



Appeal Decision

Site visit made on 27 February 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/G2435/W/23/3317711

23 Clyde Court, Thringstone, Leicestershire LE67 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Ashton against the decision of North West Leicestershire District Council.
 - The application Ref is 22/01692/FUL.
 - The development proposed is erection of two detached dwellings (x1 one-bedroom single-storey and x1 two-bedroom two-storey) and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2023, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to comment on the relevant implications for the appeal. I have had regard to the revised Framework, and the comments made by the parties in respect of the revisions, in reaching my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not adequate living conditions would be created for future occupiers of the proposed development, with particular regard to privacy, outlook, natural light, and the provision of outdoor amenity space.

Reasons

Character and appearance

4. The appeal site forms the side garden of 23 Clyde Court, located at the end of a linear row of terrace properties. The host property is an end terrace which fronts Clyde Court. The rear of the row of properties face Melrose Road, a small cul-de-sac. A grassed area of open space and children's play equipment is located on the other side of the cul-de-sac. The turning head of the cul-de-sac is adjacent to the appeal site.

5. The surrounding area is residential and is primarily characterised by blocks of two-storey dwellings of a largely consistent linear built form, layout, and appearance, with pebble dash rendered walls and tiled roofs. However, there are occasional semi-detached two-storey dwellings, blocks of garages, with parking courts, in the wider area also.
6. My attention has been drawn to a recent planning permission (the recent permission) on the site for a detached two storey dwelling (Ref. 22/00547/FUL), which has been granted. However, I have not been provided with the approved plans and a proper comparison between the appeal scheme and the recent permission has therefore not been possible. As such I have determined the case before me on its own merits.
7. The proposed two storey dwelling would be positioned to the side of the host property and have a broadly similar footprint and scale to the existing dwellings in the immediate locality. In stark contrast, the single storey height of the proposed bungalow would be at odds with the two storey scale, form, and appearance of the existing dwellings in the locality.
8. The proposed bungalow would also be set significantly forward of the rear elevations of the row of properties that front Clyde Court, and it would occupy a prominent position at the end of the cul-de-sac. Therefore, rather than integrating into the street scene it would appear abrupt and incongruous in the context of the area. The proposed frontage parking area would also be intrusive, which would contribute to the harmful appearance of the development within the street scene.
9. In addition, the proposed dwellings, by virtue of their footprints, limited spacing and proximity to the site boundaries and the host property would appear cramped within the site, which would exacerbate the discordant and inharmonious appearance of the development within the area.
10. The appellant suggests that bungalows are common infill features which make up the pattern of development in the area. While photographic evidence of single storey buildings has been submitted, no other details have been provided. Nonetheless, it is the detail and specific context of any development which determines whether it is acceptable in practice. Having considered the design and layout of this proposal, and its effect on the character and appearance of this area, for the reasons given, I consider that there would be unacceptable harm. Given this, these examples do not add weight in favour of the development.
11. For the collective reasons outlined above, I conclude that the proposed development would be unacceptably harmful to the character and appearance of the area, which would not accord with the identified design aims of Policy D1 of the North West Leicestershire Local Plan (2021) (LP) and the principles set out in the Good Design for North West Leicestershire Supplementary Planning Document for new developments 2017 (SPD). These, together and amongst other things, require developments to be well designed, which offer a good standard of design to reflect the character and context of existing developments.
12. It would also fail to accord with the design objectives of the Framework and the National Design Guide, which together and amongst other things, seek to achieve well-designed and beautiful places.

Living conditions

13. The proposed dwellings would be tightly spaced together within the plot. The two storey dwelling would have windows that serve habitable rooms at both ground floor and first floor in its front elevation. The windows would face the side elevation of the bungalow which would have a window that serves the only bedroom.
14. Even though there would be a fence between the two dwellings the juxtaposition of the windows would allow future occupiers of the proposed dwellings to look into the respective rooms, resulting in a detrimental loss of privacy to the future occupiers.
15. The bedroom window of the bungalow would have an outlook towards the two storey front wall of the proposed dwelling. The separation distance between the bedroom window and the front wall would be limited and would create an oppressive outlook from the bedroom window, which would result in an unacceptable overbearing effect on the future occupants. For similar reasons, there would also be some loss of light to the bedroom window.
16. Likewise, there would be similar harm to the future occupants of the proposed two storey dwelling due to the limited separation distance between its ground floor habitable window and the side wall of the proposed bungalow. Therefore, the side wall of the bungalow, by virtue of its juxtaposition would create an oppressive outlook from the ground floor window, which would result in an unacceptable overbearing effect on the future occupiers of the two storey dwelling.
17. Whilst each dwelling would have an area of private amenity space, the space would be limited. In particular, the garden area for the two storey dwelling would not be at least equal to the footprint of the property, as advised in the SPD. On this basis, the available space would provide an unsatisfactory standard of outdoor amenity space for future occupiers.
18. Consequently, I conclude on this main issue that the proposed development would cause unacceptable harm to the living conditions of the future occupiers of the proposed development, with particular regard to privacy, outlook, natural light, and the provision of outdoor amenity space. As such it would conflict with Policy D2 of the LP and the principles set out in the SPD and the Framework, which together and amongst other things, seek to support development that does not have a significant adverse effect on the living conditions of existing and new residents and create places with a high standard of amenity.

Planning Balance and Conclusion

19. The construction of two additional dwellings in a sustainable urban area would add to the mix of dwelling types in the area particularly a bungalow which could be occupied by occupants requiring ground floor accommodation. The proposal would also contribute to boosting the supply of housing, utilising a smaller site which could be delivered relatively quickly. The proposal would also provide social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding two dwellings to the housing supply in the area.

20. Therefore, taking the above matters into consideration, the benefits would not outweigh the identified harm that would be caused to the character and appearance of the area and to the living conditions of future occupants of the development.
21. Consequently, I conclude that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal is dismissed.

N Bromley

INSPECTOR