



Appeal Decision

Site visit made on 10 January 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 25 JANUARY 2023

Appeal Ref: APP/T2405/W/21/3286488

Land off New Street, Stoney Stanton, Leicester LE9 4DU

- 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 John Mac against the decision of Blaby District Council.
 - The application Ref 20/1467/FUL, dated 17 December 2020, was refused by notice dated 26 May 2021.
 - The development proposed is erection of a two-bedroom bungalow, parking, access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide suitable living conditions for future occupants of the development with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is formed of an area of undeveloped land located to the rear of dwellings that front onto New Street. The access to the site is located in between two rows of terraced two storey dwellings, identified as Oak Tree Cottages. To the rear of the site are the back gardens of dwellings that front onto Mays Farm Drive. The dwellings along New Street are characterised by having relatively large garden areas, apart from Oak Tree Cottages to the front of the appeal site, which have rear gardens of a more limited depth.
4. Other than the Old Dairy, a single storey dwelling located to the north of the appeal site, the prevailing character of New Street consists of dwellings which are positioned more closely to the road with variation in the set back. All dwellings within the vicinity of the appeal site, including the Old Dairy have frontage onto New Street. Within the context of the surrounding development, the Old Dairy appears an anomaly to the general pattern of built form, due to its more extensive set back from New Street. There are no examples of backland residential developments within the immediate vicinity of the site.

5. I observed during my site visit that the access has been created and the land separated off from the dwellings to the front by a close boarded fence. Whilst the access to the site is visible from New Street, the proposed bungalow would not be due to its positioning to the rear of the existing dwellings. The lack of presence that the proposed bungalow would provide to the public realm is not characteristic of the surrounding area and the backland position of the dwelling is at odds with the established pattern of built form.
6. The appellant has drawn my attention to the variety of house types in the local area. I observed the mixed appearance of the houses on New Street and the surrounding roads during my site visit, however, it is not the design or appearance of the proposed dwelling that is contrary to the prevailing character, but its siting, in a backland position with no direct frontage onto New Street.
7. The Council raises concern regarding the plot size and layout and the siting in close proximity to adjoining dwellings, leading to a cramped form of development and the over development of the site. Whilst the additional garden space to the south of the plot is a little removed from the proposed bungalow, it could be integrated into the plot through an effective landscaping scheme and would represent usable garden space for future occupants. The ratio of developed footprint to garden space is adequate and parking and turning space is provided within the plot. The proposed bungalow would not therefore appear cramped within the plot.
8. Whilst I do not find that the proposal would result in a cramped form of development, I find that the siting of the proposed bungalow would be at odds with the prevailing pattern of built form. The proposal would therefore be harmful to the character and appearance of the area. The proposal conflicts with policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document Adopted February 2013 (LPCS), policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document Adopted February 2019 (LPD) and policy FV6 of the Fosse Villages Neighbourhood Plan: Referendum 2018-2029 (NP) which amongst other things, seek to ensure that development proposals demonstrate that they have taken account of local patterns of development and that they are in keeping with the character and appearance of the area and the surroundings of the site.

Living conditions

9. The proposed bungalow would be situated directly to the rear of the existing two storey terraced dwellings, Oak Tree Cottages. All of the first floor windows in the rear elevations of Oak Tree Cottages would afford views towards the proposed bungalow and associated garden space. Whilst a certain level of overlooking of private garden space is to be expected in residential areas, there would be limited separation between the rear elevations of the existing dwellings and the garden area associated with the proposed bungalow, when comparing the relationship with other dwellings within the vicinity of the appeal site. I note that there are instances in other parts of the village which have a closer relationship in this regard, however these are removed from the appeal site and its specific local context.
10. Only a limited narrow strip of garden land to the rear of the proposed bungalow would be screened from the existing first floor windows by the proposed built form. Given the limited separation distance, which is at odds with the

surrounding area, the significant majority of the garden space would be overlooked by the first floor windows of the existing dwellings which would be harmful to the privacy afforded to future occupants of the garden space associated with the proposed bungalow.

11. I note the appellant's comments about future occupiers being aware of the relationship between the dwellings prior to purchase. However, it is necessary to ensure that future occupants are provided with adequate privacy to ensure satisfactory living conditions.
12. As such, I conclude that the proposal would have an unacceptable effect on the living conditions of future occupiers, with particular regard to the privacy of the garden area. Consequently, it would conflict with policy CS2 of the LPCS, policy DM1 of the LPD and policy FV6 of the NP which amongst other things, seek to ensure that development proposals result in high quality places that provide satisfactory relationships with existing or new occupiers in relation to privacy.

Other Matters

13. The Council did not refuse the application on the principle of development within the village, identified as a rural centre. Even if I were to agree with the Council, this would be a neutral factor that would not weigh in favour of the proposal.
14. The proposal would add a bungalow to the housing supply which would contribute to the housing mix for the area, however, given the scale of the scheme, the contribution to the housing supply would be small. I also note the appellant's assertion that the proposal would result in the efficient use of land in accordance with the aims of Section 11, Making effective use of land, of the National Planning Policy Framework (the Framework). Neither of these considerations outweigh the harm I have found above.
15. The lack of objections from technical consultees and the lack of harm to the living conditions of occupiers of existing neighbouring properties do not weigh in favour of the proposal.
16. Reference is made in the appellant's statement to the Hinckley and Bosworth Borough Council The Good Design Guide Supplementary Planning Document 2020, however, this is not relevant to this case, given that the appeal site is not within the administrative area of Hinckley and Bosworth Borough Council.

Conclusion

17. The proposal is contrary to the development plan as a whole and there are no other considerations, including the Framework, which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR