



Appeal Decision

Site visit made on 21 March 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2025

Appeal Ref: APP/F2415/W/24/3350862

3 Bindleys Lane, Great Glen, Leicestershire LE8 9FA

- 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 Al Parker against the decision of Harborough District Council.
 - The application Ref is 24/00169/FUL.
 - The development proposed is the demolition of 3 garages and erection of a one-bedroom dwelling with parking space and creation of one new parking space on the frontage of 3 Bindleys Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 3 garages and erection of a one-bedroom dwelling with parking space and creation of one new parking space on the frontage of 3 Bindleys Lane at 3 Bindleys Lane, Great Glen, Leicestershire LE8 9FA in accordance with the terms of the application, Ref 24/00169/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing Nos 299-2D; 299-3A AND 299-100A.
 - 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 299-2D. Thereafter those spaces shall be retained for the parking of vehicles only.
 - 5) The development hereby permitted shall not be occupied until the recommendations and mitigation measures as set out in the Noise Impact Assessment undertaken by Noise Assessments Ltd dated 15 June 2024 have been implemented and retained thereafter.
 - 6) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:

- i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
- ii) the site has been remediated in accordance with the approved measures and timescale; and
- iii) a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

Applications for costs

2. An application for costs has been made by the appellant against the Council which is subject to a separate decision.

Preliminary Matters

3. During the application process the proposal was amended from a two-bedroom dwelling to a one-bedroom dwelling. I have amended the description of development from that included on the application form to better reflect the proposed development.

Main Issues

4. The main issues are:
 - Whether or not the proposed development would have an unacceptable impact on highway safety due to the proposed parking and service arrangements; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Highway Safety

5. The appeal site comprises three garages and a hardstanding area to the rear of 5 Bindleys Lane (No 5). There is an access road between No 5 and 3 Bindleys Lane (No 3) which provides vehicular access to the three garages as well as other garages. I observed at the site visit that there were two cars parked outside the existing garages which do not form part of the appeal site.
6. The proposal would involve the demolition of the three garages and the erection of a one-bedroom single storey dwelling with a parking space. Although it is proposed to create an off-street parking space to the front of No 3, overall, the proposal would result in the loss of parking to serve this existing dwelling. However, although the Council indicate that at the time of the planning committee

site visit that vehicles were using the garages, at the time of my site visit they appeared to be redundant.

7. Moreover, due to the position of the garages and the hardstanding area in front of them relative to the position of other garages and the configuration of the access road, manoeuvring in and out of the existing garages would not be easy, particularly for the garage to the north of the appeal site. Nevertheless, I accept that parking of vehicles on the appeal site would be possible, even if the garages themselves were not used, although again due to the existing manoeuvring and space constraints, the number of vehicles that could conveniently park in front of the garages would be limited.
8. Further, I also observed that parking along Bindleys Lane is unrestricted and at the time of the site visit I observed that there were on street parking spaces available. While I appreciate that this is a snapshot at a particular time of the day and parking pressure at other times maybe more severe, given the constraints associated with the existing parking arrangements, the proposed off street parking space to serve No 3 would be satisfactory.
9. I note that Policy GG21 of the Great Glen Neighbourhood Plan 2011-2031 (GGNP) sets out that at least two off-street car parking spaces should be provided within the curtilage for each new dwelling developed within the Village of Great Glen. However, the proposed development would comprise a modest one-bedroom dwelling and consequently I agree with the Officer's Committee Report where it says that one parking space is sufficient to serve the proposed new dwelling. I also consider that the access arrangements and the manoeuvring space for the proposed new dwelling would be satisfactory to allow adequate servicing.
10. Bearing in mind that the appeal site currently allows limited parking, the introduction of a one-bed dwelling with one parking space would not result in a significant increase in the use of the access road. Although I accept that visibility to the north is limited to a certain extent by existing vegetation and the boundary treatment at No 5, adequate visibility would nevertheless be available for drivers entering and exiting the access road. Consequently, I again agree with the Officer's Committee Report that there would not be an unacceptable impact on highway safety. Further, the proposed development would be able to be satisfactorily served by emergency services.
11. I therefore conclude that the proposed development would not have an unacceptable impact on highway safety due to the proposed parking and service arrangements. Consequently, the proposed development would accord with Policy GD8 of the Harborough Local Plan 2011-2031 adopted April 2019 (HLP), which among other things seeks to ensure development provides safe, efficient and convenient movement of all highway users.
12. The proposal would also accord with the National Planning Policy Framework (the Framework) which sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. As set out, strictly speaking the proposal would not accord with Policy GG21 of the GGNP as it would not provide two off street parking spaces. However, given the scale of the proposal and the particular circumstances of this case, as outlined above, the level of parking provision would be satisfactory for both the existing and the proposed

dwelling and therefore the fact that the proposal does not strictly comply with this policy does not provide a reason to dismiss the appeal.

Character and appearance

13. The appeal site is located near the centre of Great Glen Village and Bindleys Lane is an established residential road. The existing garages are tucked away to the rear of No 5 and do not make a positive contribution to the character and appearance of the area. To the rear of the appeal site is an existing factory.
14. The proposed development would replace an unsightly block of garages and would be constructed of appropriate materials. The proposed mass, scale and architectural design of the proposed dwelling would achieve a high standard of design and would be compatible with its surroundings and would respect the context and characteristics of the appeal site, the street scene and the wider local environment.
15. Moreover, given the existing context, the proposal would not appear unacceptably cramped on the plot, result in overdevelopment or have an unacceptable impact on the neighbouring business and car manoeuvring areas. Rather, it would make efficient use of the appeal site within a sustainable village location within easy walk of a number of services and facilities.
16. I therefore conclude that the proposal would not harm the existing character and appearance of the area. Consequently, the proposal would accord with Policy GD8 of the HLP which among other things seeks to ensure that development achieves a high standard of design that respects the context and characteristics of its surroundings.

Other Matters

17. I have taken account of the other concerns expressed by local residents, including the fact that the proposal would cause noise and inconvenience during construction, that there are land ownership constraints, that the proposal would cause flooding issues and that there are inadequate services within the village. However, any noise and inconvenience during the construction phase would be transient in nature and would not justify dismissing the appeal. Moreover, based on the available evidence I am satisfied that the proposal would not put such an unacceptable burden on existing services to justify dismissing the appeal and there is no detailed information to indicate that the proposal would cause an unacceptable degree of flooding. In addition, ownership matters would need to be dealt with under legislation dealing with private legal rights regarding land ownership.
18. Further, given the location of the proposed dwelling relative to other properties I am satisfied that it would not unacceptably harm the living conditions of any neighbouring residents.

Conditions

19. I have had regard to the conditions suggested by the Council and I have amended them as necessary in the interests of precision and clarity, as well as to comply with advice in the Framework and Planning Practice Guidance (PPG). It is necessary to impose a pre-commencement condition, and the appellant has confirmed that they agree to such a condition.

20. A condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area it is necessary to impose a condition to ensure that the proposed dwelling is constructed of appropriate materials.
21. In the interests of highway safety, it is necessary to impose a condition in relation to vehicle parking. To protect the living conditions of future occupants it is necessary to impose a condition to ensure the mitigation measures included in the noise impact assessment are implemented. Moreover, to ensure that any contamination associated with the appeal site is appropriately identified and treated a condition is necessary. However, given the scale of the development I have simplified the wording.

Conclusion

22. For the reasons given above the appeal should be allowed.

S Rawle

INSPECTOR