



Appeal Decision

Site visit made on 31 October 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/G2435/W/23/3317126

Land to the front of 2 Bramble Road, Hugglescote, Leicestershire LE67 2GH

- 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 Channell against the decision of North West Leicestershire District Council.
 - The application Ref 22/01835/FUL, dated 12 December 2022, was refused by notice dated 22 January 2023.
 - The development proposed is a new three bedroom two storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether future occupiers of the development would be likely to experience satisfactory living conditions, with particular regard to privacy and external amenity space.

Reasons

Character and appearance

3. The appeal scheme comprises a two-storey detached dwelling on part of the existing garden area associated with the property of 2 Brambles Road (No 2). The subdivision of No 2 would result in the creation of a significantly smaller plot for the development than the more spacious properties I observed in the established residential area surrounding the site.
4. The proposed dwelling would be orientated towards Ashburton Road with access to the rear. Whilst the front elevation of the proposed dwelling would be broadly in line with the adjacent property of 150 Ashburton Road (No 150), thereby maintaining the openness to this side of the road, it would not be as deep as the neighbouring semi-detached property. Given the prominent location of the site on the corner of Ashburton Road and Brambles Road, the smaller depth of the proposed dwelling would be a conspicuous feature in the prevailing pattern of development in the area.
5. The box-shaped proposed dwelling would also have a smaller and more regular footprint than the detached dwellings located on Brambles Road. While the setback of the front elevation would create a front garden, the provision of

access and parking spaces to the rear would result in a more cramped layout than neighbouring properties.

6. The resultant harm to the character and appearance of the area due to the scale and layout of the proposed plot and dwelling would not be lessened by the use of a palette of local materials which match nearby properties on Ashburton Road.
7. The close siting of the proposed dwelling to the pavement alongside Brambles Road would require the removal of the dense hedge along this boundary. Although taller than it, the proposed dwelling would be positioned further back from Ashburton Road than the existing hedge. Therefore, the removal of the hedge would increase the open character around the junction. It would not result in an overbearing and dominating effect on the street scene. Rather, its siting would reflect the relationship between the highway and that of 152 Ashburton Road (No 152), even if the two-storey height of the development would not mirror the scale of No 152's single-storey garage.
8. Despite the reference to the use of a mix of modern and traditional features in the appeal documentation, the design of the proposed dwelling is simple, with substantial areas of blank wall on the side and rear elevations. While only one habitable window would be located in the side elevation facing Brambles Road, this façade would replace the solid 'wall' created by the hedge on this boundary. As this elevation would also benefit from windows to the hallway and landing, plus a side door, it would increase the amount of built form that positively addresses the street.
9. Nonetheless, I conclude that the development would unacceptably harm the character and appearance of the area. It would be contrary to Policy D1 of the Local Plan¹ and amplified by the Good Design SPD² which supports developments that are well-designed and address several place-making principles, including being responsive to the local context. I also find conflict with policies G3 and H3 of the Neighbourhood Plan³. Whilst Policy H3 supports the development of infill sites this is where, amongst other requirements and supported by Policy G3, the local character is reflected and reinforced.
10. The development would also conflict with the Framework⁴ which states that development that fails to reflect local design policies should be refused and the National Design Guide which indicates a well-designed place incorporates many factors, including layout, form and appearance.

Living conditions

11. The Good Design SPD requires a minimum of 20 metres between facing habitable windows. The appellant has confirmed that there are 16 metres between the rear elevation of the proposed dwelling and the front elevation of No 2. Although the upper floor window serving an ensuite bathroom of the proposed dwelling would include obscured glass, ground-floor level patio doors from the dining area and a kitchen window are proposed. Therefore, from the first-floor bedroom windows of No 2 neighbouring occupiers would be able to

¹ North West Leicestershire Local Plan (the Local Plan)

² Good Design for North West Leicestershire: Supplementary Planning Document for new developments (the Good design SPD).

³ Hugglescote and Donington le Heath Neighbourhood Plan 2019-2031 (the Neighbourhood Plan)

⁴ National Planning Policy Framework (the Framework)

see directly into the kitchen and dining areas of the proposed dwelling, to the detriment of future occupier's level of privacy. Similarly, views into the rear garden space would be possible from the upper floor windows. Due to their distance from and orientation towards the garden, would result in a loss of privacy to future occupiers when using this space. The fact that other Council have accepted development with similar distances between habitable does not justify the harm I have found.

12. Also specified in the Good Design SPD is the requirement that a proposed rear garden should comprise at least the equivalent area as a proposed dwelling's footprint. I have not been provided with the quantum of rear garden space proposed within the appeal documentation. Nor does the layout shown on the application plans lead me to conclude the amount of garden space proposed would meet this standard given bin storage and parking would be provided to the rear. Whilst acknowledging that the size of the site and the rear garden may reflect the market for starter homes, combined with its relationship to No 2, the area of rear garden proposed would not, therefore, afford future occupiers an adequate standard of private external space.
13. Although the application plans indicate the existing boundary hedge would be replaced by a brickwork wall, the proposed height of this wall has not been specified. Additionally, the application plans show the access into the proposed parking area would be open to the street, and no boundary features are included between the parking and the rear garden. Therefore, those travelling along Brambles Road would be able to see directly into the rear garden area which would be detrimental to the privacy of future occupiers. However, details of a landscaping scheme, including boundary treatments, to be submitted and approved by the Council, could have been required by condition to make the development acceptable in this regard, had I been minded to allow the appeal.
14. I conclude that future occupiers of the development would not be likely to experience satisfactory living conditions, with particular regard to privacy and external amenity space. It would be contrary to Policy D2 of the Local Plan which requires development to be designed to minimise their impact on the amenity and quiet enjoyment of future residents. It would also conflict with paragraph 130f of the Framework which seeks to ensure new development creates places with a high standard of amenity for existing and future users.

Other Matters

15. The Local Plan was adopted more than five years ago. However, I have no substantive evidence before me demonstrating that the Council does not have a five-year supply of deliverable housing sites nor that the relevant development plan policies are inconsistent with the Framework. Consequently, there is no reason to conclude that paragraph 11d of the Framework is engaged and that the presumption in favour of sustainable development should be applied in this decision.
16. The proposed dwelling would contribute to the local housing mix and supply. However, given the net gain of one dwelling, the appeal scheme's contribution would be small, even if it were to be targeted towards the lower end of the home buyer property market as a starter home or potential lower-cost rental tenancy. Likewise, the social and economic benefits resulting from the construction and occupation of the dwelling would be limited, as would the

environmental benefits derived from the use of a rainwater harvesting and sustainable drainage systems.

17. My attention has been drawn to another development where similar plot sizes are proposed. Notwithstanding the limited information provided about this scheme, it comprises a new estate, rather than a single dwelling, in a location which, based on the photography provided, is not surrounded by existing development. Therefore, as it is not directly comparable to the appeal scheme's context, this example is not determinative in my decision.

Conclusion

18. The development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR