

Appeal Decision

Site visit made on 24 October 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/X2410/D/23/3327347

92 Birstall Road, Birstall, Leicestershire LE4 4DF

- 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 M Lawrence against the decision of Charnwood Borough Council.
 - The application Ref P/23/0680/2, dated 18 April 2023, was refused by notice dated 13 June 2023.
 - The development proposed is detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Draft Charnwood Local Plan 2021-2037 is at an advanced stage, with adoption anticipated later this year. The Council refers to Policy DS5 from the draft plan in its decision notice and indicates that there are no unresolved objections to this policy. As such, the policy can be given some weight for the purposes of determining this appeal¹.

Main Issue

3. The main issue is the effect of the proposed garage on the character and appearance of the street scene.

Reasons

4. The appeal property is a two storey detached dwelling located in a residential road of detached dwellings of varied design and appearance. The residential development is to the northern side of Birstall Road, with open land and sports pitches on the opposite side.
5. Policy EV/1 of the Charnwood Local Plan 1991-2006 (2004), Policy CS2 of the Charnwood Local Plan Core Strategy (2015) and Policy DS5 of the Draft Local Plan all concern design quality. All three policies require a high standard of design in new development, including that it should be compatible with the character of the area. Policy H/17 of the Local Plan 1991-2006 concerns

¹ In accordance with paragraph 48 of the National Planning Policy Framework.

- extensions to dwellings, including garages, and requires that proposals should not appear as an intrusive or incongruous feature in the street scene.
6. This part of Birstall Road is characterised by properties set well back from the road frontage on higher ground, with largely undeveloped open front gardens. The only visible examples of garages within front gardens in the immediate street scene close to No 92 are the side-by-side garages at Nos 94 and 96. These are of limited scale with flat roofs and front elevations facing the road.
 7. Due to its height, width and overall scale the proposed garage would be a sizeable structure positioned in the appeal property's front garden. It would be materially larger than the paired dwellings to the neighbouring properties and due to its greater height with a pitched roof slope facing the road it would be a more bulky and dominant presence. Moreover, unlike the other examples of garages at the neighbouring dwellings and those at Nos 102 and 104, it would present a large blank rendered wall to the road frontage. As such, it would appear as a substantive and incongruous feature within the street scene. For the same reasons, I have no basis to accept the appellant's contention that the Council has been inconsistent in decisions related to the existing and proposed garages.
 8. Therefore, while there are a limited number of garages within the street scene, these are of modest scale and face the road frontage. The predominant character is of open spacious front gardens, which make a positive contribution to the street scene and mark a transition from the open land opposite to the dwellings standing back from the road. In this setting, the size, layout and presence of the proposed garage would result in it being an incongruous and uncharacteristic built form. Despite the front boundary wall to No 92, it would be prominent and highly visible from the public realm and neighbouring properties from where these harmful effects would be readily apparent.
 9. I have had regard to the representation made by Birstall Parish Council. This does not, however, raise any substantive matters that alter the above findings.
 10. Accordingly, for these reasons, I conclude that the proposed garage would have a materially harmful effect on the character and appearance of the street scene. Consequently, it is contrary to Policies EV/1 and H/17 of the Charnwood Local Plan 1991-2006, Policy CS2 of the Core Strategy and Policy DS5 of the Draft Local Plan, described above. It is also contrary to the National Planning Policy Framework (the Framework), which advocates good design.

Other Matters

11. The appellant addresses the effect of the proposed garage on the living conditions of nearby residents and on highway safety. However, these are not matters that the Council or other parties have raised concerns about and, therefore, they do not have a direct bearing on determination of the appeal.
12. It is contended in support of the appeal that the proposal should be considered in the context of the presumption in favour of sustainable development included in the Framework. However, the presumption applies where development accords with the development plan or where there are no relevant policies or relevant policies are out-of-date, none of which applies in this case for the reasons given above. Accordingly, I give this matter limited weight and

it does not alter the overall conclusion. There may be some limited economic benefits from the construction of the garage and I accept that the garage would provide more secure off-street parking. However, these are not sufficient reasons to set aside the above findings of material harm and conflict with the development plan.

Conclusion

13. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR