



Appeal Decision

Site visit made on 22 August 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/L2440/W/23/3316414

15 Namur Road, Wigston, Leicestershire LE18 4UJ

- 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 A Dixon against the decision of Oadby and Wigston Borough Council.
- The application Ref 22/00053/FUL, dated 10 February 2022, was refused by notice dated 17 August 2022.
- The development proposed is described as “construction of one three bedroomed, two storey detached property and new access (resubmission of application 21/00364/FUL).”

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This proposal is a resubmission of a previously refused planning application referenced 21/00364/FUL. The proposal differs from the previous refusal insofar that it would be linked to the side elevation of 15 Namur Road with a covered walkway from the front to the rear. It would also include two replacement trees within the site.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to trees.

Reasons

4. The appeal site is located on a corner plot to the side of 15 Namur Road (No 15). The site currently forms part of the side garden to No 15.
5. No 15 is the end dwelling of a linear block of two-storey terraced dwellings constructed from brick and of similar architectural style. This consistency in design, scale and materials lends a pleasant uniformity to the street scene which contributes positively to the character and appearance of the area.
6. The terraced dwellings are set back from the road within an established building line, with front gardens and private gardens to the rear. Although plot sizes vary in the immediate vicinity, the end corner plots tend to have relatively more space around them than the other dwellings. This conveys a sense of space and contributes to the open character of the area.
7. The appeal site contains several trees along its rear boundary and there is a large, mature tree within the site near to the boundary with Ladysmith Road, and a further large, mature tree located on the grassed verge to the front of No

15. These two mature trees are protected by a Tree Preservation Order. Whilst individually the trees are not of particular note, collectively these trees, together with the open nature of the site, make a positive contribution to the character and appearance of the area by softening the urban grain and contributing to the sense of space.
8. Although the front elevation of the proposed dwelling would be aligned to the front elevation of No 15, the proposal's two-storey side elevation would be located significantly closer to Ladysmith Road than the existing side elevation of No 15. As such, it would uncharacteristically protrude towards the road. In addition, the proposal's blank side elevation would have a bland appearance. Therefore, the dwelling would appear as a highly visible and incongruous feature within the street scene.
9. Furthermore, the presence and massing of the proposed dwelling would significantly erode the sense of openness of this prominent corner plot. This would be further compounded by the removal of the mature tree. The ungainly shape of the plot, its corner location and the scale of the dwelling, would result in the proposal appearing cramped and at odds with the prevailing pattern of development in the locality.
10. I acknowledge that the proposal would include two replacement trees. Whilst these proposed trees may help to draw the eye away from the site's boundary fence panels, the height of the proposed dwelling would also be noticeably taller than the boundary treatments in the vicinity of the appeal site. Moreover, it would take time for replacement trees to become established and grow to a similar size as the mature tree that would be removed.
11. Whilst a tree survey was submitted with the appeal, it does not confirm the likely root protection area for the replacement trees and whether they would be compromised by the proposed development due to their proximity to the proposed dwelling and parking area.
12. Furthermore, the Council has stated that the actual spread of the existing trees on site is greater than that shown on the submitted plans and that the proposal could adversely impact a protected cherry tree located adjacent to the site's boundary. The submitted tree survey does not confirm the likely root protection area of this other protected tree, or its sensitivity to works associated with the construction of the proposed development. I am mindful of the statutory duty under 197 of the Town and Country Planning Act 1990, to ensure conditions make adequate provision for the preservation of trees. Given the proximity of the tree to the proposed development and the absence of any detail on tree sensitivity, I cannot be sufficiently certain that a condition would protect the future health and longevity of this tree.
13. On balance, the loss of the mature protected tree on the appeal site together with the potential harm to the other mature protected tree would not be outweighed by the two proposed replacement trees for the reasons given.
14. The proposed development would have no effect on the public green spaces in the surrounding area. Even so, the positive contribution the appeal site makes to the character and appearance of the street scene in its current form would be lost.

15. The proposed dwelling would be of similar design to the existing dwellings and would include sympathetic detailing and matching materials, which could be secured through the imposition of planning conditions. However, these acceptable aspects would not outweigh the harm identified above.
16. For the reasons given, the proposal would have a harmful effect on the character and appearance of the area, having particular regard to trees.
17. As such, it would fail to accord with Policies 6, 15 and 44 of The Borough of Oadby and Wigston Local Plan 2011-2031 (2019). Collectively, these policies amongst other things, seek to ensure new development respects local character, including landscape quality, and is in keeping with the area in which it is situated. It would similarly be contrary to paragraph 130 of the National Planning Policy Framework (Framework) which requires that proposals are sympathetic to local character, including the landscape setting.

Other Matters

18. My attention has been drawn to a previous planning approval (ref: 16/00012/FUL) for the construction of a two-storey dwelling house on Aisne Road. However, this previous approval was not located on a prominent corner plot and there is no evidence of any protected tree constraints. It therefore differs from the proposal before me. Furthermore, I am not fully aware of all the circumstances relating to this other development. In any event, I have determined this appeal on its own merits and its site-specific characteristics.
19. The proposal would make a small contribution to the delivery of housing for the area on a site that is accessible to a range of services and facilities. Nonetheless, the weight of this small benefit would not be sufficient to justify the harm I have identified.
20. The appeal site is not located within a Conservation Area or near to any heritage assets. It is also located within an area that is at low risk of flooding. However, the requirements to provide high quality and sympathetic development relates to all areas.
21. I note that the highway authority has not raised concerns in regard to highway safety. Nevertheless, the lack of harm in this respect is a neutral effect, and therefore does not weigh in favour of the proposal.

Conclusion

22. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR