



Appeal Decision

Site visit made on 12 March 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/T2405/W/23/3328144

67 Dominion Road, Glenfield, Leicestershire LE3 8FE

- 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 Nick Stirratt against the decision of Blaby District Council.
 - The application Ref is 22/1198/FUL.
 - The development proposed is the erection of a new three bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework ('Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers, where necessary.
3. Following the determination of the planning application, the Glenfield Neighbourhood Plan 2022-2029 was made in November 2023 ('NP'). It is mandatory for me to take account of the most relevant and up-to-date information in reaching a decision, therefore I have dealt with the appeal on this basis. The appellant had the option to comment upon the NP during the appeal process and has therefore not been prejudiced.
4. Since the determination of the planning application, the Council cannot demonstrate a five-year housing land supply of deliverable sites. The appellant had the option to comment upon this in their final comments and therefore has not been prejudiced. I have therefore determined the appeal on this basis.

Main Issue

5. The appellant has submitted a visibility splay drawing with their appeal statement. The Highways Authority has commented upon the drawing and has concluded that, subject to a condition, they would raise no objection to the proposal. Therefore, the Council has conceded its second reason for refusal.
6. Consequently, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. Gardens would be provided on two sides of the proposed dwelling that would be commensurate in size with surrounding gardens, and the Council has not raised concern on this matter. Furthermore, sufficient off-road parking would

be available for both the proposed dwelling and the host dwelling, and the Council has not raised concern in respect of the effect of the proposal on the living conditions of the occupiers of neighbouring properties. Therefore, I do not share the Council's concern that the proposal would result in a cramped form of development. There are examples of dwellings with front doors within their side elevation, most notably within the bungalows on the opposite side of Dominion Road. Therefore, the positioning of the proposed dwelling's front door facing Lane Close would not be incongruous with the surrounding area.

8. The appeal site occupies one corner of the crossroads formed by Dominion Road, Lane Close and Frith Close. The dwellings on three of the crossroads' corners, including the appeal site, are separated from the roads by spacious front and side gardens bounded by hedgerows, and grass verges planted with trees. To the rear of the appeal site is an area of public open space. On the opposite side of Lane Close from the appeal site (69 Dominion Road), a large, single storey, flat roofed extension has been constructed that infills the gap between the dwelling and the road. However, the extension is not overly conspicuous from the surrounding area due to its height and the height of the existing boundary treatments. Therefore, it does not unduly reduce the openness of the crossroads. Consequently, the surrounding area has a spacious, open, and verdant character, to which the appeal site contributes.
9. The proposed dwelling would be constructed within the side garden of the host dwelling, would be two-storeys in height with a pitched roof, with limited space between the dwelling and Lane Close. The proposed dwelling would therefore erode the spacious and open character of the existing crossroads. Furthermore, while the proposal would occupy a similar footprint as the extension at No 69, it is not directly comparable to the proposed dwelling, due to its lower height. The appellant asserts that a landscaping scheme could be secured by condition to soften the appearance of the proposed dwelling from the surrounding area. However, it would take a significant time for the planting to reach a height and density that would affectively achieve this objective. In any event, screening should not be used to hide an otherwise unacceptable form of development.
10. The appeal site is bounded on three sides by public highway. Due to the proposed dwelling's siting and scale, it would be highly visible from Dominion Road, Lane Close and the open space to the rear. The proposed dwelling would be detached, whereas the dwellings in the surrounding area are predominantly semi-detached or terraced. It would have a greater depth than the host dwelling, resulting in an elongated side elevation and a shallower roof pitch. Consequently, it would result in an obtrusive and unduly conspicuous form of development that would disrupt the prevailing character of the area.
11. In reference to the main issue, the proposed development would harm the character and appearance of the surrounding area. It would conflict with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document, adopted 2013 and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document, adopted 2019 which, amongst other things, seek to ensure that all new development reflects the distinctive local character, and the design should be appropriate in its context. It would also conflict with Policies H3(h), H5(a) and H5(e) of the NP which, amongst other things, seek to ensure that development proposals respond positively to the character of existing development, have regard to the character of the immediate area, and developments should not reduce garden space to an

extent where it has an unacceptable adverse impact on the character of the area.

Other Matters

12. The appellant notes that the Council's reason for refusal does not reference paragraph 139 of the Framework that states that development that is not well designed should be refused. However, the absence of the paragraph has not prevented me from forming a decision on the appeal proposal.

Planning Balance

13. The Council has indicated that they are unable to demonstrate a five-year supply of deliverable housing sites. However, I am unaware of the Council's shortfall. Notwithstanding this, because of the housing land supply position, paragraph 11(d) of the Framework is relevant to the appeal proposal.
14. The provision of one additional dwelling weighs in favour of the proposal and would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of new homes and the Council's housing supply. The proposal would also provide a limited amount of short-term employment through the construction of the dwelling, would result in some additional support to the local community and its services from future occupiers, and would provide some income to the appellant if the plot/dwelling was subsequently sold. These benefits carry moderate weight in favour of the scheme. The appellant asserts that the proposal would provide a much-needed smaller dwelling. However, this has not been substantiated with evidence and therefore I attribute this limited weight.
15. Against the benefits is the harm that would be caused to the character and appearance of the area, which would be contrary to the design objectives of the Framework, a matter which I give substantial weight.
16. Consequently, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would therefore not represent a sustainable form of development.

Conclusion

17. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR