

Appeal Decision

Site Visit made on 9 June 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/K2420/W/21/3271210

14 Woodland Avenue, Burbage, Hinckley LE10 2BD

- 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 Ian McSeveney of MAS Architecture Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 20/01165/FUL, dated 3 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is a new bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and whether the development would provide satisfactory living conditions for its future occupants in respect of their outlook and outdoor amenity space.

Reasons

Character and appearance

3. The appeal site comprises, approximately, the rear half of the plot at 14 Woodland Avenue. The houses on Woodland Avenue are generally two-storey semi-detached properties arranged in a linear form. This pattern is a defining characteristic. No 14 sits on the corner of Woodland Avenue and Pickering Place. The properties in Pickering Place are of a recent construction and include semi-detached, detached, terraced and flatted dwellings. Nonetheless, they share a commonality in their use of finishing materials, design and their 2 to 3 storey heights. This commonality, as well as the tight knit arrangement of the dwellings, are positive characteristics.
4. The proposed bungalow would front Pickering Place. It would be separated from the host dwelling by around 12 metres and there would be a similar distance to the closest house in Pickering Place (No.25) on the opposite side of the road. There is a small park which separates the site from No.1 Pickering Place which is the next house on the same side of the road.
5. Although the bungalow would be constructed of materials similar to those used in the properties in Pickering Place, its distance from them means it would appear unconnected to them. Indeed, the gap to No. 1 would contrast with the minimal gaps between the houses in Pickering Place. Thus, it would not appear as part of that distinct, tight knit, development.

6. Likewise, although it would appear more associated with the houses on Woodland Avenue, particularly when seen from Pickering Place and the park, it would contrast with the linear pattern of housing there. The appellant has highlighted the development at The Meadows to the north, but this is some distance from the site, is a much larger development with its own distinct character and has little bearing on the context of the appeal site.
7. In addition, by virtue of its single storey nature, the bungalow would contrast with the two-storey houses in Pickering Place and Woodland Avenue. There are no other single storey dwellings in the immediate area and as a result the bungalow would appear incongruous.
8. The appellant has provided evidence to show that the proportion of the plot that would be covered by the bungalow is comparable to other development nearby, particularly that in Pickering Place and The Meadows. Whilst that may be so, it does not render the proposal acceptable in terms of its form or its relationship with the prevailing pattern.
9. Consequently, it would appear wholly incongruous in the context of the pattern and form of development locally. This would harm the character and appearance of the area and hence the development would fail to accord with policy DM10 of the Site Allocations and Development Management Policies development plan document (SADMP) which requires development to respect its surroundings having regard to the layout and pattern of development.

Living conditions

10. The parties do not disagree that the development would provide around 75m² of outdoor amenity space. The advice in the Council's Good Design Guide Supplementary Planning Document (the SPD) states that for two bedroom properties 70m² should be provided. Clearly the proposal meets this guidance.
11. However, a large proportion of this space would be to the rear of the bungalow and would be only around 2m wide. I also noted, from my site visit, that most of the area to the side of the house would be overshadowed by overhanging trees in the adjacent park. The SPD states that gardens are an important part of the quality of life afforded by a house. Therefore, it is considered that the quality of the garden space is a consideration as well as its size. This would be equally applicable to traditional front and back gardens as to courtyards, balconies or roof terraces. In my view, the narrowness of the rear garden area would limit its usefulness as a garden for a bungalow, and the overhanging trees in the park would make the side garden gloomy.
12. With regard to outlook, bedroom 2 would be served by two windows. One would be roughly 2m from the boundary with No. 16, which is a close boarded fence around 1.8m in height. The other would face towards the host dwelling, but be separated from it by a 2.4m high brick wall. There would be a gap of about 3m between this wall and the window, which would provide a parking space.
13. Although the outlook from both windows would be limited to some extent, the fact that there would be two windows leads me to consider that the outlook from the room as a whole would not be so limited that sufficient living conditions would not be provided in this respect.

14. Overall, although the outlook from bedroom 2 would be acceptable, the outdoor amenity space to be provided would not be satisfactory. As a result, in this respect also, the proposal would fail to accord with policy DM10 which aims to ensure the design of development takes account of the amenity of future occupiers.

Other Considerations

15. The Council have stated that they cannot demonstrate a five-year supply of deliverable housing sites. Therefore, because of the provisions of footnote 7, paragraph 11 (d) ii. of the National Planning Policy Framework (the 'Framework') should be applied. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
16. The Framework, in paragraph 124, advises that the creation of high-quality buildings and places is fundamental to what the planning process should achieve. It also says, in paragraph 127, that development should provide a high standard of amenity for future users. Paragraph 213 of the Framework is clear that the weight to be given to local policies depends on their consistency with the Framework. Therefore, even taking account of the objective of significantly boosting the supply of housing and assuming the Council's housing land supply shortfall is considerable, the conflict between the proposal and policy DM10 should be given significant weight.
17. Set against the harms identified there would be social, environmental and economic benefits. However an additional unit, even one which would make a more efficient use of this urban site, would make little difference to the overall supply of housing, and the support one extra household would provide to the local economy would also be insignificant. The removal of the asbestos roofed shed and the fact that the bungalow would be occupied by the appellant's mother, also carry little beneficial weight in planning terms.
18. Consequently, the adverse impacts on the character and appearance of the area and the failure to provide satisfactory living conditions 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.

Conclusion

19. In view of the above, the proposal would be contrary to the aims of the development plan as a whole, and there are no other considerations, including the Council's shortfall in the supply of housing land, which outweigh this finding. Therefore, the appeal should be dismissed.

A Owen

INSPECTOR