
Appeal Decision

Site visit made on 15 January 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/K2420/W/24/3344038

Land adjacent 10 Wolsey Drive, Ratby, 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 Mr Craig Whitehill (CW Property Lettings Ltd) against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref is 24/00118/FUL.
 - The development proposed is two new 3 bed houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to make comments on this revision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Wolsey Drive is a relatively short road which links Stamford Street with Wittington Drive and Charnwood. There are no two storey dwellings present which front onto Wolsey Drive. Whilst Stamford Street, Whittington Drive and Charnwood do all have a mix of dwelling heights including many two storey dwellings, there is a clear visual distinction and separation between those roads and Wolsey Drive. The consistency in the general scale and height of dwellings along Wolsey Drive is a primary contributor to its street scene and it contributes positively to the character and appearance of this section of road.
5. The proposed development would sit in between existing dwellings at 100 Stamford Street and 10 Wolsey Drive. Whilst No 100 is a two storey dwelling, it is a dwelling of limited depth which is positioned side on to Wolsey Drive and fronting onto Stamford Road. Its rearmost section is single storey with a catslide roof and there would be some degree of further separation to the proposed dwellings provided by its rear garden and an alleyway. The appeal dwellings would be of a significantly greater bulk and massing than No 100. No 10 is a bungalow of limited height and massing, and its impact on the street scene in those respects is also not comparable to that which would result from the appeal proposal.

6. In the context of the existing street scene the proposed dwellings would be visual anomalies, being higher, bulkier and of an overall greater massing than the existing dwellings which front onto Wolsey Drive. In longer views taken in both directions along Wolsey Drive, and in particular from close to the two ends of the road, they would appear as incongruous and visually harmful additions when viewed against the more modest dwellings that currently exist. The presence of the taller dwelling at No 100 would not mitigate against the harm that would be caused to the street scene as a whole.
7. In conclusion, the proposal would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document 2016 (SADMP) where it requires developments to complement or enhance the character of the surrounding area.

Other Considerations

8. The proposal would deliver two new dwellings, which would make a contribution to the Government's objective of significantly boosting the supply of homes which is set out in the Framework. Although the 2023 Housing Delivery Test results show a delivery of 132%, this is in the context of the Council not being able to demonstrate a 5 year housing land supply, with the current supply given in the submissions as being 4.89 years. It would do so on a smaller, previously developed site in an established settlement, making efficient use of land which is currently unused and infilling a gap in the street scene. There would also be a time limited benefit to the local economy during the construction phase, and thereafter through spending by the future residents of the dwellings. Due to the quantum of the proposed development, these are considerations which collectively offer moderate weight in its favour.
9. The garages that previously stood on the appeal site have been demolished and the current condition of the land does not contribute positively to the character and appearance of the area. However, this does not justify the permitting of a new development that would have a lasting and permanent harmful impact. The fact that the Framework seeks to encourage the use of airspace above existing buildings and that permitted development rights are in place to allow some buildings to increase in height also do not justify the harm that would be caused.
10. The appellant offers that the dormer bungalow permitted on the appeal site in 2022 would have a larger footprint than other dwellings on Wolsey Drive, would have a much more dominant roof than adjacent dwellings and would not be a type of dwelling currently found on this road. It would, nonetheless, have a much less significant visual impact than the appeal proposal because of its lesser overall scale and massing than the two dwellings proposed under this appeal. Accordingly, the fallback relating to the previous planning permission would not have the same or a worse impact. The fallback consideration does not therefore weigh in favour of permitting the appeal proposal.
11. Whilst it may be the case that the Council did not address the subject of scale in relation to the 2021 outline planning permission for a dwelling nor restrict the height of the building at that point, scale was a reserved matter. As it would appear that no reserved matters application was submitted it is unknown what course of action the Council would have taken in that respect, but they have set out clearly

their reasoning on the matter in relation to the current appeal proposal. This is not therefore a consideration which weighs in favour of the current proposal.

Paragraph 11d)

12. The absence of a 5 year housing land supply means that paragraph 11d) of the Framework is triggered. This states at paragraph 11d)ii) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
13. The harm to the character and appearance of the area means that the proposal would fail to meet the objective to secure well-designed places. This adverse impact would be significant and long lasting in its impact, and it would significantly and demonstrably outweigh the benefits associated with the provision of two new dwellings on the site, even on consideration of the proposal's credentials relating to its sustainable location and the efficient use of land. As such the presumption in favour of sustainable development set out in paragraph 11d) of the Framework does not apply.

Planning Balance & Conclusion

14. The development would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policy DM10 of the SADMP and with the development plan taken as a whole. Balanced against this it would provide the benefits I have outlined which collectively offer moderate weight in its favour. Those benefits do not outweigh the harm that would result and the conflict with the development plan.
15. In conclusion therefore, I find that the other considerations in this case do not indicate that a determination should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR