



Appeal Decision

Site Visit made on 1 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/T2405/W/21/3275998

106 Sports Road, Glenfield, Leicestershire LE3 8AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr David Miles against the decision of Blaby District Council.
 - The application Ref 20/1293/VAR, dated 13 November 2020, was refused by notice dated 16 February 2021.
 - The application sought planning permission for '*Erection of three detached dwellings with associated parking (including demolition of existing dwelling) (Revised Scheme)*' without complying with a condition attached to planning permission Ref 20/0748/FUL, dated 8 October 2020.
 - The condition in dispute is No 2 which states that: '*The development hereby approved must be built in strict accordance with the following approved plans;*
1266.DM.20.001 Location & Site Plans
1266.DM.20.002B Proposed Site Plan
1266.DM.20.003C Proposed House Type A - Plot 1 & 2
1266.DM.20.004C Proposed House Type B - Plot 3.
 - The reason given for the condition is: '*For the avoidance of doubt*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.

Background and Main Issues

3. Planning permission has been granted for the erection of three detached dwellings with associated parking¹ on an existing residential plot. The appellant wishes to seek a variation to Condition 2, the approved plans condition relating to the proposed house types. This would result in a change to the design of the dwellings, with the replacement of roof lights, on the front elevation of 'Plot 1' and 'Plot 2', and east facing rear elevation of 'Plot 3', with dormer windows.
4. Therefore, the main issues are the effect of varying the condition upon the character and appearance of the area; and, the living conditions of nearby occupiers, with particular regard to overlooking.

¹ 20/0748/FUL

Reasons

Character and appearance

5. The appeal site is located within the settlement of Glenfield and in a predominantly residential area. The immediate area is characterised by detached residential properties within larger plots with gardens to the front and rear. There is a mix of property types, including both two-storey houses and bungalows with buildings of variant designs and form with a mix of materials of brick and render.
6. Laurel Close, adjoins the appeal site and is a cul-de-sac. It features only bungalows of a similar style with gable roofs, albeit some have had extensions over time, but they remain single storey in appearance. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
7. The redevelopment of the site would consist of the demolition of the existing detached property and the erection of three detached dwellings, with living accommodation in the roof space. The site is positioned in a prominent location and is highly visible to surrounding views along the immediate street scene due to its siting at the corner of Sports Road and Laurel Close.
8. 'Plot' 3 is positioned facing onto Sports Road and the approved plans show that the design of this dwelling would already incorporate 3 dormer windows to the front. The amendment to include a further dormer window to the rear east elevation, would not fundamentally alter the original design and due to the siting would have limited views. As such, the additional dormer window to 'Plot 3' would not cause any adverse impact or harm to the character and appearance of the area.
9. In respect to 'Plot 1' and 'Plot 2', the orientation of the proposed dwellings results in the front elevations, incorporating the proposed dormers, facing directly towards Laurel Close and opposite existing bungalows that front the highway. These properties are of a similar uniform design, height, traditional appearance and appear visually as single storey bungalows. Although the more recent development of bungalows at the end of the cul-de-sac feature roof lights, they appear somewhat disassociated to the immediate street scene due to being set back away from the road frontage.
10. Therefore, the introduction of dormer windows to 'Plot 1' and 'Plot 2' would result in an altered visual appearance of those approved dwellings as they would not appear or be seen as single storey. Despite the dormers being of a traditional window design, they would appear at odds to the uniform nature, character and appearance of existing bungalows along Laurel Close, particularly as these bungalows are devoid of any such dormers.
11. Furthermore, the proposed dormers would appear as alien features within the roof space of the dwellings, adding limited visual interest to the street scene, leading to poor design, and one which is not reflective of the characteristics or appearance of existing bungalows along the Close. Overall, resulting in a detrimental impact to the street scene.
12. I also observed at the time of my site visit, that even if, the area was considered suburban, dormer windows were not a typical feature of properties within the immediate vicinity of the site, and do not form the prevailing

character or appearance of the area. I have had regard to the landscape assessment². However, this does not annotate that dormers are part of the architectural style of Glenfield, but it sets out and recommends promoting local distinctiveness. I acknowledge that the property to be demolished had dormer windows, but these did not directly face onto Laurel Close, and I do not have the precise details of those windows.

