



Appeal Decision

Site Visit made on 12 October 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/T2405/W/21/3274574

18 Percy Street, Braunstone Town LE3 2FL

- 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 John Frisby against the decision of Blaby District Council.
 - The application Ref 21/0088/FUL, dated 26 January 2021, was refused by notice dated 20 April 2021.
 - The development proposed is erection of detached bungalow including associated off-street parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on flooding; and
 - iii) whether the development would provide acceptable living conditions for occupiers of the existing and proposed dwellings with regard to their outdoor amenity space.

Reasons

Character and appearance

3. The site comprises an area of land adjacent to the bungalow at No. 18 and behind the two-storey houses at Nos. 14 and 16. The land is mostly grassed but is not maintained and is separated from the rear garden of No. 18 by a low wall.
4. The wider area is populated by a mix of bungalows and two storey properties with no overarching consistency of design. In terms of the pattern of development, Percy Street and Cottage Row are both cul-de-sacs with small groups of houses at their ends. At the end of Percy Street, Nos. 26, 28 and 29 address the road whilst No. 27 is set a little further back. Nonetheless it visually fills the gap between Nos. 25 and 29 and makes a contribution to the street scene. Similarly the bungalows at the end of Cottage Row all actively contribute to the street scene. This contribution is a strong characteristic of the vicinity.
5. As such, No. 18 is the only property which is set back significantly from the road and hence, despite being clearly visible in the street scene, it is not in

keeping in this respect. Although the proposed bungalow would mean No. 18 no longer stands alone as a single example of backland development, the two dwellings together would be incongruous in the context of the surrounding development. The proposal would have some visibility from the road, and from Cottage Row, but would appear tucked away behind Nos. 12 and 14 and so would contribute minimally to the street scene and hence detract from the predominant pattern of housing.

6. The dwelling would sit in a larger plot than some others nearby, including some bungalows as well as Nos. 12 and 14, and from public viewpoints the proposal would not appear unacceptably cramped alongside the existing dwelling. Nonetheless, it would contrast harmfully with the prevailing local pattern of development. The development therefore would unacceptably harm the character and appearance of the area and so would conflict with policy CS2 of the Core Strategy (CS) which requires proposals to take account of local patterns of development, and CS Policy DM1 which seeks to ensure development is in keeping with the character and appearance of the area.

Flooding

7. The site lies within flood zone 3, which is the floodplain for the river Soar, and has a high probability of flooding. CS policy CS22 is consistent with the National Planning Policy Framework which states that vulnerable development, such as housing, should be directed away from areas of high flood risk. A sequential test should therefore be used with the aim of directing such development to areas less likely to flood. The maps provided by the appellant, and the Environment Agency, show that much of the land near the site to the north and west is in flood zone 1 (low flood risk) so is sequentially preferable. The appellant has not demonstrated that the proposal could not be provided in these, or any other sequentially preferable, areas.
8. Notwithstanding this, the development would inevitably reduce the capacity of the floodplain. Even if the parking and vehicle manoeuvring areas were surfaced in permeable material, the footprint of the dwelling would result in floodwater being displaced elsewhere which may increase flood depths at nearby properties.
9. The appellant suggests that by raising the finished floor level of the dwelling by 300mm above the 1 in 100 year flood event plus climate change level, the dwelling would be in flood zone 1 and hence would be safe from flooding. However, in such a flood event, the occupants of the dwelling could be left stranded inside the dwelling with no safe dry means of escape as surrounding flood water depths would be around 45 to 60cm. Consequently, it is still not a sequentially preferable site as the proposal would not be safe from flooding and would increase flood risk elsewhere.
10. It would therefore conflict with CS policy CS22 which seeks to ensure that all development minimises vulnerability to flooding by directing development to locations at the lowest risk of flooding.
11. It is understood that no sequential test was required for the two houses at Nos. 12 and 14. The full details of that proposal is not before me, and in any case the lack of a sequential assessment for another development does not absolve the need for one for this development where it is clearly necessary.

Living conditions

12. The appeal site is not used as garden for the existing dwelling as that is to the rear of the house. Although small, the proposal would not diminish that garden.
13. The garden to serve the proposal would be similarly small to that at the existing bungalow. It is also comparable in size to the rear gardens at the two-storey houses at Nos. 14 and 16. I consider the garden, though small, would be sufficient for day-to-day needs as evidenced by neighbouring development. Moreover, there is no guidance or policy stipulating a minimum garden area size. Overall, the two properties would have sufficient outdoor amenity space and therefore the living conditions of the occupiers of both properties would be maintained in this regard.
14. Therefore, in this respect, the proposal would comply with policy DM1 which supports development which is not detrimental to the amenities of existing or new occupiers.

Conclusion

15. Although the development would provide sufficient outdoor amenity space, it would fail to respect the character and appearance of the area and would increase flood risk. Overall it would conflict with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan.
16. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR