



Appeal Decision

Site visit made on 25 April 2022

by C Megginson BA (hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/T2405/W/21/3288250

Land at 6 and rear of 10-12 Ashleigh Road, Glenfield LE3 8DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rizwan Moledina against the decision of Blaby District Council.
 - The application Ref 20/1356/OUT, dated 23 November 2020, was refused by notice dated 24 September 2021.
 - The development proposed is described as "3 No.s of 2 bedroom townhouses and 3 No.s of 2 bedroom bungalows".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application form describes a total of six dwellings, however, the proposal was amended, and the application was determined based on the erection of four dwellings including access and layout. I have dealt with the appeal on this basis.

Main Issues

3. The effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of the neighbouring properties at 4 Stamford Close, Stamford House and 14 Ashleigh Road, and future occupiers of plots 3 and 4, with particular regard to privacy.

Reasons

Character and appearance

4. Ashleigh Road is a linear residential street, with a mix of single storey and two-storey dwellings of varying designs, but with clear and consistent building lines on both sides of the road. Dwellings are set back slightly from the road with small front gardens or parking to the front and sides. The predominant pattern of development in the area is of dwellings arranged along linear streets with long rear gardens.
5. The appeal site lies in the middle of Ashleigh Road and the proposal would include two detached two-storey dwellings fronting onto the road itself (plots 1 and 2), with a proposed access road into the site separating them. The access

road would then create a turning head, allowing access to a bungalow to the rear of No 14 Ashleigh Road (plot 4) and a further bungalow would sit to the rear of Plot 1 (plot 3). These bungalows would be directly adjacent to the boundary with Stamford Close. Stamford Close is a narrow road, featuring semidetached bungalows and Stamford House, a retirement housing complex. These lie to the northwest side of the road, facing the appeal site and rear gardens from Ashleigh Road to the southeast.

6. Plot 2 would be in line with the building line of No 10 Ashleigh Road and whilst Plot 1 would be set back slightly from No 4 Ashleigh Road to allow parking to the front, I find that both Plots 1 and 2 would be in line with the linear nature of the character and appearance of the street. In contrast, the access road into the site would introduce a break in the street scene and its length of approximately 50 metres across the site would appear as an over dominant and intrusive feature in views from Ashleigh Road and Stamford Close.
7. It is unclear from the evidence before me how Plots 3 and 4 would relate to Stamford Close. The appellant has stated that they would be designed to have an open active frontage onto Stamford Close but has then gone on to say that a high fence could be retained if this was considered necessary. Regardless of either of these options, from my site visit, the layout of Plots 3 and 4 with a dominant access road, would appear as a form of backland development which would be at odds with the historic pattern of development in this area.
8. Whilst there are other examples of infill development within the wider area, I have limited information on these cases and they do not influence the immediate characteristics of the appeal site. In any event the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits.
9. My attention has been drawn to other development in the area. In the case of Ashleigh Court, the character of this part of the street is more tightly developed when compared to the remainder of Ashleigh Road and the surrounding streets and also includes two instances of a drive permeating through the built form into areas behind the primary road frontage. This is therefore not directly comparable with the appeal site which is within an area characterised by large rear garden space.
10. The appeal scheme would therefore appear as prominent, inharmonious and visually intrusive in the street scene and would unacceptably harm the character and appearance of the area. As such, it would conflict with Policy DM1(b) of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019) and Policy CS2 of the Blaby District Core Strategy (2013) which require new development to respect the character and appearance of the area. The proposal would also be contrary to the National Planning Policy Framework (The Framework), which states in paragraph 130 that planning decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character.

Living conditions

11. It is reasonable to expect a degree of oblique overlooking of neighbouring gardens within the street. I appreciate that the appeal site is already garden land and will already experience some overlooking. However, the first-floor rear

windows of 14 Ashleigh Road are in close proximity and would directly overlook the private outdoor amenity space of plot 4. The single storey rear extension on No 14 would not prevent this overlooking. Whilst this amenity space would be relatively large and future occupiers could divide it into areas with planting and screening, any such planting would take time to mature and due to the significant difference in ground levels, this is unlikely to prevent significant overlooking from No 14. I find that the occupiers would experience unacceptable harm to their privacy as a result.

12. Whilst plots 3 and 4 are located immediately adjacent to Stamford Close, where there would be potential for overlooking, the elevations, finished floor levels, internal layout and boundary treatments for the proposed dwellings are yet to be agreed. I therefore find no reason to conclude in this regard that the proposed development would have an unacceptable effect on the living conditions of the existing occupiers at 4 Stamford Close, Stamford House and future occupiers of plots 3 and 4, with particular regard to privacy.
13. Therefore, whilst I do not find harm to the living conditions of the existing occupiers at 4 Stamford Close, Stamford House and future occupiers of plot 3, I conclude that the proposal would have an adverse effect on the living conditions of the future occupiers of plot 4, with particular regard to privacy, by virtue of overlooking from 14 Ashleigh Road. This would be contrary to policy DM1(a)(i) and (d) of the Blaby District Council Local Plan (Delivery) Development Plan Document (2019), Policy CS2 of the Blaby District Core Strategy (2013) and paragraph 130 of the Framework which, in summary, require new development to protect the amenity of existing residents.
14. The appellant has highlighted a number of developments in the wider area where views into gardens are possible. It has not been demonstrated how the circumstances leading to those permissions are directly comparable. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Other Matters

15. The appellant states that the proposal is in a highly sustainable area and would boost the supply of housing, utilising an undeveloped area consisting of neglected and unused garden. Whilst this may be the case, I ascribe limited weight to this due to the limited number of dwellings.
16. The appellant states that the creation of an active frontage on Stamford Close would address anti-social behaviour issues and car crime due to the lack of natural surveillance as well as fly-tipping on the site itself. As stated above, it is unclear from the evidence how the design of the bungalows and boundary treatments would relate to Stamford Close. From my site visit I saw that the bungalows on Stamford Close and Stamford House looked out onto Stamford Close and already provide natural surveillance. I also noticed the high fence that currently surrounds the appeal site, which should assist in preventing fly-tipping. There is no substantive evidence that there would be a significant change to the natural surveillance. As such, this has only limited weight in my decision.

Conclusion

17. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR