



Appeal Decision

Site visit made on 4 December 2024

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2025

Appeal Ref: APP/G2435/W/24/3350888

7 Grove Road, Whitwick, Leicestershire LE67 5EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Cross against the decision of North West Leicestershire District Council.
 - The application Ref is 24/00719/OUT.
 - The development proposed is the demolition of existing brick built garage and erection of a two bedroom bungalow with separate driveway, parking for two vehicles and garden to the side and rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is different from that given on the original application form. I have updated it in the interests of clarity, to simplify and remove the address of the site and overly descriptive elements from it, which are not necessary. This amended description suitably describes the proposal and no party would be prejudiced by such changes.
3. The application is submitted in outline with all matters reserved for future approval. I have considered the appeal on this basis and have treated the submitted suggested layout plan as illustrative only.
4. There have been previous planning applications for residential development on the appeal site, including an application for two dwellings, Council ref 22/01222/OUT which was refused and dismissed on appeal ref APP/G2435/W/23/3328502. While I have had regard to the evidence provided in respect of this previous proposal, I have determined the appeal proposal based on its individual merits.
5. An updated version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and so I have had regard to this in reaching my decision. Insofar as matters directly relevant to the appeal, there are no substantive changes. Therefore, no parties would be prejudiced as a result.

Main Issue

6. The main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

7. The appeal site is within a predominately residential area and comprises current residential garden land to the side and rear of 7 Grove Road (No. 7). It is an unusual, shaped site, including land between the end of the rear gardens of 4 and 5 Grove Road and the side of No 7, land where the existing detached garage of No 7 is and also land that wraps around at the rear of No 7, which was partly overgrown at the time of my site visit and includes some trees at one end. The appeal site slopes up from Grove Road and so where the indicative dwelling is proposed, the land is at a higher ground level than that of the road.
8. No 7 and other dwellings within Grove Road are typically suburban, semi-detached two storey dwellings which address the street. They have a consistency of design, including pitched roofs and double bay windows to the front elevation.
9. While the application is submitted in outline, with all matters reserved for future approval, the appellant has set out in their evidence and it is shown on an indicative block plan that separate vehicular access would be provided to the proposed dwelling, via the turning head of the cul-de-sac, adjacent to the access for No 7. Also, it is asserted by the appellant that the proposed dwelling would be on the same footprint as the existing detached single storey garage of No 7 and would not appear different to the existing buildings that are to be replaced, in respect of its location, shape, form and height.
10. Even though the proposed dwelling would have a similar appearance to the existing garage building, such would not be in keeping with the scale and design of other dwellings found within the surrounding area, which are typically two-storey, semi-detached properties. As asserted by the appellant, the proposed single storey dwelling would rather appear as per the existing garage it would replace. Therefore, it would have the appearance of a subservient outbuilding to the adjacent dwelling/No 7, as opposed to having the appearance of a stand-alone dwelling, of similar scale and design to that of other dwellings found in the surrounding area.
11. Notwithstanding that the proposed dwelling would be principally sited to the side of No 7, rather than comprise back land development per se. By virtue of its indicative narrower width, overall smaller scale comparable to other dwellings in Grove Road, and its proposed position, close to No 7, it would appear as a squat and squeezed in form of residential development. This would be out of context in the street scene, discordant with the strong prevailing character of other two-storey semi-detached dwellings found in the surrounding area.
12. While the overall plot of the proposed dwelling and the remaining plot of No 7 would be of generous size, when compared to the plot size of other dwellings in the surrounding area. This would not overcome the concerns I have found in relation to the proposed indicative position, scale and form of the new dwelling and subsequent harm that would be caused to the prevailing character and appearance of the surrounding area.
13. In view of the above, the proposal would have a harmful effect on the character and appearance of the surrounding area, in conflict with Policy D1 of the North West Leicestershire Local Plan (March 2021), which amongst other matters, requires proposed developments to be well designed, based on a robust opportunities and constraints assessment and be informed by a comprehensive

site and context appraisal and that, new residential development will need to perform positively against Building for Life 12. For the same reasons, the proposal would also not adhere to the guidance contained in the Good Design for North West Leicestershire Supplementary Planning Document for new developments (April 2017) which also, amongst other things, requires that all development contributes towards creating or reinforcing local distinctiveness and identity.

Other Matters

14. The appellant sets out that the proposal would provide a self-build, accessible dwelling for their partner who has multiple physical and mental difficulties and so, the proposal would support their personal needs. While I have not been provided with substantive information in regard to such personal needs and why the existing dwelling cannot accommodate such, I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010 in reaching my decision. However, I find that the harm caused by the appeal development, in regard to the main issue, outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons and fostering good relations between them and others.
15. While there would be some benefits provided by the scheme including, the provision of a self-building dwelling and bringing back into use garden land that has been mainly unused, which the appellant finds difficult to maintain, and that the corrugated asbestos roof of the garage would be removed. I have not been provided with substantive evidence in regard to the need for self-build units in the district and, the use and maintenance of the garden area and asbestos removal would provide mainly private rather than public benefits.
16. Although the garden area of No 7 has increased over the years and is comparably larger than that of most other dwellings found within the surrounding area. The garden is not so large as to be out of context with its surroundings. Also, most of the site is not visually prominent, nor discernible from the gardens of neighbouring properties when viewed from public vantage points in Grove Road. Therefore, it does not appear as a particular eyesore from the public domain, with much of it hidden from view behind No 7 and its existing garage.
17. The proposal would deliver a new dwelling in line with the government agenda to deliver additional homes, as referred to in the Framework. However, the Framework also sets out that development proposals should be in accordance with an up-to-date development plan and, at section 12, states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
18. Absence of objections or concerns with regard to ecology and other matters, including in relation to parking and access for the proposed and existing dwelling and also, as asserted by the appellant, lack of communication from the Council during the consideration of the planning application, are not matters related to the main issue of concern in this appeal. Also, that the proposed dwelling would have a similar ridge height to the existing garage roof, the internal ceiling height could be achieved by digging down, and that there is space within the appeal site to accommodate landscaping, has no bearing on my finding in relation to the main

issue. Therefore, overall, I find such benefits and matters do not outweigh the harm I have found in relation to character and appearance in this instance.

Conclusion

19. 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.
20. Accordingly, the appeal should be dismissed.

C Billings

INSPECTOR