The Planning Inspectorate

Appeal Decision

Site visit made on 20 December 2011

by Nigel Burrows BA MRTPI

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

Decision date: 9 January 2012

Appeal Ref: APP/K2420/A/11/2161146
6 Boyslade Road East, Burbage, Hinckley, LE10 2RQ

- 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 Mrs Jayne Barnes against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 11/00471/FUL, dated 6 June 2011, was refused by notice dated 16 August 2011.
- The development proposed is described as 'Demolition of existing dwelling and garage and the erection of a replacement dwelling with an altered vehicular access and parking provision'

Decision

1. For the reasons given below, I dismiss the appeal.

Reasons

2. There are two main issues in this appeal. The first is the effect of the proposed dwelling on the character and appearance of the area. The second is its implications for the living conditions of neighbouring residents, with particular reference to their outlook.

Issue 1: Character and Appearance

3. The appeal site is on the south side of Boyslade Road East, near its junction with Boyslade Road in Burbage. The site is currently occupied by a two storey house and lies within a predominantly residential area. Boyslade Road East[1] is characterised by a mix of properties including houses, chalet-style dwellings and bungalows of varying ages, scale and architectural style, which are generally set back a similar distance from the road. The trees on the highway verge contribute to the mature character of the road.

4. The proposal involves the replacement of the existing property by a 5-bedroom dwelling, which would have a larger footprint and accommodation on three floors. The main facade of the new dwelling would appear significantly more imposing than the houses on either side due to its significant bulk and extensive frontage. The imposing scale of the dwelling would be accentuated by its two projecting gables (one of which incorporates garaging and first floor accommodation plus storage space above) and by its ridge height; according to the submissions for the appellant, this would be about 700mm above that of 4A Boyslade Road East and about 1.75m above 8 Boyslade Road East, albeit the latter property currently appears to be one of the largest in the road.

5. Whilst this proposal might be an appropriate design solution in some locations, it would constitute a clear and abrupt change in the scale and character of housing in this particular locality. Notwithstanding the care that has been exercised in the architectural design of the dwelling, its overall scale and site cover would contribute to its unduly

[1] Actually a cul-de-sac

assertive and dominating presence in this location, which would be exacerbated by the relatively modest gaps and spaces between the dwelling and the adjacent properties. It would therefore be incompatible with its surroundings and inappropriate to its context.

6. I conclude the dwelling would detract from the character and appearance of the street scene and the area, contrary to the objectives of 'saved' policy BE1 of the Hinckley and Bosworth Local Plan (2001). This policy seeks to safeguard and enhance the Borough's environment by, amongst other things, ensuring that development complements or enhances the character of an area with regard to its scale, massing and design.

7. The Council's concern to encourage and secure a high quality built-environment is generally consistent with the Government's objectives for the planning system. Planning Policy Statement 1 'Delivering Sustainable Development' (PPS 1) indicates that design which is inappropriate to its context, or which fails to take the opportunities available to improve the character and quality of an area, should not be accepted.

Issue 2: Living Conditions

8. The Council alleges the dwelling would have an overbearing effect on the neighbouring residents. I appreciate the adjacent residents are likely to be very aware of the presence of the proposed dwelling. However, despite its extensive footprint, it would not project to an unacceptable degree beyond the rear of 4A Boyslade Road East, which has a blind flank elevation. With respect to 8 Boyslade Road East, it would not project beyond the rear extension of this dwelling; given the nature and disposition of the flank and rear windows of the adjacent dwelling, it should not have an oppressive effect on the outlook of the occupiers of this property to the extent that it would harm their living conditions. This would also be the case with the occupiers of other nearby properties, including those on the opposite side of the road and to the rear of the site.

9. The Council does not allege the proposal would harm the living conditions of the surrounding residents in any other respect. I see no reason to come to a different conclusion. On balance, I conclude the scheme would not be inconsistent with the aims of Local Plan policy BE1, insofar as it seeks to protect the amenity of local residents.

Conclusion

10. I have found in the appellant's favour on the second issue. However, my overall conclusion is that this consideration is outweighed by the significant harm the dwelling would have on the character and appearance of the area. The objections to the development could not be overcome by planning conditions. The appeal therefore fails.

11. I have taken into account all the other matters raised in the written representations, including the Planning Officer's favourable recommendation on the scheme, but I find they do not outweigh the main considerations that have led to my decision.

Nigel Burrows

INSPECTOR