



Appeal Decision

Site visit made on 19 December 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2024

Appeal Ref: APP/G2435/W/23/3328502

7 Grove Road, Whitwick, Leicestershire LE67 5EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Robert Cross against the decision of North West Leicestershire District Council.
 - The application Ref 22/01222/OUT, dated 20 July 2022, was refused by notice dated 27 February 2023.
 - The development proposed is the development of 7 Grove Road, Whitwick for bungalows, retaining the existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved except for access. I have considered the appeal on this basis and treated the details on the submitted plans as indicative, except where relating specifically to access.
3. The Council initially refused permission for two reasons. The appellant subsequently submitted an Arboricultural Survey to address the second reason for refusal relating to the effect on existing trees. The Council has considered this evidence and now states that the loss of trees would be satisfactory in this instance. Consequently, the Council has withdrawn its second reason for refusal. On the evidence before me, I have no reasons to disagree with the Council and it is no longer necessary to address this matter as a main issue.
4. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Main Issue

5. The outstanding main issue, therefore, is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site contains a semi-detached dwelling standing at the corner of a turning head of a short cul-de-sac, facing the street at a 45 degree angle. The garden of the dwelling is roughly triangular in shape, but with an additional

section running behind the garden of No 8, the other dwelling in the pair, and an L-shaped section next to the end of the turning head which stands to the rear of the garden to No 5. A detached garage and other outbuildings stand to the side of the dwelling, which has a two storey side extension and single storey rear additions. The rear of the garden area is covered with trees and much of the site was overgrown at the time of my visit.

7. The indicative plans before me show two proposed bungalows along the side and rear boundaries of the site, with a shared access road extending from the cul-de-sac across the area presently occupied by the garage and outbuildings, which would be demolished. Parking areas for the proposed dwellings, and the existing dwelling at No 7, are shown on the plans. The bungalows are indicated to be one-bedroom units of modest scale, with a simple rectangular footprint and a shallow pitched roof with low eaves and ridge heights.
8. Policy D1 of the North West Leicestershire Local Plan (March 2021) (the LP) supports proposed developments that are well designed and, as a minimum, offer a good standard of design based upon a robust opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. This is expanded upon in the Council's Good Design for North West Leicestershire Supplementary Planning Document (April 2017) (the SPD) which states that developments must be underpinned by a thorough understanding and appreciation of the place – both the site and its immediate and wider context.
9. The immediate surroundings on Grove Road are characterised by suburban, two storey, semi-detached dwellings addressing the street. There is consistency to their design, being predominantly red brick with hipped roofs and double height bay windows to the front elevation.
10. The proposed dwellings would form a backland type of development that would divide the rear garden of the existing dwelling and significantly reduce its plot size. Neither my observations on site nor the evidence put to me indicates a pattern of backland development within the gardens of dwellings on Grove Road. The dwellings would therefore occupy uncharacteristic, recessed positions requiring access via a long driveway that would itself form a conspicuous feature at the front of the site, particularly with the expected addition of multiple parking areas.
11. The existing garden is overgrown and not presently providing a useful external amenity space. Notwithstanding its condition, it has a natural appearance owing to the various trees and bushes on site which, along with other gardens, helps to provide separation between the built form and allows tracts of greenery to flourish. This natural gap would be permanently lost to the new built form and hardstanding for parking areas and the access driveway, which would be clearly visible from surrounding dwellings on Grove Road and Hermitage Road, and would irrevocably alter the verdant qualities of the rear garden which are a characteristic feature of the surrounding suburban layout.
12. Although shown indicatively, the constraints of the site, particularly the need to provide access, are such that the position of the dwellings is unlikely to change significantly were the proposal to reach reserved matters stage. The access road would require the dwellings to stand tight to the site boundaries, with the dwelling identified as 7B particularly squeezed into the narrow neck of land at the rear of the site. The proposed layout would also result in a disjointed

- arrangement with both dwellings orientated in different directions to each other, to No 7 and to neighbouring dwellings. The land required for access and parking would also limit the potential for meaningful areas of soft landscaping to the fronts of the dwellings.
13. The existing dwelling would also be left with a significantly reduced garden size inconsistent with neighbouring dwellings that would leave it appearing overly large in size for its plot and add to the perception of an excessive density of development. Therefore, the proposal would fail to respect the existing pattern of development, but would interrupt it in a conspicuous and jarring manner
 14. In reaching a view, I have had regard to several nearby developments approved by the Council which are argued by the appellant to be comparable to the appeal scheme. Firstly, the appellant refers to a development of bungalows directly to the rear of the site, which I take to mean those on Lakeshore Crescent. From my observations, these dwellings form part of a much larger development comprising a series of linear rows of housing fronting new streets with vehicular access, which is not comparable to the backland type of development proposed through the appeal scheme.
 15. In terms of other examples given, the developments at 95 Swallowdale, Talbot Street and 29 Main Street all involve dwellings which address the street and so do not represent backland development. The scheme at Loughborough Road is to the rear of existing dwellings, but has effectively created a new street leading from the main road with a considered, linear layout to the dwellings.
 16. The development to the rear of 21-63 Church Lane relates to a larger site separated from existing development by the deep rear gardens of the dwellings, with suitable space for access. The site's screening from the wider landscape by trees to the south was a factor weighing in its favour, which the current appeal site would not benefit from.
 17. I note the weight afforded to the existence of other backland development in the vicinity of the scheme at 74-76 North Street, which is not the case at the appeal site. At 81-81A North Street, the development includes three dwellings facing the street and extending the linear pattern, and four others which, although set behind dwellings on North Street, align with the layout of Holland Close to the rear and are consistent with the estate-like pattern in this area.
 18. Finally, the dwelling permitted at 110 Silver Street is a backland form of development, but I note this appears to have replaced a former builder's store in this location, which again is a notable difference in circumstances from the appeal scheme before me.
 19. Therefore, I am not persuaded that these other examples are directly comparable to the appeal scheme. As such, I am not of the view that these other schemes provide justification for the appeal proposal, which on its own merits I have found unacceptable in terms of its effect on the character and appearance of the area.
 20. Therefore, I conclude that the proposal would result in significant harm to the character and appearance of the area, contrary to the aforementioned aims of Policy D1 of the LP and the guidance of the Good Design SPD. There would also be conflict with the aims of the Framework, which identifies good design as a key aspect of sustainable development expected of all new development.

Other Matters

21. The Council did not identify harm in respect of other matters, including neighbours' living conditions, highway safety and access, biodiversity, drainage and flood risk. However, an absence of harm in these respects means they are neutral factors in the overall planning balance.
22. I acknowledge that the proposal would address the overgrown condition of the site and remove the array of outbuildings on the land. However, the condition of the site could be improved separately to any scheme for housing on the land. Moreover, any improvement from the removal of the outbuilding and overgrowth would be offset by the harm caused by the proposed dwellings. Therefore, this is not a factor weighing in favour of the proposal.

Planning Balance and Conclusion

23. The proposal would deliver benefits in terms of delivery of two residential units in an accessible location, alongside economic benefits through the construction of the dwellings and subsequently by new residents in spending money at local businesses. However, the small scale of the proposal means these benefits attract limited weight at most.
24. These limited benefits would not outweigh the identified harm to the character and appearance of the area, and consequent conflict with the development plan, to which I afford significant weight. There are no other material considerations that would justify a decision being made other than in accordance with the development plan.
25. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR