



Appeal Decision

Site visit made on 31 October 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/K2420/W/23/3322413

84 Leicester Road, Hinckley, Leicestershire LE10 1LT

- 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. Paul Morris, of Merriwell Properties Ltd, against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00772/FUL, dated 02 August 2022, was refused by notice dated 20 February 2023.
 - The development proposed is Erection of 5 Dormer Bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of development taken from the Council's decision notice and the appeal form, as opposed to the application form which details the "Erection of six dormer bungalows". The plans clearly show 5 dormer bungalows and I have determined the appeal on that basis.
3. The Council's second reason for refusal relates to a lack of a planning obligation to secure contributions towards green space and play provision infrastructure. However, even if I found the obligations sought met the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010) (as amended), this would not have altered the outcome of the appeal. Therefore, I have not needed to reach a definitive conclusion on the matter. However, for the avoidance of doubt, I confirm I have determined the appeal on the basis that all obligations sought would be met and have taken all such obligations into account in my planning balance.

Main Issue

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

Reasons

5. The appeal site represents an undeveloped piece of land to the rear of properties that front Leicester Road and is accessed via a shared driveway to the side of No 84 Leicester Road.
6. The residential area nearby is predominantly characterised by a variety of dwellings including detached bungalows, dormer bungalows and large two-storey dwellings of a varying size, form and appearance and primarily set within substantial plots arranged along the road frontage. In particular, the

existing dwellings, which are adjacent to the appeal site and front Leicester Road, are set within substantial plots and predominantly have long rear gardens with trees and vegetation on their boundaries. Overall, this gives the area a prevailing, spacious, formal and verdant character and appearance.

7. An appeal was dismissed in 2019¹ relating to a proposal for seven dwellings on the same site as that before me (the previous appeal). The Inspector in the previous appeal found the proposed large houses on small garden plots, would be at odds with the prevailing pattern and density of development in the area. Furthermore, it was found much of the site would be obscured from direct view, but the density and layout of the proposed development would make some of the proposed dwellings more visible from Leicester Road. The Inspector in 2019 found this would accentuate the uncharacteristic nature of the backland development and the proposal would result in an uncharacteristically dense form of development that would harm the character and appearance of the area.
8. The proposed development before me is for the construction of five detached dormer bungalows, each with its own driveway and parking area to the frontage. A private garden area would also be provided for each of the proposed dwellings. The proposed dwellings would largely have a uniform size and appearance but three of the plots would have integral garages to the side which results in a larger built footprint.
9. I accept, the proposed dwellings would have a similar scale to the existing dwellings on Island Close to the north-west of the site and would have a relatively modern and functional appearance. I acknowledge, the appellant states the proposed development has a density of 16 dwellings per hectares, which may be commensurate with the site's suburban surroundings.
10. However, the proposed houses would have large footprints and be built up close to the site boundaries, with limited space between them and relatively small areas of outdoor space, particularly to the plot frontages. The proposed dwellings by virtue of their footprints, limited spacing and proximity to the site boundaries would appear cramped and at odds with the existing spacious pattern of development along Leicester Road and the immediate locality.
11. I acknowledge that views of the proposed development from wider vantage points within the area would be limited due to the backland location and the presence of mature trees and vegetation on the north-western boundary in particular. However, despite the height of some of the plots being reduced since the previous appeal decision, the proposed development would still be visible between the generous gaps of existing dwellings that front Leicester Road.
12. The appellant has, as they did during the previous appeal, set out that the plot sizes of the proposed development are comparable to those across the Leicester Road frontage and on Island Close to the rear of the site. It is also set out that the proposed dwellings would comfortably exceed the minimum garden sizes set out in the Council's Good Design Guide Supplementary Planning Document. However, as was found by the previous Inspector, even if this were to be accepted, the number of dwellings proposed on the site and their footprints, along with their limited spacing and proximity to the

¹ Appeal Reference APP/K2420/W/22/3301962

boundaries, results in a layout that does not complement or enhance the character of the area.

13. For the reasons outlined above, and consistent with the previous appeal decision, I find that the proposed development would unacceptably harm the character and appearance of the area. It would therefore conflict with the aims of Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, which seeks, amongst other things, developments that complement or enhances the character of the surrounding area with regard to a number of matters, such as scale, layout, density and mass.

Other matters

14. I acknowledge the appellants comments with regard to the Council's handling of the planning application, particularly, feedback and updates during the application process. However, I confirm that I have considered the proposed development on its planning merits.

Planning Balance and Conclusion

15. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites, which is currently at 4.89 years. In this situation, paragraph 11 of the Framework indicates that development plan policies which are most relevant for determining the application should be deemed as out of date. However, paragraph 11(d)(ii) requires the consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
16. I acknowledge that the proposed development would provide five new dwellings and contribute to boosting housing supply in a sustainable urban area by virtue of its proximity to local services on foot, along with access to public transport opportunities. The construction of new dwellings would also provide both short and long term associated social, economic, and environmental benefits during the construction phases and following occupation. Nonetheless, it is likely that the above benefits would be fairly modest, thereby attracting moderate weight.
17. I note no concerns have been raised with regards to the impact on neighbouring living conditions, highway safety or flood risk. Furthermore, even if I accepted all planning obligations requested where lawful and met, all these matters carry neutral weight.
18. The proposed development would harm the character and appearance of the area. I attach significant weight to that harm, such that it significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework when taken as a whole.
19. Consequently, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal is dismissed.

N Bromley

INSPECTOR