TOWN & COUNTRY PLANNING ACT 1990

Appeal by

JAYNE BARNES

Site at
6 BOYSLADE ROAD EAST
BURBAGE
LEICESTERSHIRE LE10 2RQ

APP/K2420/A/11/2161146/NWF

LPA Ref :11/00471/FUL

SUBMISSION ON BEHALF OF THE APPELLANT

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1. The appeal

1.1 This appeal relates to a full application for a replacement dwelling at 6 Boyslade Road East, Burbage, Leicestershire. The application was refused by the Hinckley & Bosworth Borough Council on 16th August 2011.

2. The proposal

2.1 The proposal is for a five bedroom detached dwelling to replace an existing ordinary looking detached house probably dating from the early second half of the Twentieth Century.

2.2 The new dwelling is precisely described in the Officer report to the August 2011 Planning Committee. It says *"The current scheme proposes a 2.5 storey brick dwelling with projecting front gables and a pitched roof dormer. An integral double garage is situated within the western most gable and there is a chimney to the east. Feature double doors with stone canopy are situated within the central gable, forming the principal entrance, and Georgian style fenestration with stone header and sill detail are arranged in a uniform alignment The proposal has a staggered frontage and is set back from the street by approximately 7 metres. To the western side, and to the front of the property there are three off road parking spaces. A 0.9m brick and stone wall is proposed along the front boundary. To the rear there is a non-standard window arrangement, including a Juliet balcony and 7 high level rooflights, the sills of which are approximately 2 metres above floor level. Externally there is a long enclosed garden."*

2.3 The 18.50m wide plot has an area of 548m² (Council's calculation). The rear garden has a minimum depth of 13.0m. The properties on Sketchley Road have very long gardens, and even though the house immediately behind the appeal site appears to have a large garage and rear extension structure behind it, there remains a distance of 50-60 metres between

houses. At the front, the proposed dwelling is no closer to the property opposite than is the existing dwelling.

2.4 The submitted application plan provides a street scene elevation. The proposed dwelling has a roof pitch of 35 degrees. The ridge height scales at 1.75m higher than the house to the west and 700mm higher than the new house to the east.

3. The Site and Surrounding Area

3.1 Boyslade Road East is a straight cul de sac occupied by 45 detached properties. Without detailed investigation of individual properties, there appear to be four different elements to the evolution of the development here.

3.2 Firstly there appears to be a few relatively small, mainly bungalow, dwellings possibly dating from the inter war period. These very probably started with large plots that have subsequently been split and built upon.

3.3 Secondly, there appears to be the element of early post war building of individual dwellings, mainly towards the eastern end of the cul do sac.

3.4 Thirdly there is the element of 1970's development mainly towards the western end of the cul de sac.

3.5 Finally there is the early Twenty First Century element of demolishing existing dwellings and replacing them with one or more new ones. This has happened, for example, with Nos. 4a and 4b immediately to the east of the appeal site.



No.6 – the appeal site



Nos. 8 (next door west) & 10



4a & 4b – next door east



14 & 16 (bungalow) – further west



No.3 – opposite side of road



No. 1 (across the road) – opposite No.8



6 Boyslade Road (opposite appeal site)



6 Boyslade Road (opposite appeal site)

3.6 As a result of this development of the cul de sac it has a complete mix of building styles, materials and sizes. There are low level bungalows next to much larger houses; there are houses that have been extended to fill the full width of the plot; there are hipped roofs next to gables; and there is coloured render next to brick.

3.7 In short the result is the archetypical eclectic mix. Most of the dwellings, certainly at the appeal site end of the cul de sac appear to have been bespoke designed, and often with little or no attention to the design on either side. The cul de sac has a

unique street scene, and it is this that gives it its charm and character.

4. Planning Policy

4.1 An extensive and comprehensive explanation of all potentially relevant national, regional and local planning policies is given in the Officer Report to the August 2011 Planning Committee. In the particular circumstances of this appeal, when there are no matters of fundamental principle involved, there is no merit in a long repeat of those policies and advice.

4.2 The only Local Plan Policy referred to in the reason for refusal is BE1, a copy of which is included in the Questionnaire bundle. The basis of this policy is to safeguard the local environment and ensure a high standard of design in new development. It sets out a list of ten criteria for considering and judging new development proposals. That judgement, of course, is then entirely a matter of personal opinion.

4.3 The appeal site is an existing residential plot within the built up area of Burbage. The proposal is to demolish the existing dwelling and replace it with a new one. Under any consideration therefore, the principle of new development is accepted and is not an issue for further consideration here.

4.4 The principles of seeking a high quality of design and of ensuring that any new development site well within its environment and surrounding neighbours is enshrined in national and local planning policy, and this is supported by the applicant. This appeal proposal has been prepared and submitted by a well respected local architect, and it is supported by the Council's professional officers.

5. Relevant Planning History

5.1 An earlier application for a larger, symmetrical Georgian style dwelling was refused in March 2011 under LPA reference 11/00056. The present appeal proposal is a response to that refusal, abandoning the Georgian style and reducing the footprint, height and massing of the proposed dwelling

5.2 The extent and detail of the Officer Report to the Planning Committee clearly illustrates the depth of the investigation and consideration given to the appeal proposal. The result of that consideration is clear and unequivocal. The proposal satisfactorily meets all relevant policies and criteria and it was recommended for approval.

5.3 Notwithstanding the recommendation, the application was refused by the lay members of the Planning Committee in support of strong representations from a number of local residents.

6. Reason for Refusal

In the opinion of the Local Planning Authority by virtue of its height and massing the development will have an overbearing effect on neighbouring properties and will appear out of character in the streetscene and this will be contrary to the intentions of Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6.1 Legislation requires that the Local Planning Authority is specific about its concerns in any reason for refusal, and in this case that refusal refers to the height and massing of the building rather than the design per se. The clear inference therefore, must be that there is no suggestion that this is a bad design, but rather that it is thought to be inappropriate for this particular location. In short, the Committee is of the opinion that this particular dwelling is too big here.

Impact on the streetscene

6.2 In design terms, there is no adverse impact upon the streetscene. This architect designed dwelling is well proportioned and interesting, and it sits well with the eclectic mix around it.

6.3 It is probably correct that this proposal would make it the largest house in the street, with that honour at the moment probably being with the immediate neighbour No.8 to the west. Given the remarkable difference in the sizes of existing dwellings in the street, however, this is simply not a problem. Being different is what gives this street its character.

6.4 More specifically, in terms of height, the important element with two storey houses is the eaves line rather than the ridge, and in this case the appeal proposal is directly comparable to its neighbours. It is well known that the eye level perception of the roof of a two storey house is significantly reduced by perspective to the extent that the differences in height between these three houses will scarcely register at all, and certainly nothing like the distorted impression given by elevational drawings. The visual impression is very different, for example, to the much steeper and more dominant roof configuration of a two storey bungalow such as Nos.1 and 3 opposite.

6.5 Furthermore, there can be no suggestion that the attic dormer in unacceptable and out of character because there is a very similar, and slightly larger, example very close by on the new house 4b.

Overbearing impact on neighbouring properties

6.6 In the appellant's submission this concern is simply not sustained by practical consideration on the ground.

- The concern cannot be relevant to the two houses on either side. The new house does not project behind No.8 at all and it only projects beyond the rear of No.4a by a metre or so.

The LPA sets out standards for such matters in its Supplementary Planning Guidance Notes and there is no suggestion in the reason for refusal that any of these standards are remotely compromised. The attic floor velux windows have a sill height above eye level and so these cannot overlook the rear gardens on either side. At first floor level the two bedroom and two bathroom windows are entirely reasonable as might be found in most detached houses.

- The concern cannot be relevant to the houses at the rear because they are so far away. The distances far exceeds any standard set out in the Council's SPG.
- The concern cannot be relevant to the dwellings in front of the appeal site. The site is to the north of them so there is no overshadowing anyway, and there is a public road between them. Furthermore No.6 Boyslade Road has a high evergreen hedge and side /end gables facing the site, indeed it does not actually face it at all.

7. Local Representations

7.1 Throughout its history, this application has been the subject of extensive local opposition. Objections to the appeal proposal cited a number of specific matters.

a) Detrimental impacts on the privacy of surrounding properties

7.2 this concern has been addressed in the previous section of this submission. In reality, the occupants of the new house will have sight of the rear gardens on either side from the two bedroom windows, however no more nor less than occurs with every row of houses in a street. It could be that the objectors have mis-understood the set-back of the Juliet balcony and the high sill levels of the attic velux rooflights.

b) the proposal is too large and comprises over-development of the site

7.3 This objection is dealt with in the Officer Report. In the appellant's opinion the size of the dwelling is commensurate with the large plot, particularly as the distance between it and No. 8, for example, is significantly greater than between many of the other dwellings in the vicinity.

c) the design is not in keeping with surrounding properties

7.4 Design consideration is generally a matter of personal opinion. The architect designed appeal proposal adds to the existing eclectic mix in the street.

d) the proposal will be overbearing

7.5 In the appellant's opinion this concern might have been influenced by misunderstanding perspective when interpreting plans. Just as important as height, for example is the frontage space occupied by the dwelling within the plot. Two houses on the appeal plot (the likely alternative if the appeal is dismissed) might be more overbearing, as evidenced by the two houses on the plot to the east (4a & 4b).

e) the proposal appears bulkier than the original scheme

7.6 This personal opinion is not shared by the appellant, the architect or the Council's officers.

f) the amendments do not address the original grounds for objection

7.7 This opinion is not shared by the Council's professional officers and no further comment is necessary.

g) the proposal will result in loss of light

7.8 This is an unsustainable concern, and is referred to in detail earlier in this submission.

h) there are inaccuracies on the plans.

7.9 The is dealt with in the Officer Report.

8. Summary

8.1 There can be no objection in principle to a replacement dwelling within the built up area of Burbage, and so the only issue for consideration here is that of design. Any examination of the circumstances of the case here, confirms that the application was refused by the lay members of the Planning Committee in support of local objectors and in the face of clear advice to the contrary from professional officers.

8.2 Judgement of the issues in this case is very much a matter of personal interpretation, and so the decision of the Planning Committee to disregard its officers is reasonable **PROVIDED** there are clear and justifiable reasons for doing so.

8.3 Careful consideration and investigation of all aspects of the case here, as was carried out by the Council's professional officers, leads to the conclusion that this proposal is entirely acceptable in this location and in the context of the rest of Boyslade Road East. In short, there are no clear and sustainable reasons for opposing the application and so this appeal should be allowed.

4th November 2011

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