



Appeal Decision

Site visit made on 20 September 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28/09/2022

Appeal Ref: APP/X2410/W/22/3299137

153 Leicester Road, Shepshed LE12 9DG

- 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 Matthew Warner against the decision of Charnwood Borough Council.
- The application Ref P/21/0651/2, dated 19 March 2021, was refused by notice dated 28 March 2022.
- The development proposed is a 'Detached dwelling to the rear of 153 Leicester Road, Shepshed'.

Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling to the rear of 153 Leicester Road, Shepshed LE12 9DG in accordance with the terms of application Ref P/21/0651/2, dated 19 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan ID: JEW-00847663, Block plan ID: JEW-00849026 and PN891 showing elevations and floorplans.
 - 3) Prior to the first occupation of the hereby approved dwelling, the parking spaces for the original dwellinghouse and the new dwelling shall be hard surfaced in accordance with the approved plans and retained for parking purposes thereafter.
 - 4) No materials shall be brought onto site until details of existing and proposed levels, including ground levels and finished floor levels, have been submitted to and agreed in writing by the local planning authority. The development shall be completed in accordance with the approved details.
 - 5) No materials shall be brought onto site until full details of the proposed materials for the walls, roof (including dormer front and cheeks), windows, doors, boundary treatments, hard standing, lighting, and rainwater goods have been submitted to and agreed in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Preliminary Matters

2. The Council is currently in the process of preparing a new local plan. However, this is still at examination stage. Accordingly, the Council identify that it currently carries little weight in the determination of this appeal and has not

referred me to any policies within it. I will not therefore refer to it in my decision.

Main Issue

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

Reasons

4. Leicester Road is a main north-south route between Shepshed town centre and the wider strategic road network. In the vicinity of the site, the western side predominantly consists of 2-storey residential terraces and infill set behind short front gardens. On the opposite side of the road are consistent pairs of semis set behind deeper front gardens and between the entrances to residential cul-de-sacs.
5. The site includes 153 Leicester Street, a detached house set between 2 short terraces. It benefits from a wide shared side driveway with No151 and a deep garden extending to an open area of allotments to the west. The plot width is greater than the majority of others on this section of the road.
6. The proposal seeks to subdivide the plot and erect a 3-bedroom dormer bungalow towards the rear end of the garden. Parking and amenity areas would be provided for the existing and proposed dwellings.
7. Paragraph 71 of the National Planning Policy Framework (the Framework) states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The development plan for the locality consists of saved policies in the Charnwood Local Plan 1991-2006 [2004] (the CLP) and the Charnwood Local Plan 2011-2028 Core Strategy [2015] (the CS). Both plans precede the latest iteration of the Framework.
8. I am not referred to any policies within those plans which explicitly prevent the backland development of garden areas. However, the Council has referred me to saved Policy EV1 of the CLP and Policy CS2 of the CS. Both policies reflect the Framework's promotion of high-quality design and development that is sympathetic to local character. They are therefore entitled to significant weight.
9. Notwithstanding the larger area of the garden compared to others nearby, the proposed subdivision of the plot would not be typical of the long narrow plots with road-fronting development along this part of Leicester Road. Although the building would appear subordinate in scale to those fronting the street on account of the low eaves line, it would be considerably larger than the limited scale of domestic outbuildings and sheds found between the principal buildings and the area of the allotments to the west.
10. Furthermore, the building's design would contrast with the prevalent 2-storey dwelling types found in the locality. It would require an unusually long driveway and large areas of hardstanding for vehicular access, parking and turning.
11. I recognise that the existing terraces and houses on the western side of Leicester Road provide a substantial screen to the area of the rear gardens. Only limited glimpses of the development would be visible from the street.

However, it would be prominent in outward views from the rear windows of properties flanking the site and from the open area to the west on account of its scale and relatively isolated position.

12. In support of the proposed development, the appellant refers me to an example of backland development elsewhere on Leicester Road. At my site visit, I saw that there were some limited examples in the area, however, these are in the minority. They are not therefore a strong reason for permitting development that would conflict with the Council's approach to achieving a high-quality design of development which responds positively to its context.
13. For the reasons above, I find that the proposal would fail to respond to the character and appearance of development on this part of Leicester Road. It would conflict with saved Policy EV1 of the CLP and Policy CS2 of the CS as they seek development to respect and enhance the local environment, including through its design, layout and scale to reinforce the local sense of place.

Other Matters

14. I note concerns in relation to vehicle turning within the site. Whilst there is no such provision at the existing dwelling, the proposal would provide a large area of hardstanding to its frontage. This would provide adequate space to enable vehicles to turn within the site and leave in a forward gear. Accordingly, I find there would be no material effects arising from a small intensification of use of the existing driveway.

Planning Balance

15. There is no dispute between the main parties that the Council is currently unable to demonstrate a 5-year housing land supply. According to the Council, the supply is currently about 3.05 years and is therefore a considerable shortfall.
16. Consequently, footnote 8 of the Framework applies which engages para 11 d). There are no policies in the Framework that protect areas or assets of particular importance and which provide a clear reason for refusing development on the site as set out in para 11d) i). Therefore, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (para 11 d) ii of the Framework).
17. As set out above, I have found that some harm to the character and appearance of the locality would arise. Given that views of the proposal would be limited and partially filtered by existing vegetation in the locality, I find this is a matter entitled to moderate weight.
18. Although the proposal would deliver only a single residential unit, it would, nevertheless, contribute to the Government's objective of significantly boosting the supply of homes. Furthermore, it would meet an identified need for 3-bedroomed properties set out in the Leicester and Leicestershire Housing and Economic Needs assessment 2022. These are benefits of moderate weight.
19. Having regard to all matters raised, I find that the degree of harm arising would not significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework taken as a whole. Accordingly, the tilted balance applies and, in accordance with Paragraph 11 d) planning permission should be granted.

Conditions

20. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
21. Conditions in relation to land levels and the materials to be used in the external parts of the building and site are necessary to protect local amenity. A condition requiring provision and retention of the off-road parking spaces is reasonable in the interests of highway safety.

Conclusion

22. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR