
Appeal Decision

Site visit made on 27 April 2015

by Julia Gregory BSc BTP MRTPI MCMI

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

Decision date: 18/06/2015

Appeal Ref: APP/K2420/W/14/3002014

The Poplars, Watling Street, Hinckley, Leicestershire LE10 3ED

- 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 Jim Smith against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00349/OUT, dated 3 April 2014, was refused by notice dated 23 July 2014.
 - The development proposed is the erection of one new two storey dwelling and four no. residential mobile homes, including access and parking amendments and parking for the existing dwelling.
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Preliminary matters

1. The application is in outline with only access and layout to be considered at this stage. The street scene from Watling Street shown on plan no 13.2879.05A is illustrative only.
2. The appeal correspondence from the appellant gives the application reference number as 13/00349/OUT. This does not accord with that given in the Decision Notice. I have taken the application reference in the banner heading above from the decision notice.
3. An application for costs has been made by the appellant against the Council. That application is the subject of a separate decision.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area; the effect on the living conditions of the occupiers of Rivendell in respect of privacy, noise and disturbance; and whether the development would provide acceptable living conditions for future residents.

Reasons

Character and appearance

6. The appeal site comprises garden land for the Poplars which is located within the residential development boundary. A dwelling would be erected to the side of the existing dwelling to follow the front building line of the Poplars. It would have a similar depth to that dwelling. This is similar to that for which planning

permission has already been granted except in so far as the garden length to the rear would be significantly shorter. Frontage development is prevalent close by in the locality of Watling Street. The appearance of the development from Watling Street would be little different to that for which there is a fallback position and, subject to the control of the design of the dwelling the street scene in Watling Street would not be harmed.

7. The Council has already granted planning permission for residential development on the rear garden and so the principle of residential development within the curtilage of the Poplars is already established. However, overall this scheme would provide limited size rear gardens to the two frontage properties and would create a regimented layout of mobile homes in the land to the rear. This is significantly different to the scheme that has permission which has significantly more open land, and would be a much less dense scheme.
8. This would create a development that would be far removed from the character of the long rear gardens of the adjacent properties to the west and the generally spacious plots nearby. Although I acknowledge that there are also backland sites further to the west these dwellings are also on very extensive plots quite unlike the dwelling and mobile homes that would be created here.
9. In addition, there is limited car parking, with two spaces for plot 1 and 1 space each shown for the mobile homes which might only contain only one bedroom. There would be limited space available for other car parking in this layout which would add to the intensity of the use if cars were to be parked on the access road.
10. I conclude that the development would be harmful to the character and appearance of the area. This would be contrary to policies BE1 a and T5 of the Hinckley and Bosworth Local Plan (LP). It would also be contrary to Paragraph 64 of the National Planning Policy Framework (the Framework) which identifies that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions- Rivendell

11. The four mobile homes would be sited some 6m apart, towards the rear of the site with their shortest elevations some 3m from the common boundary with Rivendell. The siting of the mobile homes would accord with the standards set down in Model Standards 2008 for Caravan Sites in England. The standards do not apply to those occupied by gypsies or travellers or caravan sites which house agricultural workers. There is no indication from the appellant that the mobile homes would be occupied by such persons. The appellant intends that they be occupied by those over 55 years of age, but there is no mechanism provided to control this.
12. The Model Standards relate to the physical standards and layout and other matters covered by the Caravan Sites and Control of Development Act 1960. It identifies that the use of the land is controlled by the relevant planning legislation. The effect of the development on the living conditions of the occupiers of the adjacent property is a material planning consideration notwithstanding that the layout complies with the model standards. It should be noted that the preface to that document makes clear that the standards should be applied with due regard to the particular circumstances of the site.

13. Rivendell is a semi-detached property attached to the Poplars with an equivalent length rear garden. However, the garden is relatively narrow and there is evidence that its furthest extent was being used. Although there is fencing between the two properties for most of the length of the garden, the introduction of 4 mobile homes all close to the boundary would produce an intensity of occupation that would be harmful so close to the boundary. This is because it would generate a level of domestic activity significantly greater than garden use that would result in noise and disturbance from that residential activity, which could not be controlled. It would also be harmful to privacy because of the close proximity of the end elevations of the mobile homes to the common boundary. These elevations could well contain windows.
14. In addition, although there is some boundary vegetation, there would be four parking spaces located close to the boundary quite near to the rear of Rivendell which would exacerbate the overall intrusive nature of the development because of the comings and goings of vehicles.
15. I have paid careful attention to the details of 13/00556/OUT which also introduced backland development but this was far less intrusive in terms of the quantum of residential units and would have only one of the two single storey dwellings close to the boundary at the end of the garden.
16. I conclude that the development would harm the living conditions of the occupiers of Rivendell in respect of privacy, noise and disturbance. This would be contrary to LP policy BE1 criterion (i) which seeks to ensure that development does not adversely affect the occupiers of neighbouring properties. This is consistent with one of the core principles of the Framework to seek a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions future residents

17. It is not disputed that the layout would meet the Model standards. Nevertheless, these are to be applied with due regard to the particular circumstances of the site. The site is relatively narrow with only sufficient width to accommodate the 4 mobile homes one behind each other and some 3m from the common boundary with Rivendell and a similar distance to the land to the east.
18. The Council has considered its SPG on New Residential Development in relation to this scheme. I note that the Council has sought to apply their standards flexibly because the rear properties would be mobile homes. However, this SPG is more appropriate to the layout of permanent dwellings, and does not say how it applies to mobile homes and so I consider it is not particularly useful to the consideration of this layout.
19. Nevertheless, the layout and resulting outlook for residents from the mobile homes would be poor because of the constraints of the site identified earlier. As a result, the development would be contrary to LP policy BE1 criterion (g).

Other matters

20. Although the appellant asserts that there is not a 5-year supply of deliverable housing sites locally, with a persistent undersupply, and a need for housing locally, I have insufficient information to be able to make a judgement on that matter. Nevertheless, I acknowledge that the development would provide

some small homes that are likely to be at the affordable end of the scale within the residential development boundary. That adds weight in favour of the development. Nevertheless, these matters are not sufficient to outweigh my earlier conclusions on the harm caused by the development.

Conclusion

21. For all the reasons given I conclude that the appeal should be dismissed.

Julia Gregory

INSPECTOR