13. Moreover, it would appear to me from the planning history of the site that the Council considered in detail the overall design of 'Plot 1' and 'Plot 2'. At that time, revisions were sought on the roof detail and specific conditions imposed on the decision notice to restrict permitted development rights, including additional openings within the roof and dormers. Neither does the absence of dormer windows on Laurel Close due to the shallow roofs' restriction justify the proposal.
14. Accordingly, I conclude that Condition 2 is reasonable and necessary to protect the character and appearance of the area. The proposal, in regard to 'Plot 1' and 'Plot 2' would be in conflict with Policy CS2 of the Blaby District Local Plan, Local Plan (Core Strategy) Development Plan Document, 2013, and Policy DM1 of the Blaby District Local Plan, Local Plan (Delivery) Development Plan Document, 2019, (DPD). Taken together these policies seek development proposals to be in keeping with the character and appearance of the area; respect distinctive local character; contribute to creating places of a high architectural and urban design quality; and design should be appropriate in its context.
15. Also, the proposal in regard to 'Plot 1' and 'Plot 2', would not accord with Chapter 12 of the Framework, and the National Design Guide in that they seek the creation of high-quality, beautiful and sustainable buildings and places; good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and layout.

Living Conditions

16. The amendment to 'Plot 3', the proposed dormer would be positioned on the east to the rear of the property, also set back from the main side gable. This results in the dormer being at a distance of some 25m from properties opposite. Therefore, given the position and distance of the dormer it would not result in harm to the living conditions of nearby occupiers.
17. However, the proposed dormers on 'Plot 1' and 'Plot 2' would be directly facing towards those existing properties to the east that front Laurel Close. The existing approved design and arrangement of roof lights reduced the adverse impact of roof space accommodation, in terms of any views or overlooking due to their positioning and angle of installation.
18. Therefore, despite the distance and intervening road, the introduction of dormers in the roof space would result in traditional window openings at a higher level that would directly overlook the front gardens, windows, and doors of neighbouring properties along the east of the Close. This would be

² Blaby Landscape and Settlement Character Assessment, prepared by LUC, 2020

exacerbated for the occupiers at No. 2 Laurel Close, as this has a glazed extension to the frontage. 'Plot 1' and 'Plot 2', would therefore fail to have a satisfactory relationship with those properties, to the detriment of the living conditions currently enjoyed by existing occupiers. Even, if there were existing views of garden areas from pedestrians from walking along the Close, this would be limited due to it being a cul-de-sac and views would not be from high-level windows, looking down, across and in direct sight of the properties.

19. Accordingly, I conclude that Condition 2 is reasonable and necessary in order to protect the living conditions of nearby occupiers, with particular regard to overlooking. The proposal, in regard to 'Plot 1' and 'Plot 2' would be contrary to Policy DM1 of the DPD, which requires development proposals to provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers.

Other Matters

20. The appellant refers to the Framework and that it is supportive of positive planning and sustainable development. Whilst this may be the case, it is not without caveats, including that developments provide a high standard of amenity for existing and future users and that development that is not well designed should be refused, where it fails to reflect local design policies and government guidance on design.
21. Although I have found that the proposed amendment to 'Plot 3' would have no adverse harm to the character and appearance of the area and the living conditions of nearby occupiers. The principle of residential development at the appeal site is not in dispute, and that the development would not cause any harm to highway safety. These considerations do not outweigh the significant harm I have identified that would be caused by the proposal, in regard to 'Plot 1' and 'Plot 2'.

Conclusion

22. 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, the appeal is dismissed.

K A Taylor

INSPECTOR