
Appeal Decision

Site visit made on 28 June 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2022

Appeal Ref: APP/T2405/W/22/3291416

1 Hat Road, Braunstone Town LE3 2WF

- 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 Tony Smith against the decision of Blaby District Council.
 - The application Ref 21/1096/FUL, dated 1st September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is erection of one detached one and a half storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Due to comments made by both parties in submissions regarding the accuracy of plans, and for the avoidance of doubt, at the request of the Planning Inspectorate the appellant submitted a hard copy of an accurate, unnumbered plan showing the floor plans, elevations, and a cross-section of the proposed dwelling along with a proposed street scene.
3. The appellant also submitted 2 plans with the appeal that were not submitted with the planning application, referenced 'Plan X' and 'Plan Y', showing on-site car parking spaces for both the proposed dwelling and the resultant host dwelling. I consider that nobody would be prejudiced due to me accepting these plans at this stage. I have therefore made my decision taking account of them.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular regard to plot size,
 - whether the proposal would have an unacceptable impact on highway safety, with particular regard to parking,
 - the effect of the proposal on the living conditions of existing occupiers, with regard to outdoor amenity space, and
 - whether the proposal would provide satisfactory living conditions for future occupiers, with regard to outdoor amenity space.

Reasons

Character and appearance

5. The site is located within a residential area on the corner of Hat Road and Freeboard Road. These roads consist of detached and semi-detached dwellings; most of them are bungalows with several evidently having accommodation in the roof space. There are a small number of two-storey properties located at the northern end of Freeboard Road, north of the site. The wider area comprises detached and semi-detached dwellings that are mainly two storeys. The dwellings on Hat Road and Freeboard Road have outdoor space to the front and rear, whilst some also have space down one side.
6. The site comprises a detached bungalow, number 1 Hat Road, which has extant planning permission for extensions and alterations. The Council has also issued a lawful development certificate associated with the site, confirming work has commenced on the implementation of a large one and a half storey outbuilding sited to the north of the property. There is a detached garage located in the north-western corner of the plot.
7. A single storey extension approved as part of the extant planning permission has been constructed, attached to the southern gable end of the host property. This has reduced the amount of space at what was the front of the property. Sub-dividing the plot as proposed would substantially reduce the plot size of the host dwelling.
8. The existing garage, unless demolished, would be sited within the plot of the proposed dwelling. Regardless of whether the garage was demolished or not, the plot size of the proposed dwelling and the resultant plot size of the host dwelling would both be substantially smaller than the plot sizes of the immediate neighbouring properties. For this reason alone, I conclude that the proposal would significantly harm the character and appearance of the area.
9. Although the lawful outbuilding, which would have a larger footprint than the proposed dwelling, would substantially reduce the extent of existing outdoor space associated with the host dwelling, the plot size associated with the dwelling would stay the same, thereby remaining in keeping with the plot sizes of surrounding properties.
10. The proposal therefore does not accord, in respect of this matter, with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), (LPCS), Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019), (LPD), or paragraph 130 of the National Planning Policy Framework (the Framework). Collectively, and among other things, these policies require new development to respect and be sympathetic to local character and to add to the overall quality of the area.

Highway safety

11. There is a school located at the western end of the Hat Road cul-de-sac. There are single and double yellow lines along Hat Road and Freeboard Road restricting on-street parking. Within this context, I consider the proposal should provide adequate on-site parking and adequate on-site parking should be retained for the host dwelling.

12. The proposed dwelling would have 2 bedrooms. The host dwelling currently has 3 bedrooms, but if the extant planning permission is fully implemented it would also have 2 bedrooms. I note the Council's concerns regarding the potential for another room to be used as a bedroom, which would result in the proposal having 3 bedrooms. As the proposed dwelling and the extant planning permission for the host dwelling are very similar, the Council's concern could also apply to the host property.
13. Notwithstanding the above, the Council Officer's Report (OR) suggests that the Local Highway Authority (LHA) guidance (which I have not been provided with a copy of) recommends 2 off-street parking spaces for dwellings that include up to 3 bedrooms. Hence, regardless of whether both dwellings had 2 or 3 bedrooms the level of on-site parking recommended is 2 spaces. The OR also states that the LHA guidance recommends on-site residential car parking spaces should measure 2.4 m wide x 5.5 m long.
14. The additional plans 'X' and 'Y' show 3 on-site car parking spaces for the proposed dwelling (with one of the spaces being within the garage retained on site) and 3 spaces for the resultant host property. Except for the width of the space shown within the existing garage (which is wider than the other spaces proposed), the proposed spaces measure around 1.9 m wide x 4.8 m long.
15. The appellant contends that the proposed spaces would be adequate for large SUVs, and consequently the spaces would be adequate for any smaller vehicles. Notwithstanding the LHA guidance, although the spaces as proposed may be the size of a large SUV, car parking spaces need to be functional. Thus, there needs to be space for cars to manoeuvre into and out of all the proposed spaces without the need for one or more of the cars to be moved unreasonably, ie without regularly shuffling cars around. Additionally, the spaces have to be sufficient in size to be able to open car doors, boots and bonnets; and if cars are parked in front of doors that provide access to/from buildings, eg dwellings or garages, the doors to those buildings have to be accessible and able to be opened and closed without restriction. I consider the 3 spaces proposed for both the proposed new dwelling and the resultant host property would not be functional as outlined.
16. However, bearing in mind the LHA guidance on number of spaces, I consider both the proposed dwelling and the resultant host dwelling only require 2 on-site car parking spaces each.
17. Bearing in mind the need for all spaces to be functional, I consider that, with demolition of the existing garage and a suitable access there would be sufficient space within the plot of the proposed dwelling to provide 2 functional on-site car parking spaces (matters which could have been secured by conditions, should I have been allowing the appeal). Within the circumstances of the site, I consider spaces of 2.4 m wide x 5 m long would be functional. Regarding the resultant host dwelling, I consider that 2 functional car parking spaces would be sufficient and could just about be provided within the site (provision of these spaces could also have been secured by condition, should I have been allowing the appeal).
18. I therefore conclude that the proposal would not have an unacceptable impact on highway safety. As such, in this regard, the proposal accords with Policy CS2 of the LPCS, Policy DM8 of the LPD and paragraph 111 of the Framework. Collectively, and among other things, these policies require new development

to secure a high-quality environment, including providing an appropriate level of parking. Proposals should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Living conditions – existing occupiers

19. As noted above, the size of the plots of both the proposed and the resultant host dwelling would be considerably smaller than the size of the plots of surrounding properties. One of the consequences of this, having noted also that on-site car parking would need to be provided for both dwellings, is that the extent of outdoor amenity space associated with each dwelling would be significantly smaller than that associated with properties in the immediate area.
20. Given the narrow width of the strip of space that would be sited immediately west of both dwellings, and the proximity of this strip to the western elevations of the respective dwellings and boundary fencing, I consider these areas of outdoor space would be limited to things such as the storage of refuse and recycling bins.
21. The outdoor amenity space that the host dwelling would be left with to use for such things as outdoor seating/relaxation, barbeques, drying laundry, etc., would be sited between the eastern elevation of the resultant dwelling and the eastern boundary of the resultant plot. Although the extent of this outdoor space would be considerably less than that of neighbouring properties, I consider it would be of an adequate size for the size of the resultant host dwelling.
22. However, as the boundary treatment along the eastern boundary, which is and would be adjacent to a public pavement, is only around 1.5 m high, and the Council has indicated that it would be unlikely to grant planning permission for boundary treatment/screening along this boundary to be any higher than it is, I consider that occupiers of the existing/resultant dwelling would not be provided with a satisfactory level of privacy in respect of outdoor space. Within the context outlined, I consider the issue I have found could not be overcome with the use of conditions.
23. I therefore conclude that the proposal would result in the living conditions of occupiers of the existing/resultant dwelling at 1 Hat Road not being of a satisfactory standard due to the lack of private outdoor amenity space. Consequently, the proposal does not accord with Policy CS2 of the LPCS or sub paragraph 130 (f) of the Framework, which require new development to provide a high-quality environment, with a high standard of amenity for existing users, that contributes to a better quality of life for the local community and promotes health and well-being.

Living conditions – future occupiers

24. As noted above, if the existing garage was demolished the plot of the proposed new dwelling would be readily able to accommodate adequate on-site car parking. Should I have been allowing the appeal I would have required the existing garage to be demolished not only to accommodate suitable on-site car parking, but also to enable some private outdoor amenity space to be created.
25. I consider the private outdoor amenity space that could be provided immediately north of the dwelling if the existing garage was demolished would

be a sufficient area of private outdoor space for the size of the proposed dwelling. I consider the combination of this space, along with the area of (not private) outdoor amenity space that would be provided between the eastern elevation of the proposed dwelling and the eastern boundary of the plot, plus the functionally limited strip of outdoor space that would be provided immediately to the west of the western facing elevation of the proposed dwelling, would ensure that future occupiers of the proposed dwelling would be provided with satisfactory living conditions with regard to outdoor amenity space.

26. Therefore, in respect of living conditions of future occupiers, the proposal would accord with Policy CS2 of the LPCS and sub paragraph 130 (f) of the Framework, which require new development to provide a high-quality environment, with a high standard of amenity for future users.

Planning Balance & Conclusion

27. The proposal would provide one additional dwelling. Although the Council can demonstrate a supply of housing land for over 5 years, an additional dwelling would assist in meeting the Government's objective, outlined in the Framework, of boosting the supply of housing. However, as there would only be one additional dwelling, I attach limited weight to this matter.
28. The proposal would also provide some economic benefits, mainly during the construction phase. Again, given the small-scale nature of the proposed development I only attach limited weight to this aspect.
29. Notwithstanding the conclusions I have reached regarding highway safety and living conditions for future occupiers of the proposed dwelling, I consider that the benefits of the proposal as outlined do not outweigh the substantial harms I have found in respect of impact on the character and appearance of the area, and the unsatisfactory living conditions that would result in respect of the existing occupiers of the host dwelling. Consequently, the proposed development does not accord with the development plan as a whole. Therefore, for the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR