, LE7 7AZ

- 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 Mr S Nair, Shiva Ram Ltd against the decision of Charnwood Borough Council.
- The application Ref P/20/1335/2, dated 29 July 2020, was refused by notice dated 19 November 2020.
- The development proposed is the creation of a pitched roof over existing building to create additional floor for 2 apartments. Revised scheme following approval on appeal of previous scheme.

Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Applications for costs

3. An application for costs was made by the appellant against Charnwood Borough Council. This application will be the subject of a separate decision.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including the host building.

Reasons

5. The appeal property is located on The Nook which consists of a series of terrace buildings with retail and services on the ground floor that enclose a roundabout where four roads in the centre of the village meet. 17 The Nook is a two storey mixed use building that was formerly a bank. It has business premises on the ground floor and three flats above.

6. Buildings on The Nook are set on the back edge of the pavement and at two to three storeys in height, built of brick and with gable ended pitched roofs they are relatively modest traditional buildings. A few scattered examples of dormer windows form part of the wider streetscene. No 17 contrasts with its

neighbours in that it has a more modern twentieth century design with taller elevations and a flat roof behind a low parapet wall. It also has distinctive small square windows at first floor level, rather than larger rectangular fenestration seen on surrounding buildings. With its tall curved elevation facing The Nook and distinctive fenestration No 17 has a distinctive appearance that turns the corner from the Nook onto Stadon Road well.

7. The proposed additional floor would create two flats and would have a pitched roof frontage facing the street punctuated by three dormer windows. Although set back slightly from the parapet wall the projection of the dormers forward of the roof slope would mean that they would be prominent features within the streetscene. The rectangular shape of the dormer windows and the vertical emphasis of the panes of glass within them would be at odds with the far smaller square windows at first floor level. As a result, they would be contrary to the supplementary planning document 'Design' (SPD) which guides that dormer windows should match the windows on the building and be as small as possible. Whilst in the context of surrounding buildings a pitched roof would be acceptable, the net effect of the scheme before me would be a confused building with traditional dormers in jarring juxtaposition with the more contemporary elevations and fenestration below.

8. An extant permission was granted on appeal for a flat roofed scheme set further back from the front elevation and without dormer windows that would also create two flats (Ref P/18/2273/2). In contrast to the appeal proposal though it is in keeping with the building and results in a coherent design on this prominent corner site.

9. Taking all these matters into account, I therefore conclude that the proposed development would be poorly designed and would cause material harm to the character and appearance of the building and so would detract from the character and appearance of the area. As a result, it would be contrary to policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy ('Core Strategy'), saved policy EV/1 of the Charnwood Borough Local Plan 1999 – 2006 ('Local Plan') and the SPD. These policies require the protection of the character and appearance of a locality through high quality design.

Conclusion

10. The proposal would not constitute good design and would cause notable harm to the character and appearance of the building and detract from the character and appearance of the area contrary to policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan. Although these policies predate the publication of the current Framework, as they seek to secure good design, which is a policy of the Framework[1], they are consistent with it and significant weight should be given to them in this appeal.

11. The appeal building is located within the development limits of Anstey and so would comply with policy CS1 of the Core Strategy and saved policy ST/2 of the Local Plan in terms of the development strategy. These policies are also consistent with the Framework. However, given the lack of a five year housing land supply only moderate weight should be attached to them. Given the clear conflict though described with regard to the policies relating to good design, I

[1] Chapter 12

find that the proposal would conflict with the development plan considered as a whole.

12. The Council has a 4.1 year supply of deliverable housing sites and so cannot demonstrate a five year supply. In these circumstances footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

13. The appeal proposal provides no social and economic benefits that are not already provided by the extant permission. Even if this was not the case, even taking account of the Framework's objective of boosting significantly the supply of housing and the Council's material shortfall of deliverable housing sites, the social and economic benefits would be limited. The two additional apartments would make little difference to the overall supply of housing in the borough. Furthermore, the support that the construction of the flats in this sustainable location and the resulting two extra households would provide to the local economy would be small. With regard to construction related employment and spend, the support would also be of short duration.

14. The adverse impact of the proposal on the character and appearance of the area and its failure to constitute good design would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Ian Radcliffe

INSPECTOR