



Appeal Decision

Site Visit made on 6 July 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/W2465/W/21/3272708

Land to rear of 66 Scraftoft Lane, Leicester, LE5 1HU

- 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 Odedra against the decision of Leicester City Council.
 - The application Ref 20202120, dated 27 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is the demolition of existing detached garage, erection of new dwelling (Resubmission of application reference 20200192).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 2 Stanley Drive with particular reference to outlook.

Reasons

Character and appearance

3. The proposed dwelling would be prominently located facing on to Stanley Drive. The existing semi-detached dwellings which front on to Stanley Drive are relatively uniform in their set back from the public highway and this, in combination with their consistent design and the spacing between them creates a rhythm that both defines and contributes positively to this part of the street scene. Whilst there is an existing single storey garage present on the appeal site, this has only a very limited impact on the street scene.
4. In contrast, the proposal would be a detached dwelling which would have a front gable that would project forward of the existing dwellings. Its visual impact would also be accentuated by the absence of any meaningful spacing between the existing adjacent dwelling at 2 Stanley Drive, its different roof form and its noticeably lower ridge and eaves heights. As a result of these factors, it would jar with the existing arrangement and appearance of dwellings on the road, creating a visually cramped, incongruous and dominant feature that would be out of keeping with the street scene. This would cause significant harm to the character and appearance of the area.
5. Whilst there are some examples of projecting porch and bay window design features and front extensions in the surrounding area, these are not comparable to the scale of the appeal proposal and the impact that would arise.

6. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policy CS03 of the Leicester Core Strategy 2014 (CS), where it seeks to protect character and appearance. There would also be a conflict with the National Planning Policy Framework (The Framework) where it aims to achieve well-designed places.

Living conditions

7. The adjacent property at 2 Stanley Drive has a window at first floor level closest to the site of the proposed development. At ground floor level there is a garage nearest to the common boundary. Whilst the gable of the proposal would project forward of the front elevation of No 2 on which the window in question is located, it would not do so by such an extent so to cause harm to the living conditions of the occupiers of this dwelling through a loss of outlook or light.
8. The proposed development would therefore not conflict with Saved Policy PS10 of the Leicester Local Plan 2006 (LP), where it seeks to protect living conditions. There would also be no conflict with the Residential Amenity Supplementary Planning Document 2008 (SPD) or The Framework in this respect.

Other Matters

9. The Council cannot demonstrate a five-year supply of deliverable housing sites, although no details have been provided as to the exact shortfall that exists. By virtue of footnote 7, the shortfall triggers paragraph 11d) of The Framework. I have not been made aware that the proposed development would harm any areas or assets of particular importance, and therefore paragraph 11d)ii) is the relevant part of The Framework in this case.
10. The Government's objective is to significantly boost the supply of housing and the proposal would provide a modern home in a location with adequate access to services and facilities. However, as only one new dwelling would result, this contribution would only be very modest and therefore, even if the housing land supply deficit was to be substantial, I can afford only limited weight to the benefits of the delivery of new housing that would arise as a result of the appeal proposal.
11. The adverse impacts that would arise on the character and appearance of the area would conflict with the aims of The Framework to achieve well-designed places and this harm would be significant. This carries substantial weight against the proposal.
12. Consequently, the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development that is set out in Paragraph 11 of The Framework.

Planning Balance and Conclusion

13. Although there would be no conflict with Saved Policy PS10 of the LP or the SPD where they seek to safeguard living conditions, the proposal would not accord with Policy CS03 of the CS, where it seeks to protect character and

appearance. The conflict with this policy means that the proposed development would conflict with the development plan, taken as a whole.

14. Whilst the provision of housing would be a benefit of limited weight, it does not outweigh the harm that would result from the proposed development and the resultant conflict with the development plan. Furthermore, for the reasons I have outlined, the proposal does not benefit from the presumption in favour of sustainable development set out by The Framework.
15. Therefore, there are no material considerations, including The Framework, which indicate that the determination of this appeal should be made otherwise than in accordance with the development plan, and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR