



Appeal Decision

Site visit made on 27 June 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/F2415/W/23/3315195

Land adjacent 12 Lynton Close, Gilmorton, Leicestershire LE17 5PQ

- 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 T Reed against the decision of Harborough District Council.
 - The application Ref 22/01667/FUL, dated 12 September 2022, was refused by notice dated 21 December 2022.
 - The development proposed is described as the 'erection of a three bedroom dwelling and associated parking'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area,
 - the living conditions of the occupiers of neighbouring properties with particular regard to outlook and noise; and,
 - highway safety with particular regard to parking.

Reasons

Character and appearance

3. Lynton Close is a residential close that contains mostly detached dwellings that occupy large plots. The dwellings have open frontages made up of driveways and grassed front gardens which result in the area having an open and spacious character.
4. The appeal site is an open parcel of land at the end of the close which was being used as a parking area at the time of my site visit, next to which is part of the side/front garden of 11 Lynton Close (No 11). The parcel of land is in a prominent position at the end of the close and due to its unbuilt nature provides a spacious gap that contributes positively to the character and appearance of the area.
5. The proposed development would introduce a dwelling onto this parcel of land and whilst the overall width of the plot would be similar albeit narrower¹ to other plots in Lynton Close, it would have only a very small, landscaped strip rather than a front garden, with only a small garden to the rear. Therefore, the overall result is a small plot and a dwelling that would appear cramped and

¹ Appellant's Statement of Case – Reason1 (c)

contrived in this site-specific circumstance. For these reasons, the proposal would not reflect the existing built form of Lynton Close and would erode the spacious and open planned character of the area.

6. I note that the materials proposed would match those used on other dwellings nearby and that gaps are proposed on either side of the dwelling however this would not mitigate the narrow width of the dwelling and cramped and contrived appearance on the small plot.
7. I therefore conclude that the proposal would harm the character and appearance of the area. It would be contrary to Policies GD2 and GD8 of the Harborough Local Plan 2011 to 2031 Adopted 30 April 2019 (LP) and Policy G10 of the Gilmorton Neighbourhood Plan 2018-2031 (NP) and paragraph 130 of the Framework. Amongst other things these seek to ensure development respects the form and character of the existing settlement, is integrated as far as possible into the existing built form and adds to the overall quality of the area.

Living conditions

8. The proposed dwelling would be close with the neighbouring property at 12 Lynton Close (No 12) resulting in a small gap between the wall of the proposal and side of No 12. This closeness, despite the gable end layout would result in a dominant and overbearing feature which would harm the outlook of the occupiers of No 12, particularly when approaching the property and using the rear and side garden.
9. The proposed dwelling would project forward of No 12 and therefore be visible from the first-floor window above the garage of No 12. The closeness would be overbearing from this window and harm the outlook of occupiers.
10. The Council have raised concern over noise from future occupiers of the dwelling. However, I am satisfied that due to the small size of the garden, particularly when compared with the much larger gardens of the neighbours, that it is unlikely that adverse harm would result from noise.
11. Notwithstanding my findings on noise, I conclude that the proposal would harm the living conditions of neighbouring occupiers with particular regard to outlook. It would be contrary to Policies GD8 of the LP and, G10 of the NP and paragraph 130 of the Framework. Amongst other things these seek to ensure development does not have significant adverse effect on the living conditions of existing residents and has a high standard of amenity for existing users.
12. In reaching my conclusion I have had regard to the Development Management Supplementary Planning Document (SPD) December 2021.

Highway safety

13. The proposed dwelling would have a tandem parking area to the side. The appeal site is in a particularly sensitive location at the end of the close whereby turning space is very limited. I note that the highway authority did not object to the proposal and no technical evidence has been provided, however this is not determinative that no harm would be caused.
14. Turning space is already limited and this would be worsened by the closeness to the parking areas for Nos 11 and 12. This limited turning space combined

with any potential conflict between parked vehicles and the manoeuvring of utility and other vehicles could lead to awkward and convoluted vehicle movements detrimental to highway safety.

15. Due to the potential effect on public safety and taking a precautionary approach, I therefore conclude that it has not been demonstrated that the proposal would make suitable provision for car parking without harm to highway safety. It would be contrary to policies GD8 of the LP and paragraph 130 of the Framework. Amongst other things these seek to ensure development has safe access, convenient movement for all highway users as well as function well.

Other Matters

16. I note that the appellant suggests that the land was originally bought and retained for access to land to the rear, with the potential for future development and that now the land to the rear has been developed the appeal site is redundant. Whilst this may be the case, I am not convinced that the proposal is the only suitable use for this land.
17. The appellant has made reference to legal rights contained within the transfer of properties in Lynton Close however these are covered under separate legislation and are not matters for me to consider as part of this appeal. Nor do they override the need for me to consider the living conditions of the occupiers of neighbouring properties.

Conclusion

18. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR