
Appeal Decision

Site visit made on 18 June 2014

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 20 June 2014

Appeal Ref: APP/K2420/D/14/2217890

12 Warwick Gardens, Hinckley, Leicestershire LE10 1SD

- 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 Mr Andy Gilliver against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00116/HOU, dated 5 February 2014, was refused by notice dated 10 April 2014.
 - The development proposed is a garage extension to the side of the property next to the highway.
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Procedural matters

1. The appeal has been lodged in the name of William Moore with Andy Gilliver cited as his agent. However, only the applicant has the right of appeal, and this is said to be Mr Gilliver on the application forms. I have therefore taken him to be the Appellant but this has had no bearing on my findings.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

4. Along the initial length of this residential cul-de-sac, as it leaves Portland Drive, Warwick Gardens is enclosed by tall hedging at the back of the pavement. However, the road soon opens out and forks, with one section running to the north (the northern arm) and the other to the east (the eastern arm).
5. The appeal property stands at this corner, facing onto the northern arm but with the eastern arm on its southern side. It is a 2-storey dwelling with its upper floor contained in the roof. To the front is a parking area while, to the side, between the house and the pavement of the eastern arm, is a lawn on which the proposal would be built.
6. This area of lawn, along with the front gardens of the houses that face onto the eastern arm, is unfenced and has little dominant planting. While the side elevation of No 13 is closer to the pavement than the front elevations of the houses to the east, it is nonetheless set back a significant distance of some

- 4.75m or so and is only a single storey high with a sloping roof above. As a result of this arrangement, and in contrast to the initial section of Warwick Gardens, this length of the cul-de-sac has a sense of openness and spaciousness that contributes positively to its character and appearance. Although the boundary wall around the rear garden of No 13 is nearer than the side of the house to the highway, that is still set back an appreciable distance and is lower than the dwelling's eaves. Consequently it does not undermine the character of the eastern arm significantly.
7. The garage would extend 4.1m from the side wall of No 13 and would be within 0.66m of the pavement. Its eaves line would be comparable to that of the house, and it would have a hipped roof.
 8. In my opinion and given its height, its relationship to the back of the pavement would mean this extension would be sharply at odds with the pattern of development on the eastern arm of the cul-de-sac and would create an appreciable sense of enclosure at its junction with the northern arm. This would result in it being a dominant feature that would notably erode the openness that is currently experienced on the eastern arm of Warwick Gardens. Consequently it would detract unacceptably from the character and appearance of the streetscape.
 9. In coming to this view I have taken into account the side extension at 25 Warwick Gardens immediately to the south. While that is bigger than what is now proposed it is set back from the site boundaries and respects the pattern of housing around, and so does not have a comparable effect on the openness of the cul-de-sac. I have also noted the walling arrangement shown on Drawing No AG/12_WG_P12. However, I cannot assume that would be built if this scheme was refused, but in any event it would not be as tall as the proposal with its hipped roof and so its impact would not be as great. There was discussion about siting the garage in the rear garden, but that is not before me and so is not for me to address. Finally, while local residents might not have raised objections that does not offer a justification to put aside my concerns given above.
 10. The only policy mentioned in the Council's case was Policy BE1(a) and (b) of the *Hinckley and Bosworth Local Plan* and, with its emphasis on the need for high quality complementary design, I have no reason to consider this to be inconsistent with the *National Planning Policy Framework*.
 11. Accordingly I conclude the proposal would detract unacceptably from the character and appearance of the area, in conflict with Policy BE1(a) and (b) in the Local Plan.

J P Sargent

INSPECTOR