

# Public Document Pack



**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
*Chief Executive*

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## **PLANNING COMMITTEE - 9 DECEMBER 2014**

### **SUPPLEMENTARY AGENDA**

8. APPEALS DECISIONS (Pages 1 - 4)

Please find attached two items that were omitted from the agenda: appeal decisions for land surrounding Sketchley House, Burbage; and 1 Temple Hall Farm Cottages, Wellsborough.

This page is intentionally left blank

**Summary of Appeal Decision at Land Surrounding Sketchley House, Burbage (APP/K2420/A/13/2208318)**

This outline application (13/00529/OUT) for the erection of up to 135 dwellings was refused by Members following an officer recommendation to approve on 16 October 2013 for the following reasons:-

1. In the opinion of the local planning authority, the proposed development will result in an adverse urbanising effect of the landscape, resulting in harm to the intrinsic character and beauty of the countryside contrary to the requirements of Saved Policy NE5 of the adopted Hinckley and Bosworth Local Plan 2001 and the requirements of Paragraph 17 of the National Planning Policy Framework.
2. In the opinion of the local planning authority, the vehicular traffic associated with the proposed development will result in an unacceptable adverse impact upon the amenities of the occupiers of dwellings in Welbeck Avenue, Newstead Avenue, Brockhurst Avenue and Beechwood Avenue. The proposal is therefore contrary to the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.
3. In the opinion of the local planning authority, the proposed vehicle access drive serving the development will result in an unacceptable adverse impact upon the amenities of the occupiers of nos. 9 and 15 Welbeck Avenue to which it is immediately adjacent. The proposal is therefore contrary to the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001.

The applicant appealed this decision and a public inquiry was heard on 25 to 28 February and 24 – 27 June 2014. During the adjournment between the two inquiry hearings the Secretary of State directed that he wished to determine the appeal himself.

The Inspector recommended that the appeal be allowed and planning permission granted subject to conditions. The Secretary of State agreed with the Inspector's conclusion and the appeal was allowed for the following reasons:-

The Secretary of State agreed with the Inspector that no significant alteration to the housing requirement identified in the Core Strategy is warranted. Whilst the Secretary of State agreed that a 5 year supply of housing sites could not be identified, he considered that it would be inaccurate to denote the failure to deliver housing as 'persistent'. However, he also agrees with the Inspector that there has been a failure to deliver housing in accordance with the Core Strategy particularly through the delivery of the SUEs. This failure to implement mechanisms to meet the housing target exacerbates this shortfall, but if the current shortfall were made up in the plan period then provision would meet the full objectively assessed needs for market housing. As policies could be brought 'up to date' with the identification of additional housing land, they cannot be considered inherently outmoded or redundant as they would come back up to date with the appropriate identification of housing land supply. Nevertheless, the Secretary of State agrees with the Inspector that the lack of a 5 year supply is an important material consideration and that a new balance between relevant policies in the development plan needs to be established and that balance is crucial.

The Secretary of State considered that the need for affordable housing is acute and warrants the provision of 40% offered by the appeal proposal.

The Secretary of State agreed that the additional traffic generated would likely disperse evenly and represent modest traffic flows which would not significantly alter the quiet and safe character of the streets.

Whilst there would be a limited amount of landscape harm on this greenfield site which would be outside of the settlement boundary, the scheme would be of a low density and the landscaping of the development would ameliorate the harmful impact of the scheme on the character of Burbage. In terms of ecology, the Secretary of State considers that though disputed by local residents, the site is not inherently valuable for nature conservation and measures would be proposed to increase biodiversity.

The Secretary of State concludes that the scheme would largely comply with the Core Strategy in bringing forward development in a location beside part of the sub-regional centre; being largely in accord with Policy 4; and satisfying the requirements of Policy BE1. The Secretary of State also agrees that, although the proposal would be contrary to Policy NE5 the environmental impact would be limited and well confined. Having regard to paragraph 14 of the Framework, the Secretary of State shares the Inspector's view that there are no adverse impacts in this case that significantly and demonstrably outweigh the benefits of the development.

### **Conclusion**

The Secretary of State concludes that, as a 5-year housing land supply cannot be identified, the decision falls to be made in the context of the presumption in favour of sustainable development as outlined at paragraph 14 of the Framework. The limited environmental and residential amenity harm identified would not be sufficient to significantly and demonstrably outweigh the benefits of the provision of up to 135 dwellings, 40% of which would be affordable, to be delivered in a sustainable location close to the sub-regional centre. The Secretary of State finds that the open space provision and diversity of housing type would add further weight in favour of the proposal. Overall he is satisfied that the scheme amounts to sustainable development and that planning permission should be granted.

### **Appeal Allowed**

---

# Appeal Decision

Site visit made on 28 October 2014

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 November 2014**

---

**Appeal Ref: APP/K2420/D/14/2225488**

**1 Temple Hall Farm Cottages, Bosworth Road, Wellsborough, Nuneaton CV13 6PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Clare Goodwin against the decision of Hinckley and Bosworth Borough Council.
  - The application Ref 14/00090/HOU was refused by notice dated 25 June 2014.
  - The development proposed is a 2 storey extension to provide a kitchen/dining room and 2 bedrooms (retrospective).
- 

## Decision

1. I dismiss the appeal.

## Preliminary matters

2. The proposed extension is in place, so I saw it when I visited the appeal site. The Council asked that I also visit the neighbouring property, 2 Temple Hall Farm Cottages. No one was in at that house at the time of my visit, but I do have enough information to make this decision.

## Main issue

3. The main issue is the effect of the proposal on living conditions at the neighbouring property, 2 Temple Hall Farm Cottages, in terms of outlook and light.

## Reasons

4. Nos 1 and 2 Temple Hall Farm Cottages are a pair of semi-detached houses. No 1 has been extended to the rear by about 4m, with a 2 storey brick wall sitting on the shared boundary. No 2 has a living room window at ground floor level, near to the extension. Although, this habitable room also has a front-facing window, outlook from its rear window is still important. The position, height and depth of the extension is such that its side wall is an intrusive, overbearing feature in this outlook. The wall also looms over the adjacent garden area, immediately to the rear of the house, in a similarly dominant manner. Furthermore, the wall sits to the south-west of this part of No 2's garden, causing considerable loss of sunlight.
-

5. I find no objection to the proposal in respect of the first floor windows at No 2, which are high enough to provide a much greater degree of outlook and to receive light over the top of the extension. The appellant has submitted a report indicating that sunlight and daylight to No 2's rear windows are not unacceptably affected. I agree. However the report does not address the impact of the extension on light in the garden.
6. I conclude that the proposal unacceptably harms living conditions at 2 Temple Hall Farm Cottages due to loss of outlook and sunlight. The proposal therefore conflicts with the shared aim of Hinckley and Bosworth Local Plan Policy BE1 and the Council's Supplementary Planning Guidance *Design Guidance: House Extensions*, to ensure that development does not adversely affect the occupiers of neighbouring properties. This aligns with the National Planning Policy Framework's aim to secure a good standard of amenity for all existing and future occupants of land and buildings.
7. I recognise that the extension as built provides much improved accommodation and that there is no loss of privacy to neighbours. Like the Council, I find no undue impact on living conditions at the other neighbouring property, Holly Lodge. None of these factors, however, overrides my finding on the main issue.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

*Les Greenwood*

INSPECTOR