



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: 8 February 2022

Appeal Ref: APP/T2405/W/21/3282693

The Bungalow, Bassett Lane, Sapcote, Leicestershire LE9 4FB

- 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 P Poynor against the decision of Blaby District Council.
 - The application Ref 20/1303/FUL, dated 15 November 2020, was refused by notice dated 10 March 2021.
 - The development proposed is the erection of a retirement two bedroom bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a retirement two bedroom bungalow at The Bungalow, Bassett Lane, Sapcote, Leicestershire LE9 4FB in accordance with the terms of the application, Ref 20/1303/FUL, dated 15 November 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is situated within the garden of The Bungalow which stands at the corner of a crossroads fronting Bassett Lane. The Bungalow is a rendered, single storey dwelling of simple form, with a pitched tile roof and attached, flat-roofed double garage. The building was formerly the caretakers house to the adjoining school, a much larger, flat roofed, brick structure of similar age. The garden of the property lies to the rear and extends west to front Donkey Lane. It occupies the whole of the corner plot except for an electricity substation standing in a fenced enclosure on the corner of the crossroads. The crossroads itself has wide verges with buildings set back from the junction.
4. The proposed building would front Donkey Lane, a rural lane with wide grassy verges, and the plot would extend back to be in line with the garage of The Bungalow, together with a narrow strip of land extending to Bassett Lane. Opposite the appeal site, beyond Donkey Lane, are allotments and open fields beyond. Residential development in this immediate area is located to the north of the crossroads and is primarily semi-detached buildings with a unified design and appearance. This is an edge of settlement location, with open views into the surrounding fields, and the wide verges and set back of development on the road junction emphasises the rural character of the immediate area.
5. The appeal site has been fenced off from the remaining garden of The Bungalow, and a foundation with raised brick plinth has been laid on the

approximate site of the proposed dwelling, together with the partly erected framework of a structure. The site could be clearly viewed from the approach along Park Road but views from Castle Close to the north were partly obscured by the substation enclosure and trees on the corner.

6. The Council contends that the new dwelling would be in part of the garden which contributes to the feeling of openness of the immediate locality and adjacent countryside, and that the proposed dwelling would be an incongruous and obtrusive form of development out of keeping with the streetscene, thereby eroding this openness. Whilst I accept that the crossroads marks very clearly the edge of the settlement and I have noted the factors which contribute to the feeling of openness in this area, I am not convinced that the appeal site is a key defining component of this character.
7. The appeal site is visibly contained by the prominent fencing of the substation and trees on the corner, mature trees and shrubs to the south within the school's grounds, and the garden of the existing dwelling to the rear. The front building line of the appeal property would also be well set back behind the wide, grass verge of Donkey Lane and there would be limited vantage points to look over and across the appeal site to view the wider landscape. Furthermore, the appeal proposal would address the road frontage in reflecting the siting of nearby dwellings and it would not result in an awkward subdivision of the existing garden.
8. The Council has commented that allowing permission for the dwelling would set a precedent for other similar development in the area, but I consider that the circumstances of this appeal are very specific to the site and each case must be considered on its merits.
9. The Council has confirmed that the appellant could erect a structure of a similar footprint to the appeal proposal under permitted development rights (PD rights), and with the laying of foundations and brick plinth, together with the partly constructed frame, I consider that there is a very real possibility that the appellant would genuinely pursue this option if the appeal failed.
10. While I agree that this does not mean that a new dwelling should be automatically allowed, or that such a fall-back position would be similar to, or worse than, what is currently proposed, the works carried out on site and the PD rights allowances give weight to the appellant's argument. In addition, given the location of the appeal building on the road frontage, there is real potential for a structure allowed under PD rights to look 'makeshift' and this lends weight to the argument about securing a permission for a dwelling where the siting, appearance and landscaping could be controlled.
11. I turn now to the issue of whether the proposed dwelling would be too large for the site, with cramped amenity space, and if it would result in the over-development of the plot. Whilst the proposed dwelling would be close to the north and south boundaries, there would be sufficient space to move between the front and back of the site, and there is adequate space at the site frontage to allow boundary treatment and landscaping. The wide verge to Donkey Lane will also add an element of borrowed amenity space to the site frontage which will benefit the setting of the dwelling and its feeling of spaciousness. The small area of private amenity space at the rear would relate well to the appeal proposal and be of adequate size, and would allow for sitting out, hanging out

washing and for some play if necessary. Furthermore, it would leave adequate garden area at The Bungalow for similar purposes.

12. The Council has raised the issue of space standards. However, there appears to be little policy or guidance relating to this point. Moreover, I have found above that the garden size for the proposal and the existing dwelling would be sufficient to provide a high standard of amenity for future users.
13. I conclude that the appeal proposal would not cause harm to the character and appearance of the surrounding area. Accordingly, it would not conflict with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and Policy FV6 of the Fosse Villages Neighbourhood Plan (2021) which seek to ensure that the design of development is appropriate to its context, relates to nearby uses and seeks to improve the character of the area. It would also meet the high-quality design expectations of Section 12 of the 2021 National Planning Policy Framework.

Conditions

14. The Council has suggested a number of conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity. Conditions 1 and 2 are imposed in the interests of proper planning, and Conditions 3 - 5 are imposed in the interests of protecting the character and appearance of the area. I note the appellant's suggestion that the proposed boundary fronting Bassett Lane could be set back in line with the garage of the existing dwelling to help preserve the open views, and landscaping would help screen the adjacent substation fencing. I consider that this would be beneficial and should be secured as part of the landscaping condition, and would still retain adequate private rear amenity space for the proposal.
15. Condition 6 requires details of the means of disposal of foul and surface water to ensure that the site is satisfactorily drained. Condition 7 is required to protect the living conditions of surrounding residents during site construction, and Conditions 8 and 9 are needed for reasons of highway safety.
16. The Framework says that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. The appellant has objected to the Council's proposal to remove Classes A, D and E. I consider that the amenity space is sufficient to allow a small extension or an outbuilding, if one was required, and there are no other justifiable reasons to remove these classes. I do, however, consider that it is reasonable and necessary to place a restriction on windows above ground floor level and dormers in order to prevent overlooking of the neighbouring garden and this is covered by Condition 10.

Conclusion

17. For the reasons given above and taking all other matters raised, I conclude that the appeal should be allowed.

G Bayliss

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Location Plan received on 20 November 2020; and Elevations, Site and Floor Plan (Rev A) and Drains (Rev A) received on 13 September 2021.
- 3) Prior to any above ground construction being commenced, details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) Within one month of the commencement of works on site, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include, proposed planting (and times of planting), boundary treatments, vehicle parking layout, and areas of hard surfacing. The development shall be carried out in accordance with the details thereby agreed.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die; are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwelling hereby permitted shall not be occupied until the sewage disposal/drainage works have been completed in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 7) No above ground development shall commence on site until such time as a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development site; measures to control the emission of dust and dirt during construction; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved plan titled "Drains" Rev A for cars to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles.
- 9) Notwithstanding the provisions of Part 2 of Schedule, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), Classes B & C, no windows above ground floor level or dormer windows shall be constructed.

***** End of Conditions*****

