



Appeal Decision

Site Visit made on 4 May 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/G2435/D/20/3264917

17 The Green, Diseworth DE74 2QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr M Stevens against the decision of North West Leicestershire District Council.
 - The application Ref 20/01566/FUL, dated 20 October 2020, was refused by notice dated 23 November 2020.
 - The development proposed was originally described as double garage with studio over.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted during the planning application process showing a reduction in the height to the proposed garage and removing the originally proposed studio. The Council made its decision on the basis of these revised plans. Therefore, I have assessed the appeal on the same basis.
3. The development proposed has already commenced with the concrete base and a blue brick course in place at the time of my site visit. I have therefore considered the proposal on the basis that planning permission is sought part retrospectively.
4. The Council has confirmed that since the planning application was determined, the Diseworth Village Design Statement was adopted as a Supplementary Planning Document on 27 January 2021 (Diseworth VDS). Therefore, this document now carries full weight as a material consideration in my assessment.

Main Issue

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

Reasons

6. No 17 sits within a row of residential properties on The Green which form the southern edge of the village of Diseworth. Grass verges border the public footway on The Green and there are fields opposite the appeal site. The appeal dwelling and other neighbouring dwellings which have front elevations facing The Green to the east have large front gardens or forecourts extending to the boundary with the road. A side access road off The Bowley and a soft landscaped area both sit forward of the front gardens serving the neighbouring dwellings to the west. Consequently, in both cases the predominant built form to this section of the road is appreciated as being set well back from the

highway on The Green. Overall, these characteristics combine to give the area a pleasant and spacious semi-rural quality.

7. The double garage would be slightly set down from the road level on The Green. Even so, the height, bulk, mass and detached nature of the building together with its position close to the front boundary would result in an unduly prominent and incongruous addition to the street scene and would significantly detract from the prevailing spacious characteristics of the area. The proposals to thicken and increase the height of the front boundary hedge would take some time to mature. In any case such planting would be unlikely to fully assimilate the building into its surroundings, particularly when viewed from the south east over the lower boundary treatments of neighbouring properties.
8. My attention has been drawn to other detached outbuildings in the area. However, the low-rise design of the outbuilding at No 23 The Green ensures it sits at a lower height than the front boundary wall and is not prominent from the street. Regardless of the condition of the detached garage which sits forward of No 15 The Green, the modest scale of this building, its position set back from the highway and the intervening vegetation ensure that it is not highly perceptible for passers-by along The Green. In any case, these examples do not convince me that the appeal proposal would positively reflect the prevailing characteristics of the area.
9. I conclude that the double garage would have a significantly harmful effect on the character and appearance of the area. In that regard, the development would be contrary to the good design requirements of Policy D1 (Design of New Development) of the North West Leicestershire Local Plan (2017), the Good Design for North West Leicestershire Supplementary Planning Document (2017) and the National Planning Policy Framework. The development would also conflict with the Diseworth VDS which amongst other things states that garages should not be the most prominent feature of a property when viewed from the road.

Other Matters

10. The appellant suggests that they would have been amenable to making changes to the design of the proposal including to its orientation, to incorporate a hip to the roof and to utilise facing brickwork instead of the proposed render. However, I must assess the proposal on the basis of the drawings before me.
11. Whether or not the Council invited the appellant to withdraw their planning application is immaterial to my assessment of the proposal under an appeal made under Section 78 of the Act.

Conclusion

12. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR