
Appeal Decision

Site visit made on 24 November 2015

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 12 January 2016

Appeal Ref: APP/K2420/W/15/3133397

2a Drayton Lane, Fenny Drayton, Leicestershire CV13 6AZ

- 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 Ms Judi Cookes against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00205/OUT, dated 3 March 2015, was refused by notice dated 1 May 2015.
 - The development proposed is the erection of 2 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Judi Cookes against Hinckley and Bosworth District Council. This application is the subject of a separate Decision.

Procedural matter

3. The application is for outline planning permission, with all matters reserved for future consideration. It is clear from the application that the proposed scheme relates to two dwellings and I have determined the appeal on this basis. The submitted plan shows an indicative site layout and I have had regard to this in determining the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area, with particular regard to overdevelopment.

Reasons

Character and appearance

5. Fenny Drayton is a small hamlet characterised by a wide mix of property types and age, reflecting the organic growth of the settlement. The appeal site lies in the heart of the hamlet and forms part of a larger site containing a chalet bungalow, No. 2a, set in a generous plot. The appeal site is surrounded by
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- other residential development, and would share No. 2a's drive access to the road frontage.
6. Policy 13 of the Core Strategy 2009¹ allows infill development to maintain rural population levels and consequently the principle of residential development on the site is common ground between the parties, subject to other planning matters being appropriately resolved.
 7. The development of the appeal site would locate two dwellings and associated parking areas between the front facade of No. 2a and the rear gardens of dwellings on Old Forge Road, and Church Lane. From the evidence before me it is apparent that 24 Old Forge Lane has now been built and I note that 22 and 24 Old Forge Lane are sited particularly close to the boundary of the appeal site.
 8. Whilst I appreciate this is not a definitive layout, it nevertheless demonstrates the site constraints that would influence overall site layout and gives a useful indication of the development's impact on the character of the appeal site and the wider surroundings. This is of relevance as Policy BE1 of the Local Plan² (LP) requires development to complement or enhance the character of the surrounding area in respect of design and layout.
 9. The appellant has provided information regarding other recent development in the village. However, with the exception of the complete plot redevelopment of 1 Drayton Lane, all the new dwellings presented as examples appear to sit side by side with their host dwelling, and have their own road frontage. In this case, the development would sit forward of the host dwelling, at fairly close range, and would share the drive access to Drayton Lane. This is out of character with the existing building pattern of the bungalows in the immediate vicinity, and with the recent garden development in the village as a whole.
 10. The Design and Access statement states that the distances between the new dwellings and their immediate neighbours would conform to the separation distances recommended in the Supplementary Planning Guidance³. However, from the evidence before me it appears that 24 Old Forge Lane is not shown on the site plan. Given the arrangement of neighbouring properties in relation to the site, I am not persuaded that alterations to site layout could achieve appropriate separation distances for all neighbouring dwellings, were this appeal to be allowed.
 11. In the context of the wider village, I agree that the development would not be inappropriate in terms of density and plot size. However, this is a large plot, with the rear gardens of other properties forming its boundaries on all sides. The character of the site and that of adjoining properties to the south, west and north, is derived from the random layouts and generous, (albeit variable), plot sizes. In addition, nearly all of the host dwelling's usable amenity space lies forward of the front facade and provides the setting within which the building sits.
 12. Irrespective of further iterations of site layout, the development would significantly reduce the host dwelling's amenity space. It would also extend the higher density building pattern found on Old Forge Road into this distinct

¹ Hinckley and Bosworth Borough Council Local Development Framework Core Strategy, adopted December 2009

² Hinckley and Bosworth Borough Council Local Plan 2001

³ Hinckley and Bosworth Borough Council Supplementary Planning Guidance – New Residential Development

area of lower density development. It would result in the host dwelling appearing cramped within its curtilage, and the current view of garden visible from the road would be replaced by glimpses of smaller dwellings. This would neither enhance nor complement the character of the area, would represent overdevelopment of the site and accordingly be contrary to the provisions of Policy BE1 (LP), as outlined above.

13. There is a dispute between the main parties as to whether or not the Council can demonstrate a five year supply of housing land. Policy BE1 is not, in my view, a relevant policy for the supply of housing in terms of paragraph 49 of the National Planning Policy Framework. In any case, the adverse impacts in terms of the character and appearance of the area would significantly and demonstrably outweigh the limited benefits arising from two additional dwellings on the site.

Other matters

14. The Council advises that financial contributions are required to support the provision and maintenance of public play and open space facilities. The appellant has provided an incomplete obligation but given my findings in relation to the main issue, I have not considered this matter further.

Conclusion

15. For these reasons and taking into account all other matters raised, including the submissions from other residents and interested parties, I conclude that the appeal should be dismissed.

Amanda Blicq

INSPECTOR