



Appeal Decision

Site visit made on 27 July 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2021

Appeal Ref: APP/X2410/W/21/3274177

2 Cradock Drive, Quorn LE12 8EP

- 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 Miss A Kaur against the decision of Charnwood Borough Council.
 - The application Ref P/20/2301/2, dated 9 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is Erection of new single storey dwelling and associated access and parking. Existing garage removed and new garage provided for No.2 Cradock Drive.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged the revised National Planning Policy Framework (2021) (the Framework) was published on 20 July 2021. I have given the Council and the appellant the opportunity to comment upon the implications of this for their respective cases.

Main Issues

3. The main issues are:
 - whether the development would provide adequate living conditions for the future occupiers of the proposed development with particular reference to privacy and internal floorspace; and,
 - the effect of the proposed development upon the character and appearance of the area.

Reasons

Living conditions

4. The layout of the new dwelling includes a side garden and side facing windows, which would be faced onto by the rear elevation of the existing appeal site dwelling (No 2). The Design Supplementary Planning Document (2020) (the SPD) highlights the importance of ensuring privacy and adequate space between buildings to prevent overlooking (paragraph 3.152). The SPD suggests back to back distances between habitable rooms of 21m for two storey dwellings. While this appeal proposal is not strictly a back to back

- arrangement, by having habitable room windows on the side elevation and a side garden, this development would result in a similar relationship and effect.
5. The proposed side garden would be limited in size and so likely to be relatively intensively used for household and leisure activities, such as drying clothes, play space, sitting outside, gardening, and other hobbies. The new boundary treatment and angle of vision from the first floor windows of No 2 is such that some of the outdoor space would be screened to a reasonable level. However, there would be direct, clear and close proximity visibility of future occupiers when using the patio and garden directly outside the dwelling, which is likely to be more frequently used and traversed than other parts of the new garden.
 6. The amount of window space in the large four pane patio doors would be likely to result in a high degree of visibility and strong sense of overlooking into the main living space at a distance of approximately 15.5m, considerably below the guidance in the SPD. The visibility would increase when those doors are open. As this is the main window opening serving the main living space, it is likely to be important to retain a significant amount of clear glass for the purposes of outlook and daylight. Future outlook would also an important matter in considering the height of the western boundary treatment.
 7. The SPD is guidance only, and there may be circumstances where less separation may be acceptable. However, even allowing for some reduced amount of glass secured by a suitably worded planning condition, given the distance and angle of visibility, the proposed configuration would result in clear overlooking into the internal living space and part of the garden closest to it from No 2. This would be at such a proximity and degree, that it would result in harmful living conditions for the future occupiers. Based upon the evidence provided, I am not persuaded that conditions could overcome the harm.
 8. The dwelling would provide approximately 57sqm of internal space, markedly less than set out in the Nationally Described Space Standard (2015) (NDSS) for a 2 bedroom 3 person dwelling. In particular I note the single and double bedrooms provide a very limited amount of space. The indicative layout for each room shows wardrobe space and bedside tables. However, allowing for a good level of circulation space there is little room for any significant amount of additional furniture required for day to day storage requirements. The limited size of the bedrooms proposed would provide somewhat cramped and claustrophobic spaces. The main living area is also modest in size and the limited space available is also highlighted by the absence practical built-in storage, required for larger household items.
 9. While the NDSS is not adopted by the Council, I have been referred to it, and it provides an indication of a reasonable minimum amount of internal space in order to provide adequate living conditions for future occupiers. Although only a limited amount below the NDSS standard, having regard to the evidence before me, this development would not provide adequate living conditions, with reference to internal space provision, to the detriment of future occupiers.
 10. For the reasons set out above the development would provide harmful living conditions for the future occupiers of the new dwelling with reference to privacy and internal space provision, therefore these living conditions would not be satisfactory. It would conflict with Policy CS2 of the Charnwood Local Plan Core Strategy (2015) (the CS) which expects development to protect the living conditions of future occupiers. It would also conflict with paragraphs 130f) and

134 of the Framework which require development promotes health and well-being with a high standard of amenity for existing and future users, and that development which is not well designed should be refused. The development would also conflict with section H1 of the National Design Guide (2021) (the NDG) which has similar objectives.

