



Appeal Decision

Site visit made on 7 February 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/F2415/W/22/3307392

West View, Main Street, Cotesbach LE17 4HZ

- 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 S Russell against the decision of Harborough District Council.
 - The application Ref 22/00020/FUL, dated 7 January 2022, was refused by notice dated 13 April 2022.
 - The development proposed is the erection of a detached dwelling, supported by a Housing Need Survey.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both main parties have referred to HDC Supplementary Design Guidance in evidence and this is also referenced in the Council's decision notice. The Council has confirmed that this reference relates to the Development Management Supplementary Planning Document, 2021 (DM SPD). I have therefore referred to the DM SPD rather than the Design Guidance in my decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area; and the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, specifically 3 The Precinct, with regard to overlooking and outlook.

Reasons

Policy matters

4. Policy SS1 of the Harborough Local Plan, 2019, (LP) sets the spatial strategy for Harborough District and the settlement hierarchy. Cotesbach is not listed as a settlement within SS1 and is identified as an "other village, rural settlement and the countryside" in the supporting tables in Appendix F. Both main parties have referred to Policy GD2 of the LP and the Council has referenced it in the decision notice. However, GD2 relates to development within or adjoining the built-up area of Market Harborough, Key Centres, Leicester Principal Urban Area, Rural Centres and Selected Rural Villages. GD2 does not relate to the other villages or rural settlements such as Cotesbach. As such Policy GD2 is not determinative for these reasons.

5. Policy GD4 of the LP relates to new housing in the countryside and therefore includes the other villages and rural settlements and is the relevant policy for considering the appeal site.
6. There is no issue between the main parties with regard to the housing needs survey identifying a local need for new housing in Cotesbach, as required by Part 1a of Policy GD4 of the LP. The identified housing need weighs in favour of the proposal, and I have given this moderate weight in my decision.

Character and appearance

7. Policy GD8 of the LP requires all development to, amongst other matters, achieve a high standard of design; respect and enhance the local character and distinctiveness of the settlement; and integrate into the existing built form.
8. Due to the significant change in levels from the steep upwards slope of the garden the proposed dwelling would be visible from Main Road. However, the views of the proposal would be limited due to the other houses. The photomontages, submitted with evidence, assist in showing that the proposal would not be prominent in the street scene. The prominence is also reduced by the one and a half storey height and the position of the proposal. The appeal scheme would, therefore, not have a significant impact on the street scene. Furthermore, the proposed design, scale and materials are also acceptable.
9. The donor property has a large garden, which is larger than the houses either side due to the width of the plot. However, it is not exceptional in the wider settlement. Moreover, the length of the rear gardens to the houses along Main Road is consistent and provides a strong boundary line between the houses on Main Road and those on The Precinct. The layout of the houses on Main Road, which is predominately linear and road fronting, and the long rear gardens sets the built form for this part of the village and currently contributes positively to the character of the area. From the evidence before me, the nearby consent for a replacement dwelling with stables to the rear is not comparable to the current proposal.
10. The three dormer bungalows off The Precinct are physically and functionally separate from the appeal site. They have a separate road frontage and are set within a different context and built form in that they are off a private drive leading off Main Street. Number 3 The Precinct (No. 3) and its garage creates a clear sense of enclosure and an end to the private drive.
11. The proposal, although set broadly in line with No. 3, would be accessed off Main Street and set in its own context. It would not be readily viewable as part of The Precinct, nor as part of the housing fronting Main Street. Although the development would not significantly affect the landscape setting or landscape character area it would not maintain the area's prevailing character or form. The appeal proposal would be viewed separate to the surrounding dwellings. It would, therefore, result in a development of a different context to the surrounding built form.
12. The appeal proposal would therefore be out of context with, and harmful to, the character and appearance of the area contrary to Policy GD8 of the LP and the DM SPD which, taken together seek to ensure that new development respects the form and character of the existing settlements and respects the character of an area.

Living conditions

13. The proposed development sits behind the donor property, West View and is orientated with principal elevations facing the gardens of the neighbours either side; Shalom and Ashbank. Number 3 The Precinct (No. 3) sits beyond the proposed development and itself is a dormer bungalow with a bedroom window in the gable end roof space facing towards the appeal site which, from the evidence before me, is the only window serving this bedroom.
14. The separation distance between the proposed dwelling and No. 3 is below the 14m distance, between blank elevation and an elevation containing a principal window, set out in the DM SPD. The separation distances are sought to ensure good residential living conditions. However, the DM SPD also accepts that the standards can be applied flexibly and take into account building scale. In this case both the existing and proposed dwellings are one and a half storeys with facing gable ends rather than facing principal elevations. As such a reduced level of separation is acceptable and the separation distance provided will ensure that the proposed dwelling would not cause loss of light or an overbearing impact to No. 3.
15. The position of the proposal, and that there are only rooflights in the rear roof-slope and a blank gable end, would limit the extent of overlooking of the garden to No. 3. Furthermore, the position of the proposal and the existing outbuildings to No. 3 would also ensure that the development is not overbearing to the garden of No. 3.
16. However, the position of the proposed dwelling on the plot is set back from the gable of No. 3, rather than in line with it. As a result, the windows in the front of the proposed dwelling would cause overlooking of the gable end window of No. 3, and No. 3 would overlook the proposed dwelling. The overlooking would be at an angle; however, the distance and the angle are not sufficient to prevent overlooking. Moreover, as a first-floor window the existing boundary treatments do not prevent the overlooking. The siting, layout and design of the proposal would, therefore, harm the living conditions of the occupants of this neighbour.
17. Due to the orientation of the proposal, it would also result in some level of overlooking of the gardens of Shalom and Ashbank. However, the gardens are a similar length to that of West View with well-established boundary treatments which, I have no evidence are to be removed. The length of the gardens will ensure that the proposed development would be some distance from the neighbour's dwellings. Therefore, the proposal would not overshadow nor overlook the parts of the garden closest to the dwellings, or directly overlook the dwellings. Overall, the proposal would not result in unacceptable levels of overlooking or loss of light to these neighbouring properties.
18. The access to the proposed development is between West View and Shalom, in place of an existing garage. The access drive would introduce additional vehicle movements to the side of the neighbours dwelling. However, there are existing boundary treatments and landscaping. Furthermore, as one dwelling, the level of vehicle movements would be limited and would not result in harm to the living conditions of this neighbour.
19. In conclusion, the proposal would result in unacceptable harm to the living conditions of No. 3 The Precinct, with regard to overlooking and is, therefore, in

conflict with Policy GD8 of the LP and the DM SPD which require development to not have a significant adverse effect on the living conditions of neighbouring occupants.

Other Matters

20. That there are no issues between the main parties with regard to heritage, flooding, biodiversity, archaeology or highway matters are neutral issues and do not weigh in favour of the proposal. The development would result in more efficient use of the land, but, due to the scale of the development, the benefit is limited.
21. I also acknowledge that the Council did not raise any issues with regard to character and appearance within the pre-application advice response. However, from the evidence before me, I understand that the pre-application proposal was different to the scheme submitted for the planning application. Furthermore, the pre-application advice was without the benefit of a site visit. The Council is not bound to follow pre-application advice and the officer report fully justifies the reason for refusal.

Conclusion

22. For the reasons given above the development would be contrary to the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposed development should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR