



Appeal Decision

Site visit made on 10 December 2024

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/F2415/W/24/3349447

2 Elmhirst Road, Lutterworth LE17 4PZ

- 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 Michael Welham of Mikelen Properties Ltd against the decision of Harborough District Council.
 - The application Ref is 23/01718/FUL.
 - The development proposed is erection of a dwelling and amendment to existing access to extend the dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.
3. Since the determination of the application an updated and revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant design and amenity policies in the revised Framework are similar to those in the previous Framework and as such I consider there would be no prejudice to any party by considering the development against the relevant policies in the revised Framework.

Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area,
 - (ii) the living conditions of the occupiers of the neighbouring properties with particular regard to outlook, noise and disturbance; and
 - (iii) the living conditions of the occupiers of the existing property at No. 2 Elmhirst Road and the future occupiers of the proposed dwelling with particular regard to outlook, outdoor private amenity space and noise.

Reasons

Character and appearance

5. The appeal site forms part of the garden area at the rear of No. 2 Elmhirst Road (No.2), a semi-detached bungalow in a residential cul-de-sac. The proposal would entail construction of a detached bungalow with ancillary works.
6. The appeal site is located in a mature well-established residential area, characterised by single and two storey properties of varied styles and designs set back from the road behind front gardens/driveways. To the east of the appeal site is an open garage forecourt and block of garages and to the north, south and west are the rear garden areas and the outbuildings associated with the adjacent properties. Where outbuildings and other structures exist between the dwellings, these are very low, clearly subsidiary, and have little impact upon the sense of space and openness in the area. This gives the area a strong unifying open character and appearance, which is further enhanced by the presence of mature vegetation and landscaping within the surrounding gardens.
7. Whilst visually the design of the proposed dwelling would be acceptable, the scale and form of the proposed development would nevertheless still be a significant addition in this location. Such positioning, on what would be an atypically narrow plot, would erode the visual gap between the dwellings, interrupting the established pattern of development and compromise the sense of space and openness in the area.
8. The consequential harm would not in my view be sufficiently resolved by the limited effect of the proposed development on the street scene. In any case, the site is viewed from the rear of the surrounding properties. As such, I consider that the proposed development, by virtue of its scale, siting and layout, would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
9. I have considered the appellant's arguments that the design and layout of the proposed development have been carefully considered in order to minimise any impacts on the adjacent dwellings and the area and would be in keeping with the other properties in the area. Whilst I recognise there is some variation in the housing styles in the area and the use of matching materials, fenestrations and boundary treatment would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
10. Consequently, I conclude that the proposal would result in unacceptable harm to the character and appearance of the area. It would be contrary to the overall aims of Policies H5, GD2 and GD8 of the Harborough Local Plan 2019 (LP) that, amongst other things, seek to ensure that development proposals achieve a high standard of design through respecting and enhancing the context, local character and characteristics of the individual site, street scene and the wider local environment of the settlement. The proposal would also not accord with the Framework that developments should seek to secure a high quality of design (paragraph 131) that are sympathetic to the local character (paragraph 135).

Living conditions of the occupiers of the neighbouring properties

11. The proposed dwelling would be located adjacent to the rear elevation of the neighbouring bungalow at No. 4 Elmhirst Road (No. 4). It would be set back from the nearest windows to the habitable rooms and garden at the rear of the No. 4 and would be separated by a boundary fence and hedge running between the properties. The proposed dwelling would be separated from the adjacent properties along Avery Close to the rear of the site by the long rear gardens along Avery Close together with the fencing and high mature vegetation running along the common shared rear boundary between the properties.
12. I observed during my site visit that the area experienced some noise and disturbance associated with traffic and pedestrian movements and the surrounding residential uses in the area as the occupants carried out household and leisure activities in their homes and gardens nearby. The Council have not provided any substantive evidence to demonstrate how the development for a single dwelling would generate a more harmful level of noise or disturbance compared to those already in place in this particular location.
13. Therefore, whilst I accept that there would be some impact from the development, given the proposed design and layout of the proposed dwelling, set back, together with the separation distance between the properties and boundary treatment, I consider that the proposal would not result in a significant adverse impact and unacceptable level of noise and disturbance to the occupants of the neighbouring properties, nor significantly dominate the views to cause an overbearing effect and loss of outlook to the gardens at the rear of the neighbouring properties along Avery Close. However, this is not a determinative factor on its own.
14. The proposed dwelling would result in a long single storey projection running parallel with and in close proximity to the common shared boundary and the garden area at the rear of No. 4. The occupants of No. 4 would use the garden to carry out leisure and household activities when relaxing and sitting out, particularly in the summer months.
15. Given the overall scale, siting and design of the proposed dwelling and the separation distance between the properties, I consider that the proposed development would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the garden area at the rear of No. 4. This, in my view, would dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 4. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
16. I have considered the appellant's arguments that the design and layout of the development has been carefully considered in order to minimise any impacts on the occupiers of the adjacent properties. Whilst the hipped roof design of the proposed dwelling and boundary treatment would reduce the impact of the proposal to some degree, these aspects do not overcome the adverse effects outlined above.
17. Consequently, I conclude that the proposed development would result in an unacceptable impact on the living conditions of the occupants of the neighbouring property at No. 4 Elmhirst Road with particular regard to outlook.

It would conflict with Policy GD8 of the LP, which, amongst other things, seeks to ensure that development proposals are well designed to minimise the impact on residential amenity and not have a significant adverse effect on the living conditions of existing and future residents. In addition, it would not accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for the existing and future users (paragraph 135).

Living conditions of the occupiers of the existing and proposed dwellings

18. The proposed dwelling would be located adjacent to the rear elevation of the existing dwelling at No. 2. The rooms and garden at the rear of No.2 would be set back from the front of the proposed dwelling and would be separated by the rear garden and boundary fencing at the rear of No. 2.
19. The proposed dwelling would be provided with a small front and rear garden that would be enclosed by a close boarded fence and the existing boundary vegetation. The existing bungalow at No. 2 would retain a small enclosed outdoor private amenity area at the rear. The proposed dwelling would be accessed via the existing vehicular driveway to the side of No. 2.
20. The use of the existing access driveway and the creation of a parking area alongside No. 2 would clearly lead to an increase in vehicular movements passing by the side of the existing dwelling. This is likely to lead to some increase in noise levels. However, there is an access road leading to a garage forecourt and block of garages immediately to the east of No. 2 already. The occupiers of No. 2 would therefore be used to a certain degree of noise and disturbance and as such I consider the proposal would not give rise to a significant adverse impact and unacceptable level of noise and disturbance to the occupiers of No. 2.
21. The proposed scheme would incorporate a new 1.8m high close boarded timber fence alongside the new parking area and the route of the access way that would provide an appropriate mitigation measure to further protect the occupiers of No. 2 from any additional noise and disturbance from the proposed development.
22. The Council contends that the level of external private amenity space to be provided with the existing bungalow at No. 2 and the proposed dwelling would be substandard. However, the Council has not referred me to any specific requirements or standards for the amount of external amenity space or garden space required with this type of development. Whilst the dwellings are modest in size, there is still a need for adequate outdoor amenity space to be provided for the occupiers of the existing bungalow and the proposed dwelling. The occupiers would need sufficient space to carry out leisure and household activities such as hanging out their washing if they wish, particularly during the summer months.
23. In this context, I consider that the outdoor private amenity space for the existing bungalow at No. 2 would be acceptable. The proposed enclosed garden area to the rear of No. 2 would be level and enclosed and receive a reasonable amount of sunlight and privacy and would provide a reasonable level of outlook from the rooms at the rear of No. 2.

24. However, the rear garden of the proposed dwelling would be contextually very small and hemmed in by virtue of its narrowness and lack of depth in between the built form of the single storey development, and the fencing and mature vegetation along the rear boundary of the site. Notwithstanding the outdoor private amenity space provided to the front of the proposed dwelling and the reduced expectation for garden space when it comes to smaller dwellings more generally, I consider that the users of the rear garden space would experience an enclosed environment, lacking in quality as usable, private outdoor space.
25. In addition, the patio doors to the open plan lounge, kitchen, and dining room area and the window to bedroom 2 on the rear elevation of the proposed dwelling would be positioned between about 1.9m to 4.5m from the boundary fencing and high mature vegetation along the rear boundary of the site. The relatively shallow depth of the proposed private outdoor amenity space would mean the doors and window would be especially close to the rear boundary. This, in my view, would dominate the views to cause an overbearing effect and an unacceptable outlook for the future occupiers.
26. I note the appellant's comments regarding the public open space within walking distance of the site. However, this does not set a precedent for such an inappropriate residential development in this location. I therefore consider that the proposal would result in a poor quality living environment, with substandard levels of private outdoor amenity space and unacceptable living conditions for the future occupiers of the proposed dwelling.
27. Consequently, I conclude that the proposed development would result in an unacceptable impact on the living conditions of the future occupants of the proposed dwelling with particular regard to outlook and private outdoor amenity space. It would conflict with Policy GD8 of the LP, which, amongst other things, seeks to ensure that development proposals are well designed to minimise impact on residential amenity and not have a significant adverse effect on the living conditions of existing and future residents. In addition, it would not accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for the existing and future users (paragraph 135).

Other Matters

28. I have noted the other developments drawn to my attention by the appellant. However, the infill and backland residential developments are of a different scale and form to the appeal scheme. As such, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
29. The appellant considers the proposal would constitute a sustainable form of development in line with the requirements of the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, the effective use of land on a small site within an accessible location, through contributing to the housing supply, housing mix and local economy through the supply of building materials and jobs as well as additional Council Tax payments to help sustain and retain the services for the local community. While I have given them some weight in favour of the appeal, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

30. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR