



Appeal Decision

Site visit made on 4 October 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27th October 2023

Appeal Ref: APP/K2420/W/23/3319934

314A Station Road, Bagworth, Leicestershire LE67 1BN

- 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 Tsen Wharton of Adaero Property against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00733, dated 27 July 2022, was refused by notice dated 23 December 2022.
 - The development proposed is new build private housing: 3 no. 3 bedroom 2 storey dwellings, 1no. 6 bedroom HMO, extension to existing bungalow and widening of access driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed at the site visit that works have been undertaken on the refurbishment of the existing bungalow, which the appellant sets out do not need planning consent. It is unclear whether the works are consistent with the proposed development before me. For the avoidance of doubt, I have determined the appeal based on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site currently comprises an existing bungalow, a large garage and workshop and some abandoned kennels. It sits behind a row of existing semi-detached houses within an established residential area and is located between the rear gardens of the row of houses and a former mine railway which is now attractive woodland. Access would be gained via the existing access drive that would be widened by utilising a strip of the existing garden of 312 Station Road.
5. Given the existing and previous use of the appeal site, development on this backland site would be consistent with the prevailing character and appearance of the area. Further, given the existing row of semi-detached houses that front Station Road, two storey residential dwellings are not an uncharacteristic feature of the area. However, I observed that the existing bungalow and the existing row of houses sit comfortably on their plots. This combined with the long gardens associated with the existing semi-detached houses and the fact that the appeal site has large areas of undeveloped land creates a sense of

spaciousness that makes a positive contribution to the character and appearance of the area.

6. The appeal proposal would involve an extension to the existing bungalow (plot 1), the introduction of three two storey dwellings (plots 2,3 and 4) and the construction of a six bed two storey house in multiple occupation (HMO) (plot 5). Plot 1 would be sited on the northern part of the site and due to the modest alterations proposed, it would be compatible with its surroundings. Similarly, plots 2,3 and 4 would be well designed with an appropriate ridge height and each would have adequate separation from the site boundaries, and would sit comfortably on their respective plots. As a result, I am satisfied that Plots 1-4 would complement the character of the surrounding area regarding scale, layout, density, mass, design, materials and architectural features.
7. However, the same cannot be said for plot 5. The west (rear) elevation, particularly at the southern end of the proposed building would be located very close to the rear boundaries of the adjacent houses. Although I accept that the overall height, architectural design, proposed materials, and garden areas would be suitable for this location, the proposed HMO would not sit harmoniously on its plot. Due to the inadequate set in from the western boundary, this part of the proposed development would appear unduly cramped on the site, would not sit comfortably in its surroundings, and would undermine the existing spacious character. As a result, the proposed HMO on plot 5 would appear as a discordant feature that would look harmfully out of place.
8. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area and would not accord with Policy DM10 of the Local Plan 2006-2026 - Site Allocations and Development Management Policies DPD adopted in July 2016, which among other things, seek to ensure development complements or enhances the character of the surrounding area.
9. The proposal would also not accord with the National Planning Policy Framework (Framework) which seeks to ensure development is sympathetic to local character.

Other Matters

10. I note that the highway authority has no objection to the proposal, and I accept that the proposed development would not have an adverse impact on highway safety. Also, the proposal would not harm the living conditions of neighbours or future residents of the proposed development. However, the absence of harm in these regards does not carry positive weight in favour of the proposal.
11. I acknowledge that the appellant undertook constructive pre-application discussions and the relevant Officers recommended approval of the proposed development. However, I have determined the appeal on its individual merits and these matters do not justify harmful development of the appeal site.

Planning Balance

12. The Council confirm that they are unable to demonstrate a 5-year supply of deliverable housing sites. The agreed existence of an undersupply triggers paragraph 11d) of the Framework.

13. I fully accept that the provision of additional dwellings, including an HMO would have social and economic benefits stimulating work and trade during construction and future occupants would support local services and the vitality of the community. I also accept that the proposal would result in the provision of residential units constructed of suitable materials which would contribute to the range of homes to meet present and future needs in a suitable and sustainable location.
14. However, given my findings above in relation to plots 1-4, the weight I attribute to these considerations and the overall benefits associated with the proposed scheme is tempered by the fact that in my view an acceptable scheme that would still make good use of the appeal site and which would contribute to housing supply should be possible to achieve.
15. As a result, I am satisfied the adverse impact of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

16. For the reasons given above, the proposal would be harmful to the character and appearance of the area. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR