



Appeal Decision

Site visit made on 28 February 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2023

Appeal Ref: APP/L2440/W/22/3309325

1 Southmeads Close, Oadby, Leicester, Leicestershire LE2 2LT

- 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 Abdul Umerji against the decision of Oadby and Wigston Borough Council.
 - The application Ref 22/00322/FUL, dated 18 August 2022, was refused by notice dated 14 October 2022.
 - The development proposed is change of use from residential (use class C3) to *suis generis* and enlargement of the driveway to allow the continued operation of the existing car sales business at the site alongside the residential use.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note the changes to the operation of the site identified by the appellant and that consequently the use of silver sheets, signage and office space do not form part of the scheme before me. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - Whether the proposal would preserve or enhance the setting of the Oadby Hill Top and Meadowcourt Conservation Area and the Oadby Arboretum Area.
 - The effect on the living conditions of neighbouring occupiers in terms of noise and disturbance.

Reasons

Setting of Conservation Area and Oadby Arboretum Area

4. The appeal site is a large detached dwelling in a generous plot in a cul de sac location of similarly sized plots. The site is open with no formal front boundary treatment which is characteristic of the area.
5. Adjacent to the site is an undeveloped grassed area. This combined with a tree lined road creates an open verdant character. The site is adjacent to the Oadby Hill Top and Meadowcroft Conservation Area which is characterised by large

detached properties in large plots with trees and landscaping creating a verdant character. Uncluttered streets and a general lack of parked cars creates a leafy spacious quality. The significance of the Conservation Area is derived in part from the form, scale and materials of its buildings and the spaces around them. As the appeal site sits in an area that shares some of the characteristics of the Conservation Area, it makes a positive contribution to the setting of the Conservation Area.

6. The site is also within the Oadby Arboretum Area, the characteristics of which similarly include low density residential development with large houses in large plots, high levels of tree cover and a low vehicle presence.
7. The proposed parking area would be in a prominent unscreened location. The impact would be exacerbated by the number of cars which could total 6. Based on my observations on site this would be atypical of the area despite the sizeable plots.
8. The appellant says the proposal would be no different to a household containing a large family of car drivers or a car enthusiast. However, these uses along with parking a caravan/ motorhome or similar would be ancillary to the use of a dwelling or the enjoyment of the occupiers. The appellant is seeking a different use where the impacts are different, reflected in the need for planning permission. The development would adversely affect inward and outward views of the Conservation Area and Oadby Arboretum Area. I do not consider that screening would be appropriate in this location given that the road is typified by low boundary treatments creating an open plan character.
9. As the harm would be localised, the proposal would (using terminology contained in the National Planning Policy Framework (NPPF)) cause less than substantial harm to the significance of the Conservation Area as a designated heritage asset. Nevertheless, this harm is of considerable importance and weight. The NPPF advises that such harm should be weighed against the public benefits of the proposal.
10. The development would generate some economic benefits which I give moderate weight. The NPPF makes clear that great weight needs to be given to the designated heritage assets' conservation. I do not find that the benefit of the proposal amounts to public benefits which outweigh the harm that would be caused to the significance of the Conservation Area.
11. The development would not preserve nor enhance the setting of the Conservation Area and would harm the Oadby Arboretum Area. It would therefore conflict with Policies 6, 40, 41 and 44 of the Borough of Oadby and Wigston Local Plan (Local Plan). Amongst other things these policies require new development to be in keeping with the area in which it is situated. It should not prejudice the setting and surroundings of a Conservation Area or spoil inward or outward views. The policies also require new development to safeguard, conserve or enhance designated and non-designated heritage assets and their settings as well as the character and setting of areas of acknowledged significance.
12. The development would also conflict with the part of Policy O(ii)/6 of the Landscape Character Assessment that requires off street parking to be screened and be required to show that it would not have a detrimental impact on the area.

Living Conditions

13. Whilst the appellant has identified that there would be no use of mechanical equipment in the washing or valeting of cars it is reasonable to presume that the activity of cleaning the cars would take place more frequently than would be expected with a residential use. There would be increased comings and goings associated with the viewing and purchase of cars, even if such activity was arranged via the prior booking of an appointment and involved the sale of up to 4 cars at any one time. The operation of the car sales business would have an impact on the living conditions of neighbouring residents due to noise and disturbance. The development would therefore conflict with Policy 6 of the Local Plan which requires development to protect local amenity.

Conclusion

14. For the reasons identified, and taking into account all other matters, including the appellant's reference to the absence of any harm on highways matters, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR