



Appeal Decision

Site visit made on 18 October 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 NOVEMBER 2022

Appeal Ref: APP/Y2430/W/22/3296954

Former Millway Foods Ltd, Colston Lane, Harby LE14 4BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Jack Kumar against the decision of Melton Borough Council.
 - The application Ref 19/01384/REM, dated 19 December 2019, sought approval of details pursuant to condition Nos 1, 2 and 5 of planning permission Ref 15/00673/OUT, granted on 13 January 2017.
 - The application was refused by notice dated 10 December 2021.
 - The development proposed is erection of 53 dwellings (reserved matters to outline planning permission 15/00673/OUT).
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Jack Kumar against Melton Borough Council. This application is the subject of a separate Decision.

Background and Main Issues

3. Outline planning permission for the residential development of this site, including access, was granted on appeal in January 2017. The details for which approval is sought are the reserved matters of appearance, landscaping, layout and scale. Based on the Council's reasons for refusal, the main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the development would make suitable provision for car parking, with due regard to visual amenity.

Reasons

Character and Appearance

4. The appeal site is an area of previously developed land which contained a factory and associated features, which have been demolished. At the time of my visit the site was a freestanding plot separated from the built extent of the village of Harby. However, based on the evidence before me, the intervening

area of land has been granted outline planning permission for housing, and it is therefore likely that the appeal site will form part of a contiguous built-up area with the village.

5. The site is in a prominent location at one of the main entrances to the village. Although there is nearby built development along Colston Lane, the site has a transitional role between the village and its countryside setting.
6. Harby is a pleasant if understated village which contains a variety of building styles and layouts. The village includes a mixture of traditional as well as more recent buildings, which are representative of the incremental development of the village over time.
7. The Council's reason for refusal on this issue refers specifically to the architectural detailing of the proposed dwellings. The proposed development takes a contemporary approach to the design of dwellings, including features such as elongated windows and brick detailing. Although the form of the dwellings and layout of the development are relatively conventional, the simple treatment of the elevations would give the dwellings and the resultant streetscape an urban and almost austere character.
8. Even though Harby does not have a prevailing form or pattern of development, the urban appearance of the dwellings would be a jarring feature within the setting of the village. The proposed development would be apparent as an incongruous urban estate on the edge of this settlement, and would contrast uncomfortably with the character of Harby and the context of the site at this entrance to the village.
9. I have had regard to the Design Review¹ submitted by the appellant. This refers to design tools such as Building for a Healthy Life², and specifically *"What's needed... [is] a locally inspired or otherwise distinctive character"*. In that regard, the design of the dwellings seeks to draw subtle references from the village, including chimney stacks and windows with a vertical emphasis. However, although the contemporary approach to the design of the dwellings would be distinctive, I consider that this would contribute to the unduly incongruous appearance of the development.
10. There are elements of the proposal which are commendable, including the use of elongated chimney stacks and materials which reflect those used in the village. I also note that the Design Review recommends the use of red brick on the site frontage to better connect with the village. However, even given those considerations and matters such as landscaping, I do not consider that they would be sufficient to overcome the harm arising from the unacceptable architectural detailing.
11. The bespoke designs of the dwellings on their own terms are an attractive contemporary approach, and in another context could raise the standard of design compared to more typical and mediocre forms of housing. However, within the terms of paragraph 134 of the National Planning Policy Framework (the Framework), the proposal would not fit in with the overall form of its surroundings. Similarly, although policy D1 of the Melton Local Plan does not seek to stifle innovative design, it also sets out that buildings should be

¹ Design Review, Urban Design Doctor.

² Building for a Healthy Life, Homes England

designed to reflect the wider context of the local area and respect the local vernacular, which the design of the dwellings would fail to do.

12. The appellant has taken a proactive approach to the design of the dwellings, including undertaking design review meetings with both the District and Parish Councils. However, although the appellant has acted in good faith in progressing the proposal on the basis of feedback received from other parties, this does not lead me to a different conclusion in respect of the inappropriate design of the dwellings within the context of the site.
13. I conclude that the appearance of the development resulting from the architectural detailing of the dwellings would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with policy D1 of the Local Plan with regards to the consideration of the wider context of the local area and the local vernacular. The proposal would also be contrary to the Framework in respect of achieving well-designed places.

Car Parking

14. The Council's reason for refusal on this issue refers to a reliance upon 'tandem' arrangements, resulting in on-street parking to the detriment of visual amenity. The concerns of the Council on this issue therefore relate to matters of character and appearance rather than highway safety.
15. The great majority of dwellings within the site rely on tandem parking within their respective plots. This would result in the need to move the vehicle closest to the highway to enable those further within the site to depart. Compared to parallel parking this arrangement would be relatively awkward. Due to this, the Council refers to overflow parking from vehicles displaced within individual plots, and I note that the Council's Design SPD³ does not recommend this tandem arrangement and considers it a last resort.
16. However, it is not unreasonable to expect individual households to manage their own parking arrangements. Due to the security and access benefits of parking a vehicle within the curtilage of a dwelling, I do not anticipate that the proposed tandem arrangement of parking would generate a significant amount of on-street displaced parking.
17. In any event, the appellant has proposed a number of unallocated parking bays distributed throughout the site. Set within a suitable landscaping scheme these would represent an appropriate method of addressing displaced parking from dwellings within the development, as well as potential visitor parking. In any event, should the proposal lead to some on-street parking, I do not consider that this would be of a degree that would lead to an unduly cluttered or car-dominated streetscape.
18. I am also mindful of the benefits of tandem parking. This arrangement reduces the dominance of car parking to the front of dwellings and enables the provision of front gardens which would add to the landscaping of the scheme. It has also not been demonstrated that the proposal would limit bin storage or garden access as is referred to in the Design SPD.

³ Melton Borough Design SPD 2021

19. The Council's Appeal Statement also refers to a deficit of spaces compared to the requirement of policy T4 of the Neighbourhood Plan⁴. However the appellant's evidence specifies that the proposal would include a minimum of 143 spaces which would be provided on individual plots (including garages) or on frontage courts, which would exceed the number of spaces required by policy T4. On the basis of the submitted evidence, the proposal would therefore provide a generous number of spaces in compliance with the Neighbourhood Plan.
20. The Council refers to a 'pinch point' in relation to plots 38-44 where a communal parking arrangement is proposed, and concern in relation to the effect of unallocated parking to the front of Plot 40. However, this matter can be addressed by a rearrangement and reallocation of the parking provision, and as indicated in the Council's officer report this could be secured by condition.
21. I therefore conclude that the proposal would make sufficient provision for car parking within the site. On that basis, the proposal would not generate on-street parking to a degree that would harm visual amenity. The proposal would therefore not conflict with the parking requirements of policy D1 of the Local Plan or policy T4 of the Neighbourhood Plan.
22. The proposal would conflict with the advice of the Design SPD which states that tandem parking is not recommended and must be considered a last resort. However, given the extent and form of parking provision within the proposal and my conclusions on this main issue, I do not consider that conflict with this advice is sufficient to warrant the refusal of planning permission with regards to visual amenity.

Other Matters

23. The proposal would add to the mix of housing in the area, and a quantity of affordable housing which exceeds that required by the adopted development plan. However, these benefits could be achieved by development of a more suitable appearance and do not outweigh the harm that I have identified.

Conclusion

24. Notwithstanding my conclusions in respect of car parking, I have concluded that the proposal would lead to significant harm to the character and appearance of the area. Based upon the evidence of the main parties the proposal would not lead to harm in respect of landscaping, layout and scale. However, this does not negate the harm I have identified in respect of the reserved matter of appearance.
25. The proposal would therefore conflict with the development plan and the Framework when read as a whole with regards to achieving well-designed places. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR

⁴ Clawson, Hose and Harby Neighbourhood Plan.