



Appeal Decision

Site visit made on 9 March 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2022

Appeal Ref: APP/X2410/W/21/3283852

Land Adjacent to 21 The Lant, Shepshed, Leicestershire LE12 9PD

- 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 Andy Saunders against the decision of Charnwood Borough Council.
 - The application Ref P/21/0507/2, dated 1 March 2021, was refused by notice dated 3 September 2021.
 - The development proposed was originally described as one new dwelling house - 3 bedroom detached house on land previously used to house 4 garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the application, the proposal was changed to a 2-bed house and that is the development I have considered in this appeal.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of neighbouring occupiers, and future occupiers of the development, with respect to their outlook and privacy.

Reasons

Character and appearance

4. The appeal site is a piece of vacant land with a limited depth but a considerable width. The surrounding area is primarily residential in character but includes a variety of forms; with detached bungalows to the east, two-storey terraced houses to the west and The Willows residential care home opposite. The proximity to the road of the terraced houses to the west lends an enclosed urban character to that part of the street. In contrast, the vegetation in front of the nursing home and the front gardens of the bungalows to the east provides a more open character to this part of The Lant. The appeal site sits between these two contrasting characters.
5. The land rises from west to east and the dwelling would be positioned at the eastern, highest, part of the site adjacent to the bungalow at No. 21. The contrast between the proposed two-storey house and the bungalow at No. 21 would be stark. It would be a storey higher and would be positioned close to

the back edge of the pavement, wholly forward of the bungalow. Its forward position means it would also fail to respect the nursing home opposite.

6. It is acknowledged that the houses to the west at Nos. 1 -7 abut the pavement, but the dwelling would be separated from them by the remainder of the plot, meaning that it would be seen in the context of No. 21 and the nursing home more than Nos. 1-7 or Nos. 2-12 opposite. Notwithstanding this, it would be considerably wider than these other terraced properties so in this respect also it would contrast with them.
7. In addition, its position would also result in the whole of its side elevation being visible in front of No. 21. This combined with its width would result in the dwelling appearing as an incongruous dominant mass of built form.
8. It is recognised that the site currently detracts from the street scene due to its vacant nature and the derelict garages on it. Nonetheless, the proposal would be of little benefit in this regard because it also would detract from the street scene.
9. Overall due to its scale and position on the site, the house would appear incongruous in its setting and would cause substantial harm to the character and appearance of the area. The development would therefore be contrary to policy CS 2 of the Core Strategy (2015) and saved policy EV/1 of the Local Plan (2004) which both aim to ensure development respects the character of the local area. It would also conflict with the Design Supplementary Planning Document (2020) which seeks to secure high quality development which respects local character.

Living conditions

10. Due to the shallow depth of the site, the proposed house would be very close to the rear boundary of the site which seems to form the side boundary of the garden of 4 Kirkhill. The rear elevation of the house would be a blank two storey wall. Though the part of the neighbouring garden closest to the proposal is mainly occupied by trees, the dwelling would still appear oppressively tall and over dominant from the more useable parts of the neighbour's garden. It would therefore substantially reduce the outlook from their garden.
11. The garden to serve the proposal would be located between the house and the parking spaces. Views over it would be possible from the first floor rear windows at the houses at 2 and 4 Kirkhill. However, those windows appear small, may serve bathrooms, and the view from them would be partly obscured by vegetation. Moreover, in such an urban environment as at this end of The Lant, a degree of overlooking between properties would be expected.
12. In addition, though the kitchen window in the proposal would closely face a boundary fence, the room would also be served by a front facing window. The room would not be large and it is considered that due to this, and the combination of two windows serving it, the outlook from this room would be satisfactory. The bedrooms would each be served by a single front facing window, which is not unusual.
13. In summary, though the occupiers of the development would be furnished with acceptable living conditions, the effect on the outlook from the rear garden at 4 Kirkhill would be adversely affected and the living conditions of the occupiers of that house would be unacceptably harmed. Consequently, the proposal, in this

regard also, would fail to accord with policies CS 2 and EV/1 which requires development to safeguard the amenities of people who live nearby.

Other Matters

14. The appellant refers to a development at 3, Ellis Street in Anstey. Although, from the photos provided, there are some similarities to the current proposal, there are also some significant differences, including the height of the house and the form of the nearby dwellings. As such, that case does not have any significant bearing on my consideration of this appeal.
15. I understand that the scheme has evolved and that a number of alterations were made to reflect the Council's initial concerns. Nonetheless, for the reasons given above the scheme is unacceptable.
16. The Council accepts it cannot demonstrate a 5 year supply of housing land and states it can only demonstrate 3.34 years. This is a moderate shortfall. Paragraph 11 (d) ii. of the National Planning Policy Framework (the 'Framework') therefore applies. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
17. The adverse impacts are set out above. Set against that is the benefit of providing an additional unit. However, due to the small quantum of development, this is a small benefit and so carries only limited weight.
18. The Framework advises that developments should be sympathetic to local character and provide a high standard of amenity for existing users. As such, even taking account of the Framework's objective of significantly boosting the supply of housing and the Council's housing land supply position, the failure to respect the character of the area and provide satisfactory living conditions for neighbouring occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would support a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

Andrew Owen

INSPECTOR