11. In the Council's delegated report reference is made to a conflict with Policies S2 and H5 of the Quorn Neighbourhood Plan (2019) (the QNP) and Policy EV/1 and H/17 of the Borough of Charnwood Local Plan (2004) (the Local Plan). However, these policies are not listed in the reason for refusal, so I have not concluded against the policies.

Character and appearance

12. The new dwelling would front Spinney Drive which comprises mostly two-storey detached, semi-detached, and short terraces within generously sized plots. However, the new dwelling would also be viewed in the context of a bungalow nearby on the opposite side of Spinney Drive, two other prominent single storey buildings further to the south west, as well as a number of single storey front projections. In this context it would not be out of keeping with the street scene due to being single storey.
13. Given the new plot width and layout, subject to the imposition of suitably worded planning conditions to secure boundary treatments, and new and retained landscaping, the modest plot size would not be unduly discernible from the street scene. Perceptibility of the plot size from neighbouring dwellings would be limited. Having regard to the scale and layout of the development including its position and alignment with neighbouring dwellings and outbuildings to the south west and east, it would not be appear unduly cramped or incongruent, so as to be harmful to the character and appearance of the area.
14. Nearby dwellings to the south west have a relatively consistent building line. However, this deviates further along Spinney Drive to become more inconsistent. In this visual context and given its projection forward of the neighbouring No 16 would be limited, the new appeal site dwelling would not be harmful to the character and appearance of the street scene. I am advised by some interested parties that the position of the dwelling would breach a Land Registry document. However, I have not been provided with a copy, so based upon the evidence before me, it is not a reason to dismiss this appeal.
15. For the reasons set out above the development would not be harmful to the character and appearance of the area. Therefore, it would not conflict with Policy CS2 of the CS or the SPD which amongst other things require development respects the character and appearance of the area. It would also not conflict with paragraph 130 of the Framework which amongst other things requires development is sympathetic to local character including the surrounding built environment and maintains a strong sense of place.
16. In the absence of a specific reference by the Council, I do not find conflict with section B2 of the NDG in respect of site context, layout, character and building line. The NDSS is referred to in the reason for refusal, however, as this does provide guidance in respect of character and appearance, I do not find conflict with it in this regard. In the Council's report reference is made to a conflict with Policies S2 and H5 of the QNP, and Policy EV/1 of the Local Plan, but these

are not listed in the reason for refusal. For the reasons outlined above I do not find conflict with these policies insofar as they require development respects and enhances the local environment and neighbourhood area, is of a design and layout compatible with the locality, and refers to the Quorn Village Design Statement (2008).

Planning Balance

17. The Council advises it cannot demonstrate a 5 year housing land supply (HLS), therefore, the tilted in paragraph 11d) of the Framework is engaged. This development would result in a small economic benefit during construction and a small sustained benefit to the local economy once occupied. It would contribute to boosting the supply of housing, as well as optimise and make a more efficient use of the site. The precise shortage of HLS is unclear, but even if it were very acute, the provision of one additional dwelling would be a limited benefit. Overall, the benefits of the development attract limited weight in favour of the scheme.
18. The Council does not object to the new garage and based upon the evidence before me I see no reason to disagree. Compliance with policies in respect of design and character and appearance are neutral matters attracting neutral weight. If I were to agree the development would not conflict with policies in respect of matters such as accessibility, parking, and the living conditions of neighbouring occupiers, these would also be neutral matters.
19. However, the policy compliance and benefits of the development do not outweigh the harmful living conditions that would result for future occupiers of the new dwelling in respect of privacy and internal space, which are such that this attracts significant weight against the scheme. Therefore, the harm significantly and demonstrably outweighs the benefits of the development when assessed against the policies in the Framework taken as a whole.

Conclusion

20. The development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR