
Appeal Decision

Site visit made on 9 August 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH August 2022

Appeal Ref: APP/W2465/W/22/3295393

Land adjacent 3 Uppingham Close, Leicester LE5 6HT

- 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 Mohammed Patel of Haynes Gardens Limited against the decision of Leicester City Council.
 - The application Ref 20211693, dated 6 July 2021, was refused by notice dated 16 February 2022.
 - The development proposed is outline planning application for two detached two-storey dwellings (Class C3) with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.
3. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises of an area of garden land at the side of No. 3 Uppingham Close (No. 3), a two storey detached property that occupies a prominent corner plot. The site is largely open with a number of trees and other mature planting along the boundaries of the site. The outline proposal would involve the construction of 2 no. detached two storey dwellings with provision of on-site parking spaces and ancillary works.
6. The surrounding area is characterised by large detached single and two storey properties of varying styles and ages set back from the road within large spacious landscaped plots. There is some variation in the plot sizes and the building lines, with those on Uppingham Close being typically located on

smaller plots closer to the highway as compared to large spacious landscaped plots on the surrounding roads that gives the area a mixed well-established residential character. No. 3 being situated on a corner plot has more expansive grounds, which add to the open verdant character and appearance of the area, which is further enhanced by the presence of established trees and mature planting within the wide grass roadside verges adjacent to the site.

7. The existing character of the site would change significantly as a result of the residential development on this open undeveloped area of land. A change in the nature of the site would be an inevitable consequence of this. The Council has not raised concerns in relation to the principle of development in this location. Rather, it considers the specifics of the scheme to be inappropriate.
8. Variety does not necessarily lead to harm. Although, some degree of projection in front of the properties along Uppingham Road would not appear excessive due to the staggered built form and mature landscaping adjacent to the site, the indicative scale and layout of the proposed detached two storey dwellings would nevertheless still be a significant addition in this location.
9. I observed during my site visit that the rear south eastern boundary of the site running alongside Spencefield Lane, comprised of a close boarded fence and vegetation albeit of a more limited and dispersed nature. The proposed dwellings on the appeal site would be positioned relatively close together and in close proximity to the south eastern boundary, that would provide limited opportunity to soften the impact of development through a comprehensive landscaping scheme in this location. As such, the proposed development, by virtue of its scale, siting and layout illustrated on the submitted plans, would appear visually cramped, compromising the sense of space and openness between the dwellings and the highway and the verdant feel in the area.
10. These shortcomings would be exacerbated by the proposal's prominent position which would be visible from a number of public vantage points in particular from the rear of the site along Spencefield Lane and Uppingham Road. I therefore consider that the proposed development, by virtue of its scale, siting and layout illustrated on the submitted plans, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
11. I have considered the appellant's arguments that the indicative scale and layout of the proposed development has been carefully considered in order to minimise any impacts on the area and would be in keeping with the other buildings in the area. Whilst the use of matching materials, fenestrations, boundary treatment and the landscaping would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
12. Consequently, I conclude that the proposed development would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policy CS Policy 3 of the Leicester City Core Strategy 2014. This policy, amongst other things, seeks to ensure that development proposals provide the highest design quality that contributes positively to an area's character and appearance and to the surroundings, being appropriate to the local setting and context. In addition, the proposal would not accord with the

National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character, including the surrounding built environment and landscape setting (paragraph 130).

Other Matters

13. I note the appellant's willingness to reconsider the appeal proposal and the revised illustrative site concept plan submitted for the proposed dwellings in response to the Council's comments on the refused scheme. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision. As such, these are a material consideration to which I can attach only limited weight.
14. I have considered the issues raised by the appellant regarding the way in which the application was processed by the Council. I also note the appellant's comments regarding the Council's use and application of the Council's Residential Amenity Supplementary Planning Document 2008 and the National Design Guide to the proposal. However, these are a material consideration to which I can attach only limited weight in making this decision.
15. I note the appellant's comments regarding the context provided in the Framework for good design and that planning decisions should not prevent or discourage appropriate innovation or change (such as increased densities), but I find that the proposal does not achieve the standards the Framework seeks.

Overall Planning Balance and Conclusion

16. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites and that the relevant policies for the supply of housing are out of date. In these circumstances, Paragraph 11(d) of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
17. The appellant considers that the proposal would provide a sustainable form of development in accordance with the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, the use of energy efficient and sustainable construction methods, biodiversity gains, the efficient and effective use of land on a small site within an accessible location and through contributing to the housing supply in the area.
18. However, I have found above that taken overall the proposed development would harm the character and appearance of the area and would be contrary to the design aims of the relevant development plan policy set out above. This harm would conflict with the environmental objective of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Framework taken as a whole.
19. The proposal would not therefore amount to sustainable development in the terms of the Framework. The Framework is a material consideration. However,

in the circumstances of this appeal, the other material considerations do not justify making a decision other than in accordance with the development plan.

Overall Conclusion

20. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR