



Appeal Decision

Site visit made on 28 May 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/K2420/W/23/3333787

22 Oaks Drive, Newbold Verdon, Leicestershire LE9 9PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Michelle Hall against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 23/00443/FUL.
 - The development proposed is the construction of new two bedroom bungalow with new dropped kerbs to form new footpath crossing.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of new two bedroom bungalow with new dropped kerbs to form new footpath crossing at 22 Oaks Drive, Newbold Verdon, Leicestershire LE9 9PH in accordance with the terms of the application, Ref 23/00443/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details:
Proposed Elevations, Floor Plan and Site Location - B23/12/SK01;
Proposed Site Plan - BS23/12/SK02 Rev A.
 - 3) No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are:

- a) the effect of the proposed development on the character and appearance of the area, and
- b) whether the proposed development would provide satisfactory living conditions for the future occupants having regard to the privacy of outdoor amenity space.

Reasons

Character and appearance

- 4. The appeal site is set within a mid-twentieth century estate which is formed of a mix of detached and semi-detached houses and bungalows in a similar vernacular. Commonly the homes are brick built with render and under pitched, tiled roofs. The host property comprises a detached two storey brick house addressing Oaks Drive whilst the proposed dwelling would be set to the rear, addressing Peters Avenue and immediately adjacent to a row of detached bungalows.
- 5. The plot size for the proposed bungalow would be notably smaller than surrounding properties. However, this would not be apparent in the street scene. The proposed bungalow is comparable in terms of its design, width and appearance to the front to the neighbouring row of bungalows along Peters Avenue. Its lesser depth would be visible along the space between it and neighbouring properties. Nevertheless, this, of itself, would not be harmful to the character of the area due to the limited views along the side. The proposed bungalow would not project forward of other bungalows along this row of homes by a material degree that would be noticeable in the street scene.
- 6. The garden to 22 Oaks Drive would be reduced as a consequence of the proposed bungalow. Even so, this reduced garden depth would be comparable to that at 23 Oaks Drive on the opposing side of the road such that it would not appear overly constrained or cramped.
- 7. Therefore, whilst the proposed bungalow is fairly small and on a small plot, it would integrate satisfactorily with the character and appearance of the area. I therefore conclude that the proposal would comply with policy DM10 of the Hinkley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2016 (HBDMP). This policy, amongst other things, requires new development to complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. I further consider it therefore also accords with the provisions of the Framework.

Living conditions

- 8. The proposed bungalow would be formed on a piece of land which presently comprises the rear garden to number 22 Oaks Drive. It would result in the proposed dwelling and host dwelling having smaller plot and garden sizes than other properties in the area. The proposed bungalow would have a fairly small garden, albeit one that is policy compliant in terms of space.

9. The garden would be subject to a degree of overlooking from the first-floor rear rooms of homes addressing Oaks Drive, including the host property at 22 together with numbers 16, 18 and 20. However, the distance of facing windows to the rear garden is reasonable and would not be to such an extent that it would feel oppressive for the future occupants.
10. I therefore conclude that any overlooking would be sufficiently minimal such that the future occupants living conditions would not be impaired to a harmful degree. The proposal therefore complies with policy DM10 of the HBDMP which requires that amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.

Other Matters

11. The Council notes that it cannot demonstrate a five year supply of housing land and therefore the provisions of paragraph 11(d)ii of the Framework are engaged. I have, however, found the proposed dwelling to be acceptable on its own merits and the proposed development to be in accordance with the development plan. Therefore, this matter does not require further consideration in this instance.
12. I have considered the effect of the new driveway on local parking and highway safety. However, the new access would serve two parking spaces for a single one bedroom dwelling and is therefore unlikely to have a material effect on the operation of the local road network.

Conditions

13. I have applied the Council's suggested conditions with alterations and deletions having regard to the Planning Practice Guidance (PPG) in relation to the use of conditions.
14. Condition 1 is the standard time limit condition to comply with the provisions of the Town and Country Planning Act 1990. Condition 2 relates to adherence to the approved plans and is imposed for certainty. Condition 3 relates to the materials to be used in the construction of the dwelling in the interests of the character and appearance of the area.
15. I have not imposed condition 4 as this condition relates to the removal of 'permitted development rights'. Such rights are granted by Government Order and should not normally be restricted. In this case, whilst I recognise the site is relatively small, this is not sufficient to remove these rights.

Conclusion

16. The proposed development would comply with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

Nick Bowden

INSPECTOR