



Appeal Decisions

Site visit made on 5 March 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal A

Appeal Ref: APP/P3040/W/23/3325339

22 Costock Road, East Leake, Loughborough LE12 6LY

- 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 Lawless against the decision of Rushcliffe Borough Council.
 - The application Ref 22/02158/FUL, dated 10 November 2022 was refused by notice dated 10 January 2023.
 - The development proposed is construction of 1no. 2-bed two-storey dwellinghouse to the side of 22 Costock Road.
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Appeal B

Appeal Ref: APP/P3040/W/23/3331596

22 Costock Road, East Leake, Loughborough LE12 6LY

- 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 Lawless against the decision of Rushcliffe Borough Council.
 - The application Ref 23/00333/FUL, dated 20 February 2023, was refused by notice dated 19 April 2023.
 - The development proposed is construction of 1no. 2-bed two-storey dwellinghouse to the side of 22 Costock Road.
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Appeal C

Appeal Ref: APP/P3040/W/23/3332638

22 Costock Road, East Leake, Loughborough LE12 6LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Lawless against the decision of Rushcliffe Borough Council.
 - The application Ref 23/01133/FUL, dated 12 June 2023.
 - The development proposed is two storey extension and new parking space accessed off Meeting House Close.
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Decision

1. Appeals A and B are dismissed.
2. Appeal C is allowed, and planning permission is granted for a two storey extension and new parking space accessed off Meeting House Close at 22 Costock Road, East Leake, Loughborough LE12 6LY in accordance with the

terms of the application Ref 23/01133/FUL dated 12 June 2023 subject to the conditions in the attached schedule.

Main Issue

3. The main issue in all of the appeals is the effect of the respective development on the character and appearance of the area.

Reasons

4. The host property is a detached house on the edge of a residential estate. I understand that the parcel of land subject to the appeals was originally part of the landscaping to the development beyond. This parcel of land has subsequently had a lawful development certificate allowed which established the use of the land as residential garden area. This parcel of land is directly to the side of the host property and two side doors look onto that parcel of land.

Appeals A & B

5. Both appeals are for ostensibly the same development. Both seek consent for a single, two storey dwelling on the land adjacent 22 Costock Road. The key difference between the two schemes is a movement difference from Appeal A to Appeal B in terms of moving the siting 0.5m to the North and trimming 0.3m from the eastern elevation to allow for more garden space.
6. Both appeals would see the creation of a two storey dwelling, with a parking space taken off Meeting House Close. There would be areas to the back and side of the dwelling for use as amenity space.
7. The proposed dwelling, located on the corner of Costock Road and Meeting House Close would appear incongruous within the street scene, effectively wedged into to corner, in an extremely prominent position, and would fail to reflect the substantial and well-balanced proportions of adjacent and nearby dwellings, with a more vertical emphasis.
8. The form would not reflect the character of the locality, would appear “shoe-horned” in, and appear forward of the building line of the Meeting House Close properties.
9. I acknowledge that the appellant has made changes to the scheme following the first refusal in an attempt to try to overcome the reason for refusal, which is why we have to schemes in front of me for appeal determination, but the basic premise still remains; a dwelling in that location would look incongruous and cause harm to the character and appearance of the area.
10. As a result, I find conflict with Policy 10 of the Rushcliffe Local Plan Part 1 (the LP1) and policies 1 and 11 of the Rushcliffe Local Plan Part 2 (the LP2), which when taken as a whole, amongst other matters, expect development to follow structure, texture and grain and be of appropriate massing, scale and proportion. I also find conflict with the design guidance set out in both the National Planning Policy Framework (the Framework) and the Rushcliffe Residential Design Guide.

Appeal C

11. The proposed extension would see a two storey element attached to the side of the house, and also extending the existing ground floor element slightly at

ground floor to facilitate a section for a gym for personal use and a pantry to service the kitchen / dining area.

12. This appeal has been made on non-determination as there is a difference of opinion on the nature of the procedure to be used. The Council have refused to determine it on that basis.
13. The appeal site was granted a Certificate of Lawfulness for use as residential garden land, but the Council do not recognise the land as domestic curtilage and insist that the application should have been a full submission, rather than a householder submission. Further to that the Council have stated that if the correct fee was paid, and the correct forms submitted, they would have no objections to the application.
14. I have taken into consideration the arguments of both parties with regard to their position. The site currently functions as the side garden to No 22 Costock Road; there is currently no boundary fence between the dwelling and the appeal site.
15. Having reviewed both arguments, I am satisfied that the fact a Lawful Use Certificate was granted, compounded with the fact that the land is adjacent the host property with no boundary separation means that the application could have been dealt with as a householder application. As such as the Council have raised no objections, I see no reason to differ from that. Despite that fact I have dismissed the appeals for residential development of a dwelling, I find that this specific appeal is acceptable for the reasons stated above.

Conditions

16. I have taken into consideration the Councils list of conditions. The first three are the standard conditions relating to development, namely time limits, approved plans and matching materials, all in the interests of good planning. Conditions 4 through 6 are highway safety conditions relating to the new vehicular access.

Conclusion

17. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeals A and B are dismissed, and Appeal C is allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development must be begun not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans received on 12 June 2023:
 - 2118/05 Proposed Elevations
 - 2118/05 Proposed Floor Plans
 - 2118/01 Proposed Site Layout Plan
 - Site Location Plan
3. The development hereby approved shall be undertaken with materials matching to the host dwelling.
4. Development shall not process beyond damp-course level until the proposed driveway is surfaced in a hard-bound material and suitably drained to prevent discharge of water to the public highway and remain so in perpetuity.
5. Development shall not proceed beyond damp-course level until a suitable footway crossing has been completed, in accordance with highway specification to the satisfaction of the local planning authority.
6. The boundary hedge alongside the public highway and parking space shall be maintain below 0.6m in height, in perpetuity.

END OF SCHEDULE