



Appeal Decision

Site visit made on 29 October 2024

by A.Graham MA BA(hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/F2415/W/24/3348755

22-24 New Road, Kibworth, Leicester LE8 0LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mathew Clow against Harborough District Council.
 - The application Ref is 24/00113/FUL.
 - The development proposed is for erection of a single dwelling (self build).
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Decision

1. The appeal is dismissed and planning permission for the erection of a single dwelling (self build) is refused.

Procedural Matter

2. The description of development used in the heading above differs from that used on the original application form and instead the description is that as used by the Council in their statement. I consider that the description of development used by the Council more accurately reflects the proposal before me and as such I have used this description accordingly.

Main Issue(s)

3. The main issues are the effect of the proposal upon the character and appearance of the area and the effect of the proposal upon the living conditions of neighbours.

Reasons

4. The appeal site is an area of rear garden associated with two adjoining semi detached houses, namely 22 and 24 New Road. Both houses likely date to around the mid twentieth century and have hipped ends with a grey type render or paint to their front elevations and red brick to their rear elevations. Number 24 has a double garage to its end elevation and number 22 has a separate driveway alongside a neighbouring drive belonging to the adjacent house.
5. The character of the area is very much one of suburban fringe development to the edge of the older settlement around High Street. As a result, several of the houses along this part of New Road are similar to the appeal properties in being quite wide, semi detached houses of a similar style. One important attribute of such houses is typically the presence of large rear gardens and it is

the same here whereby the gardens are sizeable and host a variety of ancillary features and buildings from ponds to sheds.

6. The proposal before me seeks permission for a new dwelling to be constructed to the rear of number 22 and 24. The building would be of three bedrooms with open plan living and dining area. The building would have a low hipped roof over a red brick elevation. In order to accommodate this structure, a large area of both gardens would be amalgamated that would allow the single storey bungalow to be constructed. The plan shows how numbers 22 and 24 would maintain an area of fenced private garden whilst the proposed plot would be located within its own plot.
7. It is also worthy of note that the proposal would seek to be a self build scheme that would maintain some relationship to the parent properties. In terms of access, the proposal would utilise the existing driveway of number 22 which measures around 2.8m to 3m. Parking for number 22 would then be accommodated upon the property frontage through the removal of much of the planted verge and garden area.
8. In assessing this appeal, I am aware of the Council's Policies GD 2.1 and GD8 of the Harborough Local Plan (LP) both of which reflect the National Planning Policy Framework (The Framework) in their endeavours to promote good design quality in new developments that are responsive and respectful of their context, character and settlement form. Policy H2 of the Kibworth Villages Neighbourhood Plan (NP) also attempts to ensure that new development is responsive to the character of an area as well as the landscape features and gardens that the NP feels are important.
9. I saw on my site visit that the character of the rear garden areas was very much typical and complimentary to such a suburban fringe area. The plots were generally regular, sizes similar and the character of the gardens was very much one of domestic curtilage for the enjoyment of residents and the provision of nature. Moreover, the built form was very much concentrated to the edges of these gardens, fronting the roadside. I consider that this character is important for the sense of place and overriding context of the area. Despite some infill development occurring to other sites in the vicinity therefore, the plots with which this application are concerned are truly backland in nature and therefore very sensitive to development.
10. The proposal would introduce a new, substantial building here that would mark a definite departure from the overriding character of the area as well as significantly increase activity and vehicle movements into the site. The principle of a new dwelling would therefore be very much at odds with this character as would the large footprint. It would not relate in any sense to the prevailing urban grain or distribution of settlement patterns and would impose itself upon a truly residential garden area. Despite a building being capable of physically fitting in this space, this is missing the point and ignoring the clear harm that would be done.
11. Further to this, the necessity of needing to provide two off street parking spaces to the front of number 22 would also erode the frontage character of the streetscene whereby this frontage would be dominated by parked cars which would, in turn, undermine the character of this area as mid century suburban housing with frontage gardens and parking often tucked away to the

side. As such I find there would be a clear conflict with Policies GD 2.1 and GD8 of the LP as well as H2 of the NP.

12. Coming to the effect of the proposal upon the living conditions of neighbours. The intention is for the proposal to be linked to the main house, but I am conscious that this situation may not always be the case. Moreover, I am unconvinced that the driveway capacity here is enough to accommodate a new dwelling, especially if the ownership was to change sometime in the future. The access would therefore be preciously close to both the existing and the neighbouring house and it is clearly unsuitable for usage by more vehicles, despite it technically being of a 2.8m/3m width.
13. As a result, the proposal would intensify vehicular access along this driveway for both residents, visitors and deliveries and this would cause much detriment to the peace and quiet that the adjoining neighbours should reasonably be allowed to enjoy.
14. This intrusion of noise would also be true to the rear gardens of other neighbouring houses, whereby an existing pond and aviary type structure would be replaced by hard surfacing and car parking. Such a situation would dramatically change the character of the area from one of garden to one where noise, pollution and vehicular movements occur much more frequently.
15. Taking this as a whole therefore, the proposal would result in the imposition of a highly alien form of harmful development that would fail to integrate and would destroy much of what characterises this plot as being distinctive. When this is added to the harm to the living conditions of neighbours through extra noise and vehicular movements as well as associated pollution, then this begins to feel a lot like over development.
16. As a result, I consider that this proposal would indeed be contrary to Policies GD2, GD8, and IN2 of the Local Plan as well as Policies H2 and H7 of the Neighbourhood Plan and would fail to meet the overriding policy criteria within The Framework through its inability to respond positively to the character of the area or the living conditions of neighbours.

Other Matters

17. The appellant has directed me to several other sites that they feel represent a strong precedent for why this scheme should be acceptable. I did see on my site visit that the character of the vast majority of these examples were not comparable to this site and that significant differences occurred. However, after having seen these sites from the roadside, I did see some instances where such back land type development may have occurred historically.
18. However, despite the extracts of plans provided, I have very little specific information before me to allow me to fully appreciate the full context or the precise reasons why these came to be or whether they were indeed historic examples that evolved out of different circumstances. In any case I can give these examples only very limited weight and this does not outweigh my findings concerned with the harm caused upon the character of the area as outlined above. As such I cannot see justification here for further such harmful development.

Conclusion

19. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR