
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/22/3295130

10 Poachers Close, Glenfield LE3 8SF

- 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 Richard North against the decision of Blaby District Council.
 - The application Ref 21/1226/FUL, dated 4 October 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described as: to increase the size of our rear garden incorporating the current waste land to the side of our property. Class 3 change of use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have not been provided with any evidence that the appellant agreed to the change in the description of proposed development given on the Council's Decision Notice; I have therefore used the description provided on the application form, which adequately describes the proposal.

Main Issue

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

Reasons

4. The site consists of a strip of vegetated land located immediately south-east of the dwelling number 10 Poachers Close. The site comprises part of a larger strip of vegetated land located between part of Elm Tree Avenue and residential development broadly north-west of it. The land use is described in various ways within the evidence, ie "*waste land*" on the planning application form, and "*part of the curtilage*" of No. 10 Poachers Close in the appellant's statement. As part of the vegetated strip is maintained by the Council, all-be-it to a limited extent (from my observations on site), I think it is not accurate to describe the strip as "*waste land*". Additionally, although the appellant owns the land in question, for the avoidance of doubt, I consider that it does not currently form part of the domestic curtilage of the property. Indeed, the appellant wishes to incorporate the land into the existing curtilage of No. 10 to enable it to become part of its curtilage in due course.
5. The Council suggest that the longer vegetated strip was retained as a soft landscape buffer to act as screening between the residential development that has been constructed broadly north-west of the strip and residential

development that existed broadly south-east of the strip. My observations on site lead me to conclude that the longer strip of vegetated land does serve as an important soft landscape/screening buffer between the residential development located north-west of Elm Tree Avenue, which No. 10 Poachers forms part of, and the residential development located south-east of Elm Tree Avenue located between the 2 ends of Somerset Drive.

6. Additionally, I consider the vegetated strip makes an important visual contribution to the character and appearance of the area, as well as providing habitat that promotes biodiversity.
7. Although footpath V96 runs through part of the strip, given the mainly overgrown nature of the strip (from what I observed during my visit), including along the footpath, I imagine the land is little used for recreational purposes; though I note that the proposal would not obstruct footpath V96 anyway.
8. I appreciate that the appellant proposes to plant what he describes as "*more pleasing and easily maintainable plants and vegetation*" to cover (screen) the proposed 2 m high close boarded timber fence that would be erected along the boundary of the site. I also accept that a vegetated strip of several metres would be retained between the south-eastern boundary of the proposal and the pavement adjacent to the Highway on Elm Tree Avenue.
9. However, removing the area of land from the larger vegetated strip would at minimum erode the extent of the soft landscape buffer as well as remove some of the natural habitat.
10. Furthermore, the use of the land as garden (eventually assumed within the domestic curtilage of the dwelling) could, and is highly likely would, result in domestic paraphernalia such as garden furniture, parasols, children's outdoor play equipment and/or domestic outbuildings being sited within the garden. Given that the garden boundary would be much nearer to Elm Tree Avenue than it is now, the presence of such items would be much more visible from Elm Tree Avenue than they would be at present.
11. Overall, I consider the erosion of the area of soft landscaping, the extension of domestic garden and likely introduction of associated domestic paraphernalia that would be more visible from Elm Tree Avenue, would be detrimental to the street scene and therefore harmful to the character and appearance of the area.
12. For the reasons outlined the proposal does not accord with policies CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) or DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019). Collectively, and among other things, these policies require all new development to be sympathetic to their surroundings, respect local character, be in keeping with the character and appearance of the area, protect the District's natural environment and provide opportunities to promote biodiversity.

Other considerations

13. The proposal would increase the extent of private outdoor space associated with the dwelling No. 10 Poachers Close, which the appellant and his family, and any future occupiers of the property, would be able to enjoy. However, as the property currently has around 100 sqm of outdoor space, I would describe

such an increase as satisfying a desire rather than a need. Nevertheless, this may be seen as providing some social benefit. However, I consider it to be very minor, and as such I attach limited weight to this matter.

14. Carrying out the proposed works would provide some economic benefits. However, these would be on a very small scale, and as such I attach limited weight to such benefits.
15. I am not persuaded by the suggestions that the proposal would either design out crime, promote a healthier lifestyle for the appellant's family, regenerate the area, make effective use of land, or be more environmentally friendly. As noted above, the nature of the vegetated strip is such that it does not currently lend itself to recreational use; and the children could currently play in the garden associated with the property, in an area already enclosed by a fence. The area is not in need of regeneration. As I have concluded that the proposal would be harmful to the character and appearance of the area, and remove an area of habitat, I do not accept that it would make effective use of the land or be more environmentally friendly. Consequently, I attach little weight to such matters.
16. I accept that the proposal would not impact on the living conditions of occupiers of neighbouring properties; and that it would not create any highway safety issues or detrimentally impact on the surrounding highway network. However, these are requirements of other planning policies anyway, and as such are not benefits in favour of the proposal.
17. I acknowledge that there are already garden fences within the street scene. However, I am not suggesting that there cannot be any more fences within the street scene. The key issue is the removal of the area of land from the soft landscaped strip, which positively contributes to the character and appearance of the area.
18. The appellant has drawn my attention to a recent appeal decision which allowed a "*change of use of amenity land to residential and relocation of wall and fence.*" I have not been provided with full details of the scheme, only a copy of the Decision. Nevertheless, from my reading of the description of the site the 2 schemes are not directly comparable.

Planning Balance & Conclusion

19. Bearing all the above matters in mind, I consider that there are no benefits that would outweigh the significant harm to the character and appearance of the area I have identified. I also consider that there are no other considerations, including policies in the Framework, that lead me to conclude other than in accordance with the development plan. For these reasons, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR