



Appeal Decision

Site visit made on 2 September 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/F2415/W/25/3366641

38 Tennyson Road, Lutterworth, Leicestershire LE17 4XA

- 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 Nick Misselke against the decision of Harborough District Council.
 - The application Ref is 24/01128/FUL.
 - The development proposed is demolition of existing garage to be replaced by proposed 2 storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a detached bungalow and detached garage located within a residential street. Within the streetscene are a mix of bungalows and two-storey dwellings.
4. The dwelling would be set back notably from the highway, and close to a bend and trees which would provide some screening of the development. Whilst there are a mix of house types in the locality, dwellings in the streetscene are generally separated by the approximate width of a driveway which results in a regular street pattern. In contrast, there would be a very limited gap between No 38 and the proposed dwelling which would be out of character of the area. The close positioning would be exacerbated by No 38 being a bungalow. Consequently, taking into account the character of the area, the proposal would result in a cramped and contrived incongruous layout and appearance. The development would therefore fail to respect or enhance local character.
5. My attention has been drawn to the development at 15 Tennyson Road which I saw at my site visit. I understand that initially it was approved as an annexe extension to the existing host dwelling and then later approved for occupation as a separate planning unit. I do not have full details of this scheme or the planning policies that applied at the time the applications were determined. In any case I have considered the appeal proposal on its own merits, and do not consider that the development at No 15 should justify the erosion of the character of the street scene that would arise from the appeal proposal.

6. For these reasons, the proposed development would cause harm to the character and appearance of the surrounding area. Consequently, it would conflict with policies GD2 and GD8 of the Harborough Local Plan 2011 to 2031 (2019) (LP). These seek to ensure new development respects and enhances local character.
7. It would also conflict with the Council's Development Management Supplementary Planning Document (2021) and paragraph 135 of the National Planning Policy Framework (the Framework). These seek to ensure new developments are sympathetic to local character.

Other Matters

8. The appellant highlights that the proposal would make an efficient use of the land, by maximising the density of development on a site where a range of services and facilities are accessible by walking, cycling and public transport, as required by adopted policy H5. However, such matters do not outweigh the harm found above.
9. The delegated report sets out that the agent has advised that this is a Self-Build proposal and thus exempt from Biodiversity Net Gain (BNG). Nevertheless, to qualify for this exemption, an appeal involving a self-build scheme should be accompanied by a planning obligation that secures the dwelling for this purpose, since securing it via a condition would fail to satisfy the tests in the Framework. No such obligation has been provided and therefore the exemption is not secured with any degree of certainty.
10. The delegated report also sets out that the proposal may also qualify for the de minimis BNG exemption. However, no substantive evidence has been provided to demonstrate that the development would be subject to the de minimis exemption. Given my findings above, I have not gone back to the parties on this matter as it would not change the appeal outcome.

Planning Balance and Conclusion

11. I have found that the proposed development would cause harm to the character and appearance of the surrounding area. Thus, the proposed development would conflict with Policies GD2 and GD8 of the LP. Given the Council's housing land supply position, paragraph 11(d)(ii) of the Framework is engaged.
12. Weight may still be afforded to policies depending on their consistency with the Framework. The most relevant policies are consistent with the aims of the Framework. There is nothing within the Framework to suggest that the policy requirements should be lessened on account of the shortfall in housing supply. In that context, I attach significant weight to the conflict with the development plan.
13. In considering paragraph 11(d)(ii) of the Framework, I must determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
14. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area. The site constitutes a sustainable location for the scale of development proposed and would result in the delivery of one dwelling which would contribute towards the Council's housing

supply. Furthermore, the development would provide economic benefits. Subject to a completed planning obligation, the proposal would also contribute to the District's supply of self and custom build housing.

15. Nonetheless, the benefits of the scheme would not outweigh the conflict found. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
16. The proposal would be contrary to policies GD2 and GD8 of the LP and I afford this conflict, with the relevant policies of the development plan, significant weight.
17. For the reasons given above, to conclude, 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. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR