



Appeal Decision

Site visit made on 7 April 2016.

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 22 April 2016

Appeal Ref: APP/K2420/W/15/3133608

Land rear of 99 to 107 Lutterworth Road, Burbage, Leicestershire, LE10 2DL

- 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 Thomas Knapp against the decision of the Hinckley and Bosworth Borough Council.
 - The application Ref 15/00437/FUL dated 12 April 2015 was refused by notice dated 8 June 2015.
 - The development proposed is the erection of one dwelling, associated parking and improvements to access off highway.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the amount of useable amenity space, and
 - the impact of the proposal on the living conditions of neighbours at Nos. 101, 103, 105 and 107 Lutterworth Road and Bluebell Corner in respect of privacy and outlook.

Reasons

Effect on character and appearance

3. The appeal site is an area of land that formed part of the rear gardens of the small terraced houses of Nos. 101 to 107 Lutterworth Road. It is located between the rear garden of No.99 Lutterworth Road and the modern dwelling of Bluebell Corner and its detached garage.
4. The terraced houses face the highway. Bluebell Corner also faces an access road. The Local Development Framework *Burbage Village Design Statement Guidance Note GN2: Design Principles* advises that any future development should reflect the basic settlement character with houses tending to front onto lanes and roadways. The proposed dwelling would have its main front elevation facing the rear of the terraced properties and separated by a short access area.

5. A dwelling of the size, scale and siting proposed would be out of character compared to the form and orientation of surrounding development. It would conflict with policy BE1(a) of the Hinkley and Bosworth Local Plan which requires development to complement or enhance the character of the surrounding area. It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).
6. The appellant has referred to examples of backland development in the area. Nevertheless, their particular site circumstances would not be identical to those at the appeal site. The Council has commented on the background to some of the examples in its statement of case. This appeal has been determined on the basis of the individual merits of the proposal having regard to relevant development plan policies and all other material considerations.

Amenity space

7. The Council's case is that the proposal would remove the only potentially useable amenity space for the dwellings of 101-107 Lutterworth Road. The application form indicates that notice of the application was served on three persons other than the applicant with an interest in the land, including a resident at No.103 Lutterworth Road. The appellant advises that the land is separated from the above dwellings by the access, making it dangerous for children to use. In addition, part of the land is used for garaging by someone who does not own one of the houses.
8. In the previous appeal regarding outline permission for residential development (ref: APP/K2420/A/06/2008050/NWF) the Inspector found that the loss of the gardens would cause harm for the occupiers of Nos.101-105 Lutterworth Road. The proposed development would leave the terraced dwellings without the possibility of an adequate area of amenity space, in conflict with Local Plan policy BE1(i), the Council's supplementary planning guidance: *New Residential Development* and the core planning principles in the Framework. Nevertheless, the land appears to be neglected and its loss as gardens would be insufficient reason on its own to warrant dismissal of this appeal. However, it does add weight to the decision.

Effect on living conditions

9. In the previous appeal the Inspector considered that the size and position of the plot, with development on three sides, would be difficult to develop without adverse effects on the living conditions of current and future occupiers.
10. The dwelling of Bluebell Corner has a gable end wall facing the rear windows in properties at Lutterworth Road. In contrast, the proposed dwelling would have its front elevation facing Nos. 101-107 Lutterworth Road. The Council advises that a separation distance of around 23-25 metres would be achieved between these existing terraced dwellings and the proposed dwelling. This would be, in part, just short of the Council's minimum standard of 25 metres referred to in its supplementary planning guidance: *New Residential Development*. However, even if a 25 metre minimum separation distance was achieved, a significant number of dwellings would be affected by a detrimental loss of privacy, with a lack of any significant screening to prevent overlooking from windows in the new dwelling, particularly for the rear first floor windows in the terrace.

11. The dwelling of Bluebell Corner would have a first floor bedroom window facing a mainly blank gable end wall of the proposed dwelling at a separation distance of around 5 metres. Only one window serves this first floor bedroom in Bluebell Corner and the proposal would cause a significant loss of outlook for its occupants. The proposal would conflict with Local Plan policy BE1(i) which seeks to ensure that development does not adversely affect the occupiers of neighbouring properties. It would also conflict with the core planning principles in the Framework that seeks to ensure a good standard of amenity for existing occupants of land and buildings.

Other Matters

12. The appellant refers to the site as 'brownfield'. However, private gardens are excluded from the category of previously developed land in the Framework. The proposal would provide an additional dwelling in the Borough, but the benefit would be limited as the Council has advised that it can demonstrate a five years housing land supply.

Conclusion

13. All other matters raised have been taken into account. For the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR