



Appeal Decision

Site visit made on 3 July 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th July 2025

Appeal Ref: APP/K2420/W/25/3364372

Land Opposite 49 Moore Road, Barwell, Leicestershire

- 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 Common Land Dev Limited against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00716/FUL.
 - The development proposed is erection of one new dwelling with associated landscaping and access formation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space.

Reasons

Character and appearance

3. The appeal site is a triangular shaped parcel of land positioned to the side of a garage block and adjacent to the rear amenity space of a block of flats facing Red Hall Road. It is open land that sits slightly above the ground level to the pavement along Moore Road and behind a low retaining wall.
4. Surrounding residential properties are predominantly single storey and 2 storey houses or blocks of flats that have a modest set back from the road, which contributes positively to the sense of spaciousness to the front of the properties and the street scene. Private amenity space is generally provided to the rear of the properties. These factors offer a degree of harmony to the locality.
5. The proposed dormer bungalow, as a result of its positioning within the site and close proximity to the highway, would appear as an incongruous addition to the area that would contrast with the lack of buildings found near the back of the pavement. Moreover, the proposed building would occupy a significant proportion of the site, with the private amenity space located to the side of the house and adjacent to Moore Road. This would create a cramped and contrived arrangement

on the plot that would be at odds with the prevailing pattern of development in the area.

6. I acknowledge that there are a variety of styles and designs of dwellings in the area. The proposal has been designed to complement the materials and detailing of surrounding properties, and landscaping could assist it blend into the street scene. Moreover, it is claimed that there was previously a building on the site, though little information is before me of its size, scale and use. Nevertheless, these do not overcome the harm I have found.
7. For the above reasons, the proposed development would have an unacceptable effect on the character and appearance of the area. This would conflict with Policy DM10 of the Site Allocations and Development Management Policies DPD (SADMP) which seeks developments that complement or enhance the character of the surrounding area with regard to, amongst other things, layout. It would also be contrary to Policy 22 of the Earl Shilton and Barwell Area Action Plan (ESBAAP), that includes the requirement of the siting of developments to respect the character and layout of the area.

Living Conditions

8. The Good Design Guide Supplementary Planning Document (GDGSPD) provides general guidelines for gardens, whilst recognising each scheme will be assessed on its own merits. No guidelines for garden sizes relating to 1-bed properties have been brought to my attention. Whilst the triangular nature of the area would restrict how some of the corners would be used, I am satisfied that the proposed private garden would be of a sufficient size and of a practical shape to meet the day-to-day activities of a 1-bed house, as well as receive an acceptable level of daylight and not create an oppressive sense of enclosure.
9. The depth of the private amenity space to the flats facing Red Hall Road and presence of boundary treatment would also provide a sufficient setback and screening to the appeal site to not have an adverse impact on the living conditions of future occupiers with reference to privacy.
10. As such, the proposal would provide acceptable living conditions for future occupiers, with regard to the provision of private amenity space. Accordingly, I find no conflict with Policy DM10 of the SADMP and the GDGSPD, which together seek to raise design quality, including provide high quality external amenity space.

Planning Balance

11. I give significant weight to the conflict with Policy DM10 of the SADMP, which is consistent with the National Planning Policy Framework (the Framework) in ensuring that development is sympathetic to local character. As a result, I find that there is conflict with the development plan as a whole.
12. Whilst the Council's Housing Land Supply Statement for 1 April 2025 is still to be published, it has stated that it will be unable to demonstrate a 5 year housing land supply. Therefore, paragraph 11 of the Framework is engaged. In such cases, paragraph 11 d) ii) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole, having particular regard to certain key policies, including securing well-designed places.

13. The proposal would make a positive contribution by adding a dwelling that is intended for older people to the housing supply, which would represent the efficient use of land with access to nearby services and facilities. It is also contended that the site has been derelict for many years and has detracted from the character and appearance of the area.
14. The limited scale of the development means that I afford the provision of a new house moderate weight in favour of the proposal. I have considered paragraphs 61 and 73 of the Framework, which emphasises the Government's objective of significantly boosting the supply of homes and the important contribution small and medium sites can make to meeting the housing requirements of an area.
15. On the other side of the balance, the proposal would have an unacceptable effect on the character and appearance of the area, which would be contrary to paragraph 135 of the Framework. Given the long lasting nature of this effect, I attribute significant weight to this conflict.
16. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

17. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR