



Appeal Decision

Site visit made on 8 May 2014

by Ron Boyd BSc (Hons) MICE

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

Decision date: 18 June 2014

Appeal Ref: APP/K2420/A/14/2215109

40 High Street, Earl Shilton, Leicester LE9 7 DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jason Leech against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 13/00548/OUT, dated 3 July 2013, was refused by notice dated 8 January 2014.
 - The development proposed is demolition of existing factory and residential development of the site.
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Decision

1. I dismiss the appeal.

Procedural matters

2. Since the appeal was submitted the Department of Communities and Local Government published its Planning Practice Guidance on 6 March 2014. I have considered the content of the guidance but in light of the facts of this case it does not alter my conclusions.
3. The application was submitted in outline with only the access and scale to be considered at that stage. However it is clear from the submitted correspondence between the parties that prior to determination the proposal was agreed as being for outline with only access and layout to be considered. Both the Council's refusal notice and the appeal form describe the proposal as 'Demolition of existing factory and erection of 15 dwellings (outline – access and layout only). I have considered the appeal on that basis.

Main issues

4. I consider these to be the effect the proposed layout would have on:
 - the character and appearance of the proposed development; and on
 - the effect the proposed development would have on the character and quality of its surroundings.

Reasons

5. The appeal site is a roughly T-shaped area on the west side of the High Street within the settlement boundary for Earl Shilton. It is designated as an employment site in the Hinckley and Bosworth Local Plan 2001 (the Local Plan). The majority of the site is occupied by a two-storey factory fronting the

High Street. Towards the western end of the factory the site extends northwards behind No. 30 High Street as far as the rear boundaries of the back gardens to dwellings in Keats Close, and southwards behind No.52 High Street as far as the rear boundaries of the back gardens to dwellings at the southern end of West Street. To the west a footpath running alongside the back gardens of Nos. 4 to 44 West Street is adjacent to the site's hedged boundary.

6. The proposal is to demolish the factory and provide 15 town houses in three terraces. Four houses (plots 1-4) would face eastwards on to the southern part of the site's frontage to the High Street; six houses (plots 5-10) would face south, backing on to the rear boundaries of Nos. 9-16 Keats Close; and five houses (plots 11-15) would face north-eastwards, backing on to the rear boundaries of the dwellings at the southern end of West Street. Two parking places would be provided for each dwelling, those for plots 1-4 to the rear and those for plots 5-15 directly in front of the dwellings. Vehicular access from the High Street would be along the site's northern boundary. I note that the access would be of a width which, whilst sufficient to meet the requirements of the Highway Authority in terms of enabling opposing vehicles to pass, would not be such as to encourage the clutter of kerbside parking. Pedestrian access to the footpath alongside the western boundary is indicated on the submitted plan.
7. The developed site would thus comprise the three terraces in a broad triangle with the rear elevations of plots 1-4 and the front elevations of plots 5-10 and 11-15 looking over their dedicated parking spaces into the centre of the site which would be marked by a small traffic island.
8. The site is in the High Street – a prominent location. The Council accepts that non-employment uses are acceptable for the site; that residential development would represent re-use of a previously developed site in a highly sustainable location; and that the proposed scheme is acceptable in principle. There is the opportunity for the development to improve both the streetscape of the High Street and views from it towards the established residential development to the west.
9. There is clearly the potential for plots 1-4 to enhance the streetscene. However, the layout proposed for the area of the site back from the road frontage would, in view of the extent and prominence of the car parking required for the 15 dwellings, lead to the development having a utilitarian and unattractive appearance as viewed either from within it, or from the High Street. Paragraph 58 of the National Planning Policy Framework (the Framework) advises that planning decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.
10. Neither appearance nor landscaping are matters submitted for consideration at this stage. However, it is important that the layout for which approval is being sought should be such as to enable provision of a visually attractive development able to take the opportunity of improving the character and quality of the surrounding area as exhorted in paragraph 64 of the Framework.
11. I am not convinced that this is the case. The layout proposed would leave little room for any landscaping measures, whether hard or soft, that could be effective in either mitigating the harmful impact of the necessary parking provision or improving views into the development from the High Street. In

this respect the proposed layout would impact upon the ability to deliver a visually attractive development.

12. As such I conclude that it would be harmful to the character and appearance of the proposed development itself and thus to the extent to which the development could improve the quality and character of the area. As such the layout would conflict with the Council's aim of seeking to '*secure attractive development toenhance the existing environment*' stated in Local Plan Policy BE1. The proposed development would accordingly fail to comply with Local Plan Policy RES5 (b) and the requirements of the Framework referred to above.
13. I note the points made by the appellant in support of the proposed layout including that there would be no direct overlooking between the opposing terraces. Also that a layout of 13 houses was considered economically unviable, although no substantiating evidence on this issue has been submitted. I acknowledge that parking and vehicle manoeuvring areas would generally be clear of existing back gardens and that the proposal would provide 15 modest family homes of which three would be affordable.
14. The Council has in excess of a five year supply of housing land. Whilst the presumption in favour of sustainable development applies, the benefits of the scheme as proposed are insufficient to outweigh the conflict with the development plan and the Framework resulting from the harm I have identified above.
15. Were I to have found the proposed development to be acceptable it would have been necessary for a planning obligation under the provisions of Section 106 of the Planning and Compensation Act 1990 to have been submitted to me for my consideration in the light of the tests in paragraph 122 of the CIL Regulations 2010. This would have been to secure the proposed affordable housing provisions and financial contributions in respect of any community facilities required to make the proposed development acceptable in planning terms. No such obligation has been submitted to me. As I have decided to dismiss the appeal on matters which would not be overcome by an obligation this has not affected my decision.
16. I have taken into account all the other matters raised in the evidence. However, I have found nothing sufficient to outweigh my conclusions on the main issues which have led to my decision on this appeal. For the reasons given above I conclude that the appeal should fail.

R.T.Boyd

Inspector