
Appeal Decision

Site visit made on 5 September 2023

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/T2405/W/23/3315106

12 Skye Way, Countesthorpe LE8 5TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Justin Hughes and Mr Jacob Hughes against the decision of Blaby District Council.
 - The application Ref 22/0757/OUT, dated 22 July 2022, was refused by notice dated 16 September 2022.
 - The development proposed is single detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline, with access, layout and scale to be determined at this stage. I have considered the appeal on that basis.
3. Since the submission of the appeal, the new revised National Planning Policy Framework (September 2023) (the Framework) has been published. From reading all the information submitted with this appeal, I am satisfied that the revised Framework carries forward the main policy areas from the earlier version (July 2021) as relevant to this appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of surrounding occupiers, with particular regard to outlook and loss of sunlight.

Reasons

Character and Appearance

5. Skye Way forms part of a wider planned estate where dwellings are generally arranged in cohesive groupings along consistent building lines, set-back from the highway behind driveways and grass verges. The regularity of dwelling designs, combined with the wider planned layout which includes significant areas of both public and private open green space, gives a cohesive and spacious character to the area.

6. 12 Skye Way is an end terrace bungalow arranged perpendicular to the highway. The appeal site comprises an area of garden located forward and to the side of no 12, between the dwelling and the highway. This garden land is currently enclosed by closed boarded fencing that appears incongruous in the context of the open highway frontages of surrounding dwellings. Nevertheless, the set-back of the flank of no 12 from the highway maintains the prevailing building line of set-back dwellings on the northern side of Skye Way. In this regard, the site significantly contributes to the visual cohesiveness that forms the prevailing spacious character of the area.
7. The siting of the proposed detached bungalow forward of the front elevations of the adjacent run of terraced dwellings (nos 12 to 18), and forward of the prevailing set-back of built form from the highway, would result in a dwelling that appears harmfully discordant with the visually cohesive character of the surrounding area. The proximity of the southern elevation of the proposed dwelling to the highway would not be typical of the surrounding area and would result in a harmful visual intrusion in the street scene.
8. The proposal, by virtue of its scale, prominence, and bulk, would have a significantly more detrimental impact on the prevailing spacious character of the area than the existing high boundary fencing at no 12. Replacement of the existing closed boarded fence with alternative and repositioned boundary treatments would not mitigate the visual harm that would result from the dwelling. Indeed, the proximity of the proposed dwelling to its boundaries would result in the site appearing cramped and overdeveloped.
9. Consequently the proposed development would be harmful to the character and appearance of the area contrary to Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (2019)(DPD). Taken together, these policies seek to, amongst other things, improve the design quality of all new developments with design that is appropriate to its context. Furthermore, the proposal fails to accord with Chapter 12 of the Framework insofar as it would not add to the overall quality of the area and would not be sympathetic to local character.

Living Conditions

10. The proposed dwelling would be single storey in scale and would be located a sufficient distance from 20 Skye Way to maintain appropriate living conditions for the existing occupiers, both in terms of any overbearing effect or loss of sunlight to habitable rooms. The proposed dwelling would be located significantly closer to the front elevation windows of no 12. It would be higher than the existing closed boarded fencing and would have a detrimental effect on the outlook of the occupiers of no 12, from both the nearest ground floor window and from the front garden. The proposal would also result in some limited overshadowing of the front garden to no 12.
11. Whilst these detrimental impacts on the living conditions of the occupiers of no 12 would not be substantial, they are nevertheless contrary to the aim of DPD Policy DM1 to improve the design quality of all new developments. The proposal would also conflict with the Framework requirement for decisions to secure a high standard of amenity.

Planning Balance

12. The proposal would result in some economic and social benefits, including through the dwellings' construction and as a result of a slight increase in spending and patronage of services in the local area. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. However, as the proposal is for only a single dwelling, the benefits identified attract limited weight.
13. I also acknowledge that limited biodiversity net gain could be achieved subject to an appropriate condition and afford this benefit limited weight.
14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. Significant weight is given to the proposal's identified harm to the character and appearance of the area and consequent policy conflict. Moderate weight is given to the above identified harm to living conditions.
15. The proposal would, therefore, conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

16. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR