



Appeal Decision

Site visit made on 12 March 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/T2405/W/23/3332203

126 Dominion Road, Glenfield, Leicestershire LE3 8JA

- 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 Makelele against the decision of Blaby District Council.
 - The application Ref is 23/0766/FUL.
 - The development proposed is one dwelling with associated dropped kerb, driveway, parking, landscaping and fencing at land rear of 126 Dominion Road, Glenfield.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the planning application the Glenfield Neighbourhood Plan (NP) was made in November 2023. The Council identified the policies most relevant to the reasons for refusal and the appellant was given the opportunity to comment and I have taken these into consideration. As such, I am satisfied that the main parties would not be prejudiced by this approach.
3. Since the Council issued its decision the National Planning Policy Framework (the Framework) was updated in December 2023. The parties have been given the opportunity to comment on the updates to the Framework and I have taken these into consideration.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the area
 - the effect of the proposal upon the living conditions of the occupiers of 124 and 126 Dominion Road with regard to noise and disturbance; and
 - the effect of the proposed arrangements for refuse and recycling collection upon the living conditions of the occupiers of the proposed dwelling.

Reasons

Character and Appearance

5. No 126 Dominion Road (No 126) is a two-storey dwelling set within a narrow but deep plot and the plots for the neighbouring dwellings are similarly sized. The dwellings themselves vary in scale and design but they are generally set

back slightly from the road with modestly sized front gardens or parking to the front or sides.

6. The pattern of development for the area is of dwellings arranged along linear streets divided into blocks which have different characters, including cul-de-sac layouts and plots of backland development. The block that No 126 is located within typically has dwellings with modestly sized gaps between them with their front elevations addressing the road with deep rear gardens. By addressing the road these dwellings form part of the street scene and the modest density of the development alongside the deep rear gardens positively contributes towards the open character and appearance of the immediate area.
7. The proposal would introduce a dwelling within No 126's deep rear garden and would be located a significant distance from the road. Whilst this would be a single storey dwelling the proposal would introduce a substantial building into No 126's rearmost area and subdivide the plot.
8. Given the width of the proposed access road as well as the siting of No 126, the proposed dwelling would be visible within the immediate street scene. There would also be glimpsed views of the dwelling from further afield between the modestly sized gaps between the houses and over the large gardens to the rear.
9. The proposed dwelling located to the rear of another dwelling with limited road frontage would not respect the prevailing pattern of development within this block and it would appear as a piecemeal addition. When viewed together the layout of the two dwellings would enclose the area and contrast considerably with the spaciousness of the garden alongside the other similarly designed plots within this block. Overall, the proposed tandem development would appear discordant with the prevailing character of this group of dwellings.
10. Whilst there is a static caravan within No 126's rear garden it is modestly sized and is not necessarily a permanent structure. Whilst caravans can be sited within gardens if the use is incidental to the enjoyment of a dwellinghouse, this caravan is not comparable to this proposal for a larger separate dwelling.
11. Several of what appears to be backland developments are located within different blocks that have a different character or were small cul-de-sac developments which is different to that proposed. Whilst backland development appears to have taken place close to the site this is viewed alongside a cul-de-sac development which would not be the case in this instance. Several of these dwellings also have a road frontage which this scheme would not.
12. I am not aware of how the area has developed over time but in the case of this appeal site, the surrounding gardens within this block are generally undeveloped and as such, the context within which the appeal site is viewed varies from the development within other blocks in the area. Furthermore, each case must be assessed on its own merits, having regard to its own context and site-specific circumstances.
13. The detailed design of the bungalow would create an attractive dwelling and given the variety in terms of the style and scale of buildings in the area, in isolation the scale and appearance of the dwelling would not be harmful in this context. Additionally, each dwelling would have a modest rear garden with

space around the dwellings for soft and hard landscaping to positively contribute to the character and appearance of the dwellings and the area.

14. Given my concerns with the design principles and siting of the proposal I am not satisfied that suitably worded planning conditions would overcome them.
15. While the proposal would seek to use the land as efficiently as possible the layout of the proposed development would not reflect the pattern of development of the immediate area. Therefore, for the reasons given above, the proposal would harm the character and appearance of the area and would conflict with Policy CS2 of the Blaby District Local Plan (Core Strategy) Development Plan Document (CS) and Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (LP). It would also conflict with Policies H3 and H5 of the NP. These seek, amongst other matters, to improve the design quality of all new developments in the district and that windfall sites should not include tandem development.

Living Conditions

16. The front elevation of 124 Dominion Road (No 124) has been built further back from the roadside than No 126 and the driveway and parking area for No 126 is located forward of it and as such vehicles would not necessarily park or pass close to the flank wall of No 124. The proposed access for the new dwelling would be built along the shared boundary with No 124 and the parking area would be located almost in line with it.
17. Currently the appeal site is garden land for a dwelling and as such, the noise and disturbance the use of this garden would generate would generally be limited and typical of a residential garden. The plots to the rear and either side of the site have deep gardens and as such vehicular movements, and the associated noise and disturbance from them, generally occurs towards the front of the properties, away from the gardens. The proposal would result in vehicles passing close by Nos 124 and 126 as well as using the parking area close to their rear gardens. This would lead to noise and disturbance from vehicular use that would cause disruption above and beyond what would typically occur within rear gardens in this area.
18. While the number of trips would be limited given that a single dwelling is proposed, this disruption would be exacerbated due to the windows in both dwellings that would face towards the proposed access road and parking area. The lights from vehicles entering and exiting the appeal site would illuminate these windows. This would be an uncommon disruption, given the siting of the back-to-back gardens in the area and this would cause disruption to the typical use of these rooms, especially during the evenings when the light would be more disruptive.
19. Some of the light and noise from the vehicles would be screened by the existing and proposed fencing between the properties. However, the more intensive use of the garden and the close siting of the access road and parking near to the two dwellings would be harmfully disruptive to the occupiers' living conditions.
20. Therefore, for the reasons given above the proposal would result in a harmful level of noise and disturbance to the occupiers of Nos 124 and 126 and harm their living conditions. Accordingly, it would conflict with Policy CS2 of the CS

and DM1 of the LP as well as Policies H3 and H5 of the NP. These expect development, amongst other matters, to provide a satisfactory relationship with nearby uses that would not be significantly detrimental to the amenities enjoyed by the existing or new occupiers, including but not limited to, consideration of: privacy, light, noise, disturbance and overbearing effect.

Refuse and Recycling Provision

21. The third reason for refusal from the Council's decision notice states that 'the applicant has failed to demonstrate that the layout and design for the proposal would enable the District Council's refuse vehicles to enter the site to collect household waste to fulfil their statutory duties'. However, the Covering Letter submitted by the Council as part of its evidence for this appeal confirms that this reason for refusal relates to the drag distances the occupiers would have to travel between the refuse storage point to the waste collection point and not that a vehicle would enter the site. Accordingly, I have generally focussed on matters related to the drag distance between the storage and collection points.
22. The Leicestershire Highway Design Guide (the Guide) states that where 'wheelie bin' collection methods are used, you should consider providing a communal collection point within the site, close to the highway.
23. The submitted plan identifies waste collection points for the existing and proposed house located close to the highway in accordance with the advice within the Guide. As such, refuse vehicles would not have to enter the appeal site and workers would be able to collect the 'wheelie bins' without having to travel far from the highway.
24. The refuse storage point for No 126 is proposed to be located next to the house which would be a short distance from the refuse collection point. The refuse storage point for the proposed dwelling would be located in front of the bungalow and this would be approximately 42 metres(m) from the waste collection point.
25. Part H of The Building Regulations 2010 (Building Regulations) states that residents should not be expected to carry their waste for more than 30m to a storage point and such areas should be within 25m of any waste collection point. It is not disputed that the bin storage area for No 126 would be located close enough to comply with this part of the Building Regulations. The distance the occupiers would have to travel between the storage and collection point for the proposed dwelling, however, would not accord with Part H of the Building Regulations. It should, however, be noted that Building Regulations are separate from any planning requirement.
26. The site is relatively flat, and the proposed access road would be surfaced enabling a relatively straight-forward manoeuvring of wheeled bins between the storage point to the collection point. Overall, I do not consider the drag distances would be so substantial as to make it unmanageable to future occupiers, even for those with mobility issues.
27. For the reasons given above I conclude that the proposed access arrangements for refuse and recycling collection would not harm the living conditions of the occupiers of the proposed dwelling. Consequently, the proposal would generally accord with CS Policy CS2 and LP Policies DM1 and DM8. It would also accord

with the Framework. These seek, amongst other matters, for developments to ensure a high standard of amenity for existing and future users.

Other Considerations

28. The Framework identifies an objective to significantly boost the supply of housing, stating that small and medium sized sites can make an important contribution. Glenfield is identified in CS Policy CS1 as within the Principal Urban Area of Leicester where most new development in the district will take place. Accordingly, the proposal would be located in a sustainable location for residential development in accordance with the settlement hierarchy set out in the development plan.
29. The dwelling has been designed considering access and Part M of the Building Regulations and would seek to deliver an accessible dwelling for the future occupiers. The provision of a two-bedroom dwelling would also positively contribute towards the areas housing mix. The Council acknowledge that it cannot identify a 5-year housing land supply. Whilst I have not been provided with the Council's exact shortfall in housing land supply, I give moderate weight in favour of the scheme to the delivery of a single accessible dwelling in this location.
30. The proposal would deliver improvements to the soft landscaping around the site which would lead to limited environmental benefits given the limited scale of the proposal. Accordingly, I attribute limited weight to this in favour of the development.
31. The occupiers of the proposed dwelling would contribute both economically and socially towards services and facilities in the local area. There would also be economic benefits to the area during construction. Given the limited scale of the proposal these benefits attract limited weight in favour of it.
32. In general, and subject to control by appropriate planning conditions the proposal could be made acceptable with regard to crime prevention and fire safety as well as other matters not in dispute. Additionally, the proposed refuse and recycling provision would not harm the living conditions of the occupiers of the proposed dwelling. However, the absence of harm weighs neither for nor against the development.

Planning Balance

33. The proposal would result in harm to the character and appearance of the area, as well as the living conditions of the occupiers of Nos 124 and 126 Dominion Road and would conflict with the relevant policies in the development plan for the reasons given above. CS Policy CS2, LP Policy DM1 and Policies H3 and H5 of the NP are consistent with paragraphs 135c) and 135f) of the Framework insofar as they seek to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting as well as creating places with a high standard of amenity for existing and future users.
34. Overall, I attribute significant weight to the harm that would arise from this development and the conflict with the development plan as a whole.
35. The Council accepts that it cannot identify a 5-year supply of deliverable housing sites. Accordingly, paragraph 11d) of the Framework states that in

these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

36. Paragraph 135c) of the Framework seeks to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 135f) of the Framework also seeks to ensure development creates places with a high standard of amenity for existing and future users. For the reasons given above the proposal would conflict with these policies in the Framework.
37. Therefore, the adverse impacts of the proposal upon the character and appearance of the area as well as the living conditions of the occupiers of Nos 124 and 126 Dominion Road would significantly and demonstrably outweigh the stated benefits of the scheme when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

38. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR