



Appeal Decision

Site visit made on 11 January 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/K2420/W/21/3282342

Rear of 70-74 Main Street, Thornton, Leicestershire LE67 1AG

- 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 & Mrs E Orme against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00022/FUL, dated 4 January 2021, was refused by notice dated 26 April 2021.
 - The development proposed is the construction of new dwelling to rear of 74 Main Street, Thornton.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - whether the proposed development would provide acceptable living conditions for neighbouring occupiers in terms of outlook and privacy.

Reasons

Character and appearance

3. The appeal site is located to the rear of 72 (formerly 70-72) and 74 Main Street, formerly comprising part of these gardens, and although now enclosed by fencing still shares an access with 74 Main Street. The site borders open fields to the south west which slope away from the appeal site and this field boundary is in line with the rear boundaries of properties running up to Mill Lane to the north. The settlement at this point is linear in form with the road running along the ridgeline and most properties directly fronting the road or set back behind small front gardens. Just to the south, the Hawthorne Drive estate deviates from the linear form and the backs of these properties can be viewed from the appeal site. Properties in the immediate vicinity are of mixed character in terms of age, materials and form but they are predominantly two storey and of traditional appearance.
4. I note that planning permission was granted in 2005 for the erection of one dwelling on this site and foundations have been laid. As the Council has not contested the status of this permission, on the basis of the evidence before me, it appears that this permission is extant and could be fully implemented, and I

therefore attribute considerable weight to this fallback position. As a result, I consider that it would be open to the appellant to build out this extant consent should they wish to do so, and the issues before me turn on the acceptability of the increased height and design changes between the schemes, and their impact on the character and appearance of the area, and effect on living conditions, as well as any policy changes since 2005.

5. The Council has concerns that the design of the proposed dwelling is 'back to front' with the front elevation, incorporating most windows facing the field, and the rear elevation, facing towards Main Street, having a largely blank frontage. I agree with such concerns; whilst I note that the previously approved dwelling adopts a similar design approach, the increased height and design changes would exaggerate this to an unacceptable level with a much more dominant frontage facing the field and an opposing elevation which effectively turns its back on the settlement.
6. The proposed dwelling would not be visible from Main Street. However, I consider that it would be significantly taller than the approved dwelling, with few openings, presenting a large, anonymous, and uninviting approach to the site and would not be read as a single storey building from this direction. Such character would be distinctly at odds with neighbouring dwellings which are generally designed to have an attractive and active frontage. The appellant's suggestion that a high boundary fence would mitigate any impact on neighbouring properties would further sever any visual connection with surrounding buildings.
7. The increase in height to the field elevation would also add to the scale and form of the previously approved dwelling and would not be reflective of immediately surrounding buildings. Furthermore, the larger glazed windows, balcony across the first floor and dormers would emphasise the verticality and height of the dwelling, as well as collectively being overly dominant design features facing the field. Its position close to the field boundary would make it clearly viewed from multiple locations outside the settlement, and the increased height and design features would detrimentally impact on the wider character of the area.
8. For these reasons, I conclude that the appeal proposal would be an incongruous dwelling that by virtue of its scale, form, and design would have a significant adverse effect on the character and appearance of the surrounding area. This would be contrary to Policy DM10 of the Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (July 2016) (the DPD) and The Good Design Supplementary Planning Document (2020) (SPD) which seek, amongst other things, to ensure that new development complements or enhances the character of the surrounding area with regard to scale, design and architectural features. It would also be contrary to the high-quality design expectations of section 12 of the 2021 National Planning Policy Framework (the Framework).

Living conditions

9. The proposed increase in height and other design changes between the scheme that is before me and the extant scheme would result in a greater degree of overlooking across the garden area of 62 Main Street compared to the approved 2005 dwelling. The proposed extension of the balcony across the whole frontage would make it a feature likely to be used more regularly

because of the extensive views across the surrounding countryside. Combined with the increase in height, the balcony and access steps would allow overlooking across an extensive part of the private garden of the neighbouring property, detrimentally impacting on their privacy and their enjoyment of their private rear amenity space.

10. I therefore conclude that the proposed development would cause significant and unacceptable harm to the living conditions of the occupiers of 62 Main Street, with particular regard to loss of privacy. The proposal is therefore contrary to the amenity protection aims of Policy DM10 of the DPD and the SPD. It would also be contrary to the core planning principle of the Framework which seeks a good standard of amenity for all existing and future occupants of buildings.

Conclusion

11. Whilst the appeal proposal is based on an extant planning permission for a dwelling, the increased height and design changes would cause significant harm to the character and appearance of the surrounding area, and to the living conditions of the occupants of 62 Main Street.
12. Although the issue was not explicitly raised by the appellant, the Council has acknowledged that it currently has no five-year housing land supply and out of date housing policies. As such it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply as set out in paragraph 11 of the Framework.
13. The proposal would lead to some social and economic benefits through the construction of the property and the activities of the future residents of the scheme. However, the same, or similar benefits, would also arise through the construction of the extant scheme. Good design and impact on living conditions are key aspects of sustainable development and when assessed against the policies in the Framework as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal.
14. I therefore conclude that the proposal would be contrary to the development plan and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR

