
Appeal Decision

Site visit made on 8 March 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 08 April 2016

Appeal Ref: APP/K2420/W/15/3137492
55 Greenmoor Road, Burbage, Leicestershire LE10 2LS

- 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 N Axon against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00778/FUL, dated 12 July 2015, was refused by notice dated 29 September 2015.
 - The development proposed is a single storey contemporary dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effects of the appeal scheme on the character and appearance of the area; and secondly, its effects on the living conditions of occupiers of adjacent properties in terms of outlook, privacy, noise and disturbance.

Reasons

Character and Appearance

3. The appeal site is within the back garden of 55 Greenmoor Road, a brick-faced gable-ended bungalow. Greenmoor Road is part of a suburban and predominantly residential area, with a variety of types and sizes of dwellings, although mainly detached, mostly faced in brick with some render and timber cladding. Roof forms are varied, but in the main are pitched on the principal elements of dwellings. The area has a verdant character: the road is tree-lined, has grass verges and its dwellings are set back from the highway behind low boundary treatments within generous and generally well-vegetated plots.
 4. The appeal site is bounded to the sides by the generous gardens of Nos 53 and 57 Greenmoor Road, and that of 3 John's Close. To the rear of the appeal site is the garden of 2 St James's Close. Some fencing and a dense hedge mark the boundary between the appeal site and No 53, and its boundaries to the other gardens are of close-boarded fencing; there is a brick wall of over two metres at the corner of the site adjacent to No 2 St James's Close.
 5. The appeal proposal is for a single-storey dwelling in the corner of the appeal site that would be separated from the boundary of 2 St James's Close by just
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- over 2m to around just over 2.6m; and it would be separated from the boundary with No 53 by around 1.2m. It would feature a flat 'living green roof' with an overall height varying between around 3m and 3.6m and be faced in a mixture of brick, timber cladding and render. The scheme would include the demolition of No 55's garage to facilitate access to the proposed dwelling. The access would run between the flank wall of No 55 and the boundary with No 53 to two parking spaces in front of the proposed dwelling in a tandem arrangement. A new boundary treatment of acoustic fencing is proposed.
6. I note the appellants' suggestion that the character of the area is made up of small 'cluster pockets' of development, however, within the immediate context of Greenmoor Road's rear gardens the appeal scheme would introduce development of a type and scale that would be wholly incongruous. The proposed subdivision would result in plot sizes for No 55 and the appeal scheme strongly at variance with those of the generous rear gardens of neighbouring dwellings. The amount of space given over to the proposed access arrangements for the appeal scheme, and its siting much tighter to a rear boundary than most other dwellings in the area would impart a cramped character to the proposal. Taken together with the reduction in the size of No 55's rear garden, and the proposed dwelling's proximity to 2 St James's Close, the appeal scheme would result in an increase in the density of development to the detriment of the spacious and verdant character of the area.
 7. Given the broadly level nature of the site and its surroundings, the green roof would not blend into this verdant backdrop when viewed from neighbouring gardens. The proposed glazing would be eye-catching, and not merely reflective of its surroundings. Consequently, the roof and glazing would do little to soften the development's harmful effects to Greenmoor Road's spacious development pattern.
 8. Whilst the appeal scheme's front door would be orientated to face Greenmoor Road, it would be remote from that street frontage due to its siting and length of the access. Consequently, the appeal scheme would not integrate well with the wider development grain which comprises, in the main, of dwellings that have more intimate relationships with street frontages. The proposed dwelling would thus have a low level of legibility within the wider streetscene.
 9. At my site visit, I saw the contemporary dwellings to the rear of the appeal site, which are accessed from Rugby Road. There are some limited stylistic similarities between the appeal scheme and these dwellings; however, the proposal's adjacency to them would only serve to further its overall impression of incongruous density.
 10. I considered the appellants' comments regarding the scale of the proposal. The appeal scheme would be in excess of the size of most typical domestic curtilage buildings. Furthermore, the attendant access arrangements and subdivision of the plot, combined with the intensity of domestic use on the site would mean that the appeal scheme would have a materially different character to that of a typical ancillary building. Consequently, its effects on the character of the area would be greater than those of a curtilage structure.
 11. Whilst I note the appellants' point that dwellings in the wider area were created as a result of so-called 'backland' development, the examples mentioned in the main are much more comprehensive schemes planned around cul-de-sacs, and

thus generally possessing a much more intimate relationship with street frontages, and having more regularly sized plots and access arrangements. I agree with the appellants that there is no specific requirement for developments to be comprehensive in either national or local planning policy. However, the more comprehensive proposals cited have knitted into the wider development pattern more sensitively than the appeal scheme would.

12. The appellants suggest that the *Burbage Village Design Statement* (adopted June 2006) ("the Design Statement") encourages innovative designs which respect their contexts. Whilst this may be the case, it also notes the "significant adverse impact on visual amenity" of housing developments in gardens within the Sketchley Manor Estate, of which Greenmoor Road forms a part. Given its harmful effects on the area's wider character and appearance, the appeal scheme would be an example of development that would be at odds with the objectives of this guidance.
13. Although the proposal is not within a conservation area and to my knowledge is not within the setting of any designated heritage assets, I am mindful of paragraph 58 of the National Planning Policy Framework ("the Framework") which states, inter alia, that developments "should respond to local character and history and reflect the identity of local surroundings and history". The appeal scheme, by increasing density and subdivision, and introducing an incongruous development in terms of its siting would be unresponsive to the surrounding local character and would thus conflict with the objectives of Policy BE1 of the Hinckley and Bosworth Local Plan (adopted February 2001) ("the Local Plan"). Whilst the Council does not have a specific policy that restricts the development of residential gardens, Policy BE1, amongst other things, seeks to ensure that new developments complement or enhance the character of their surroundings.

Living Conditions

14. I considered whether the appeal scheme would have a harmful effect on the outlook of occupiers of 2 St James's Close from their garden. The appeal scheme would bring built development closer to the boundary than it is at present. However, the rear wall of the appeal scheme would be adequately separated from the boundary with No 2. Moreover, the proposal's wall adjacent to the boundary would be of limited height. Consequently, I do not consider that the appeal scheme would have an unduly overbearing or enclosing effect on the garden of No 2 and thus would cause no significantly harmful effects to the outlook available to its residents.
15. I also assessed the proposal's effects in regard to the privacy of the occupiers of No 2 from the garden and the adjacent ground floor window. The proposed fenestration on the proposal's rear elevation would serve an area of circulation space rather than a habitable room. Furthermore, the appeal scheme's separation, orientation, and the height of the intervening boundary treatment would also minimize overlooking of No 2. Consequently, I do not consider that significantly harmful effects would arise to the privacy of the owners of No 2 as a result of the appeal scheme.
16. The appeal scheme would introduce traffic movements deeper into the plot than is currently the case, into an area bounded in the main by residential gardens. Whilst the sound of cars using the access, the shutting of car doors and so forth would no doubt be audible to some extent, the proposals for 2m

high acoustic fencing, coupled with the limited number of traffic movements that would arise from a single dwelling mean that the proposal would not cause significant harm in these regards.

17. I have found that no significant harm would arise from the appeal scheme in terms of noise and disturbance from traffic movements along the proposed access, or in terms of the outlook and privacy of the occupiers of 2 St James's Close. Thus I can detect no conflict with the objectives of Policy BE1 of the Local Plan, the Framework and the Supplementary Planning Guidance *New Residential Development* (adopted 2000). Taken together, and amongst other things, these policies and guidance seek to ensure that a good standard of amenity is secured for all existing and future occupants of land and buildings.

Other Matters

18. I had regard to the appellants' suggestion that the appeal scheme would constitute sustainable development for the purposes of the Framework. However, paragraph 7 of the Framework makes it clear that a substantial part of the planning system's environmental role is its contribution "to protecting and enhancing our natural, built and historic environment". Thus the harmful effects of the proposal on the character and appearance of the wider area, would be indicative of a low level of environmental sustainability for the purposes of the Framework. These harmful effects would subsist long after the modest economic effects of the construction of a single house had faded away. There would be social benefits of the proposal in terms of the delivery of one additional dwelling, but these would not weigh heavily in favour of the scheme when balanced against its harmful effects.
19. I had regard to the appeal decision submitted by the appellants¹, however, without any commentary as to its significance to this case, I am unable to attach a great deal of weight to it in my assessment of the current appeal.
20. Whilst I note the appellants' aspirations to pursue a self-build project, and the Government's support for this type of development, I attach only very limited weight to these considerations in the overall planning balance when weighed against the scheme's significantly harmful effects.

Conclusion

21. I have found that the appeal scheme would cause demonstrable and significantly harmful effects to the character and appearance of the area. On balance this significant harm outweighs the lack of material harm I found in respect of the living conditions of adjacent occupiers.
22. Consequently, the proposal would conflict with the development plan, and for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Fort

INSPECTOR

¹ APP/K2420/W/15/3025088