
Appeal Decision

Site visit made on 19 August 2014

by **S D Harley BSc(Hons) MPhil MRTPI ARICS**

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

Decision date: 27 August 2014

Appeal Ref: APP/K2420/A/14/2219208
20 Church Lane, Fenny Drayton, Nuneaton CV13 6BA

- 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 Helen Dodd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 13/00908/FUL, dated 21 June 2013, was refused by notice dated 11 December 2013.
 - The development proposed is Erection of two detached houses.
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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 area taking particular account of scale and mass.

Reasons

3. Policy 13 of the Hinckley and Bosworth Local Development Framework Core Strategy 2009 (CS) defines Fenny Drayton as a rural hamlet, with limited, if any, services. New housing within the settlement boundary is acceptable in principle if it provides for a mix of housing types and tenures. The site lies within the settlement of Fenny Drayton and housing development is therefore acceptable in principle. Indeed planning permission has been granted in the past for one dwelling on the site.
4. Saved Policy BE1 of the Hinckley and Bosworth Local Plan 2001 (LP) requires a high standard of design and, amongst other things, requires that development complements the character of the surrounding area with regard to scale and mass and avoids the loss of important gaps in development, vegetation and features that add to the quality of the local environment. Although these policies predate the National Planning Policy Framework (the Framework) they conform to those of its principles which support sustainable development of good design that responds to the local character of the surrounding area.
5. The appeal site is located between Nos 14 and 20 Church Lane in a residential area of mainly detached houses and bungalows of mixed styles and designs. In the stretch of Church Lane between No 14 and the junction with Drayton Lane, dwellings are generally in large plots, set back from the highway and have frontage gardens with mature vegetation. No 14 Church Lane is a

- recently constructed house of mock Georgian style that is particularly prominent when viewed from beside the church.
6. The appeal site was part of the garden of No 20 Church Lane but is now separated from that property by a close boarded fence. Sufficient land would remain with No 20 to satisfy the requirements of the Supplementary Planning Guidance New Residential Development Design Guidance (SPG) which sets guidelines for levels of private amenity space.
 7. The proposed dwellings would be in a staggered line set behind the front wall of No 14, significantly forward of the front wall of No 20 and would be uncharacteristically close together and close to the boundaries with Nos 14 and 20. They would be two full storeys of a similar height to No 14 but taller than the bungalow and chalet bungalow properties to the south. The main part of the proposed buildings would have a pitched roof and would have a projecting two storey gable. The scale and mass of the proposed buildings, particularly at first floor and roof level, so close together and forward of No 20, would be very prominent and appear massive and out of keeping with the area detracting from the spacious surroundings. The proposed ground and first floor openings would add interest to the side elevations but this would not outweigh the concerns identified.
 8. For these reasons I conclude that the proposed development would amount to over development of the site and would adversely affect the character and appearance of the area. Accordingly the development would conflict with the provisions of Policy 13 of the CS, Policy BE1 of the LP, the SPG and the principles of the Framework insofar as they seek to ensure development respects the local character of the surrounding area.
 9. I have taken account of the scale and mass of No 14 and the plot coverage, the proposed landscaping, the architectural design and materials of the proposed development. However, nothing I have seen persuades me that the development as proposed would be acceptable in this location.

Other Matters

10. There is a Grade II Listed Building on the opposite side of Church Lane. However, due to its large grounds, mature vegetation and the distances between the properties the proposed development would not impact on the Listed Building or its setting.
11. The Highways Authority has raised concern on the grounds of lack of services in Fenny Drayton and the resultant reliance on car based travel. However, it is inevitable that people living in rural hamlets will rely on cars to a great extent, and the principle of infill development in such settlements is accepted by Policy 13 of the CS. Accordingly I have given this point relatively little weight in this particular case.
12. The Highways Authority has no objections in respect of parking arrangements and highway safety subject to a number of conditions, including visibility splays and widening of the carriageway alongside the frontage of the site. The Council has no concerns in this respect. Following my site visit I see no reason to disagree in respect of highway safety. However, the widening of the carriageway together with the two proposed drives and visibility splays in close proximity to each other would change the character and appearance of this

stretch of Church Lane. Whilst this is not a determinative issue it adds some weight to my concerns in relation to the main issue.

13. Due to the siting of the proposed buildings and the positioning of windows, the Council raises no concerns in respect of overlooking of neighbouring properties or over dominance. Following my site visit, and taking into account the orientation of the proposed dwellings, on balance I do not disagree with this stance.
14. Policy 19 of the CS and Saved Policy REC3 of the LP require new residential development to contribute towards the provision and maintenance of play space for children. However, as I am dismissing the appeal on other grounds there is no need for me to consider this matter further.
15. Third parties have raised other matters such as the history of the area, archaeological interest on the site and the adequacy of local infrastructure and services. I have considered all these matters but they do not lead me to any other conclusions.

Conclusion

16. For the reasons set out above and taking into account all other matters raised, I conclude the appeal should be dismissed.

SDHarley

INSPECTOR