



Appeal Decision

Site visit made on 24 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2022

Appeal Ref: APP/G2435/D/21/3278995

5 Bentley Road, Castle Donington DE74 2UL

- 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 Emma White against the decision of North West Leicestershire District Council.
 - The application Ref 21/00507/FUL, dated 22 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the change of use of garage to an office/playroom and utility. Roof height lifting by approximately 2m to add 2 new double bedrooms and a bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of a detached dwelling located in a cul-de-sac. Dwellings in this road are constructed to different designs. However, of note, is that the appellant's dwelling is in proximity to the neighbouring house of 7 Bentley Road. This is constructed to a very similar design and proportions to the appellant's dwelling. Owing to this proximity, the two dwellings are viewed in conjunction with one another.
4. The proposed development would result in a significant increase in the height of the dwelling. This would be in addition to the resultant dwelling having a substantially steeper roof slope and featuring dormer windows. In result, the proposed development would create a dwelling that would be of substantially greater bulk and mass than is currently the case.
5. This is of a concern given that the proposed development would be viewed alongside the neighbouring dwelling at No. 7. The character of this section of Bentley Road is characterised by the predominance of buildings of similar styles and proportions to the appellant's dwelling. Therefore, the proposed development would result would in a dwelling that would be substantially divergent from the form of the neighbouring house. In result, the proposal would appear incongruous, even though there are differently designed dwellings nearby.

6. The proposed development also includes dormer windows on the front roof slope. These are architectural details that occur relatively infrequently in the surrounding area. In result, the inclusion of these within the proposed development would add to the massing of the dwelling and contribute to a generally incongruous form.
7. In addition, the proposed development would be prominent. This is because the proposal would be readily viewable from the area of open space from the area on the opposite side of Bentley Road. Moreover, the proposed development would be easily seen from several points in Bentley Road owing to variations in the topography. In result, the proposed development would be apparent and strident.
8. I acknowledge that the surrounding area features some dwellings constructed to different designs. However, these are located some distance away from the appeal site or are located on different land levels. This means that they would not be readily viewable alongside the appeal site. In addition, they are also located in areas that are not as prominent as the appeal site.
9. Furthermore, the existing dwellings to which I have been directed are not located alongside dwellings of a consistent design. Therefore, these dwellings do not have the same effect on the character and appearance of the surrounding area as the existing dwelling and its relationship with the neighbouring property. This characteristic would be eroded by the proposed development. Therefore, the presence of differently designed dwellings elsewhere does not overcome my previous concerns.
10. The appellant, in designing the proposed development, has had regard to the current amount of roof space. However, the adverse effects arising from the development are such that the amount of roof space within the current dwelling does not overcome my previous concerns.
11. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policy D1 of the North West Leicestershire Local Plan (2017); and the Good Design for North West Leicestershire Supplementary Planning Document. Amongst other matters, these seek to ensure that new developments must be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal; and contribute positively to the creation of well-designed buildings and spaces.

Other Matters

12. I acknowledge the personal circumstances of the appellant, which I have had close regard to. Whilst I am certain that the proposed development would result in improved living conditions for the appellant and their family, I am mindful that, in general, planning decisions should be made in the public interest.
13. As the proposed development would breach adopted Development Plan policies and, from these breaches, harm would emanate to the character and appearance of the surrounding area, I do not find that the personal circumstances outweigh my previous findings in respect of the main issue.

14. I note that the appellant undertook revisions to the planning application prior to it being determined by the Council. Whilst this is a matter of note, it does not overcome my previous conclusions.

Conclusion

15. The proposed development would have an adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR