
Appeal Decision

Site visit made on 2 August 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2022

Appeal Ref: APP/A2470/W/22/3295422

31 The Quadrant, Uppingham LE15 9QP

- 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 Daniel Buckley against the decision of Rutland County Council.
 - The application Ref 2021/0767/OUT, dated 14 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is the construction of single-storey two bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with appearance, layout and scale considered at this stage. Drawing DB-01-A includes annotations describing where the pedestrian and vehicle access points would be situated, in line with paragraph 5 of the 2015 Order¹ which requires these to be indicated, even when "access" is a reserved matter. The same drawing shows the parking and turning area for the proposed dwelling, which can be detailed in respect of "layout", which is being considered at this stage. I have therefore treated the plan as indicating how access would be gained from the lane and showing one way of accommodating vehicle movements within the site. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development on: (a) the living conditions of future occupiers; and (b) the character and appearance of the area.

Reasons

Living Conditions

4. The proposed dwelling would be sited so that its side gable would be in close proximity to the boundary shared with the rear garden of No 31 The Quadrant and its rear elevation would be in close proximity to the boundary shared with the rear garden of No 29 The Quadrant. Within the rear elevation of the proposed dwelling, windows would serve a bathroom and two bedrooms. These would be the only windows to these rooms, which would directly face the closed boarded fence of No 29. I accept that these rooms are not the living

¹ The Town and Country Planning (Development Management Procedure) (England) Order 2015

room or a kitchen/diner, however, they are still the main habitable areas of a property that would be used frequently. The proximity, height and solidity of the boundary treatment to the windows serving the two bedrooms, would result in an enclosed and oppressive outlook for the future occupiers of the proposed dwelling and would be likely to make the rooms that the windows serve unpleasant to use.

5. The area adjacent to the northern gable of the proposed dwelling is shown on drawing DB-01-A to be earmarked for a parking and turning area that would occupy the majority of this space. The private amenity space associated with the proposed dwelling would be limited to two narrow strips sited between the gable side elevation and rear elevation of the proposed dwelling and the boundaries to No 29 and 31 The Quadrant. There is a further small section of garden adjacent to the parking/turning area and to the front of the property, but these areas would be overlooked by users of the access track. There would be no direct access from the proposed dwelling into the private amenity space, with occupants having to exit via the front door. As a two-bedroomed dwelling, it is reasonable to assume that it could accommodate a small family. However, the size and shape of the outdoor areas would be inadequate for children to play, the drying of clothes or the siting of a table and chairs.
6. In relation to the first main issue, the proposed development would harm the living conditions of the future occupiers of the dwelling. It would not comply with Policy CS19 of the Rutland Core Strategy, 2011 (CS) or Policies SP5 and SP15 of the Rutland Local Plan Site Allocations and Policies Development Plan Document, 2014 (DPD) which, amongst other things, require developments to have regard to their impact on the occupiers of proposed development. The proposed development would also not comply with paragraph 130 of the National Planning Policy Framework (NPPF), that requires new development to have a high standard of amenity for future users.

Character and Appearance

7. The appeal site comprises a parcel of land to the rear of No 31 The Quadrant. It is overgrown with the remains of a brick building and what appears to be stored or dumped building materials. It is accessed by a single width track located between No 31 and 33 The Quadrant, which provides access to the agricultural land beyond and is adjacent to the garden of No 11 Glaston Road. The appeal site is bounded by closed boarded fences to No 29 and 31 The Quadrant, and by boundary hedgerows adjacent to the access track and No 11 Glaston Road.
8. The Quadrant is a residential street comprising a mix of mainly two-storey semi-detached and detached properties set back from the road by a front garden/parking area. These properties are not uniform in appearance and their exterior has altered by the erection of extensions of differing designs. Most dwellings have a large rear garden, but plot sizes do vary, particularly those dwellings close to the junctions with Gainsborough Road and N St E. In contrast, the properties along Glaston Road comprise detached dwellings set within irregular-shaped plots and sporadically positioned along the road.
9. The siting of the proposed dwelling on a lower ground level would ensure that the proposed dwelling would not be highly visible from The Quadrant. The development would form backland development that is not characteristic of The Quadrant, however, the appeal site's location and distance from The Quadrant

would ensure that it would not be read as part of The Quadrant's street scene. Instead, its siting would follow the loose knit dwellings that occupy Glaston Road.

10. However, the proposed dwelling would comprise a detached bungalow that would occupy the greater part of the plot, with the majority of the remainder of the plot used as a parking and turning area. This is in stark contrast to the spacious development nearby. The scale of the proposed dwelling relative to the size of the plot would result in a cramped form of development that would not reflect, and would be harmful to, the prevailing character of development within the surrounding area.
11. My attention has been drawn to four dwellings on The Quadrant and Gainsborough Road that the appellant considers are comparable to the plot size of the appeal proposal. I was able to view these properties from the street during my site visit and I have assessed their plot sizes in comparison to the appeal site on the "Similar Properties Map" submitted by the appellant as part of his appeal submission. Whilst the overall plot size of the appeal site may be similar to these examples, all four properties have off-street parking, with two also accommodating a garage. Furthermore, all four examples have an area of amenity space either to the rear or side that is of a size and shape that would be larger than that proposed at the appeal site. Accordingly, the examples quoted are not directly comparable to the proposal before me.
12. In relation to the second main issue, the proposed development would result in a cramped form of development that would not reflect the prevailing layout or plot sizes of the surrounding area, thereby causing harm to the area's character and appearance. It would not comply with Policy CS19 of the CS or Policies SP5 or SP15 of the DPD which, amongst other things, seek to ensure that the density, scale, form and massing of a development is appropriate to the local context of the site and the surrounding streetscape character, and would complement the character of the area.

Other Matters

13. Uppingham Town Council has not raised an objection to the proposed development. However, the Council is not bound by the views of the Town Council when determining a planning application.
14. The appellant considers that the proposal would result in a small house of an affordable price that is needed in an area where house prices are very high. The proposed dwelling would not comprise affordable housing that meets the definition contained in the Appendix 2: Glossary of the NPPF. Furthermore, no evidence has been submitted to support these assertions.
15. I am mindful of the appellant's concerns regarding discussions with the Council, however, my decision is concerned with the planning merits of the proposed development. This is therefore a matter which the appellant should take up directly with the Council.
16. I have had regard to other matters raised by a third party comprising but not limited to, the effect of the proposed development on noise and disturbance and the possible location of a badger sett. As I am dismissing the appeal, I have not addressed these matters further.

Planning Balance

17. The Council has stated that it is unable to demonstrate a five-year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11(d) of the NPPF is engaged which states “where the policies which are most important for determining the application are out-of-date, granting planning permission unless (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.
18. No information has been provided with regard to the scale of the shortfall in housing supply, and the provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit limited, to the Government’s objective of significantly boosting the supply of new homes. The proposal would also provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the local community and its services from the future occupiers of the proposed dwelling. These benefits carry moderate weight in favour of the scheme.
19. Against these benefits is the harm that would be caused to the character and appearance of the area and to the living conditions of the future occupiers of the proposed dwelling, contrary to the design, local distinctiveness and amenity objectives of the NPPF, matters to which I give substantial weight.
20. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. The proposal would not therefore represent a sustainable form of development.

Conclusion

20. For the reasons given above, having considered the development plan as a whole and all other material considerations, I conclude that the appeal is dismissed.

A Berry

INSPECTOR