



The Planning Inspectorate

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Appeal Decision

Site visit made on 4 November 2014

by **N McGurk BSc(Hons) MCD MBA MRTPI**

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

Decision date: 12 November 2014

Appeal Ref: APP/K2420/D/14/2226444

31 The Fairway, Burbage, Hinckley, Leicestershire, LE10 2TY

- 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 and Mrs M Jennings against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 14/00657/HOU was refused by notice dated 22 August 2014.
 - The development proposed is construction of a new attached garage to allow persons with physical disabilities to get in & out of car in the dry.
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Decision

1. The appeal is allowed and planning permission is granted for a new attached garage to allow persons with physical disabilities to get in & out of car in the dry at 31 The Fairway, Burbage, Hinckley, Leicestershire, LE10 2TY in accordance with the terms of the application, Ref 14/00657/HOU, dated 1 July 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: SS01 Existing and Proposed Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council suggested that I view the appeal site from a neighbouring property, No 33 The Fairway. During my site visit, I knocked at the door of No 33, but there was no response. However, I was satisfied that I could see all that I needed to from No 31 The Fairway and from the public domain.

Main Issue

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

Reasons

4. The appeal property is a brick-built semi detached bungalow set well back from the road behind a substantial driveway. The adjoining semi detached bungalow

extends to the front, such that a ground floor extension projects well forward from the front elevation.

5. The surrounding area is residential. It comprises a broad range of housing types, including detached and semi detached one and two storey houses. During my site visit, I observed that houses are set well back from the road, behind substantial driveways and/or gardens. Together with wide pavements incorporating grass verges, this set back affords an attractive open and spacious character to the area.
6. Also during my site visit, I noted that the build line varies significantly, on both sides of The Fairway, such that the set back of built development from the road differs between houses. The front elevations of some dwellings are set closer to the road than others and some properties have been extended to the front.
7. However, this irregular pattern of development does not detract from the area's attractive qualities, due to the wide pavements and the substantial size of driveways and gardens. Consequently, the fact that the build line is not regular, or constant, does not harm the area's open and spacious attributes. Furthermore, during my site visit, I noted that the irregular build line emphasised the individuality of each dwelling, whilst respecting the overall character of the area.
8. The proposal would introduce a small single storey garage to the front of the appeal property. Due to the length of the driveway, the front of the proposed development would still be set back a considerable distance from the road. In this way, I find that it would be in keeping with the overall character of the area.
9. Whilst the proposal would project further forwards than the projection to the front of the adjoining bungalow, it would also provide for some similarity, whereby the adjoining properties would both project some distance to the front. In so doing, the proposed development would also be distinctive to the host property and this would be reflective of the varied character of the surrounding area.
10. Taking all of the above into account, I find that the proposal would not harm the character and appearance of the area. It would not be contrary to the Framework, Local Plan¹ policy BE1 or the Council's Village Design Statement², which together amongst other things, protect local character.

Other Matters

11. There has been an objection to the proposal suggesting that there will be a loss of light to the side of No 33 The Fairway. I note that the Council raises no issues with regards the proposal impacting on the living conditions of neighbours. In respect of No 33, the Council is satisfied that no harm will arise due, in large, to an existing 2 metre high timber fence between Nos 31 and 33. Further to my observations during my site visit, I concur with the Council in this regard.
12. I acknowledge that there have been a number of objections to the proposal from neighbours. Some of these raise concerns relating to matters of highway

¹ Hinckley and Bosworth Local Plan Written Statement (2001)

² Hinckley and Bosworth Borough Council Local Development Framework Burbage Village Design Statement (2006).

safety. I note that the Council considered matters relating to highway safety in its officer's report and did not consider that any harm would arise in this regard.

Conditions

13. I have considered the conditions suggested by the Council against the six tests set out in paragraph 206 of the Framework. A condition referring to the relevant plan is necessary for the avoidance of doubt and in the interest of proper planning. A condition requiring external materials to match existing is required in the interest of the appearance of the development.

Conclusion

14. For the reasons set out above, the appeal succeeds.

N McGurk

INSPECTOR