The Planning Inspectorate

# Appeal Decision

Site visit made on 20 February 2012

**by Elizabeth Hill BSc(Hons), BPhil, MRTPI**

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

**Decision date: 13 March 2012**

**Appeal Ref: APP/K2420/A/11/2167103**
**15 Barlestone Drive, Hinckley, Leics, LE10 0XZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr David Thompson against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 11/00347/OUT, dated 23 March 2011, was refused by notice dated 12 July 2011.
- The development proposed is the erection of a two-bedroom bungalow.

## Decision

1. The appeal is dismissed.

## Procedural matters

2. The application is in outline form with only the access to be determined at this stage. The submitted plans are illustrative.

## Main Issues

3. The main issues in this case are the effect of the proposed development on:

   1) the character and appearance of the area;

   2) play and open space facilities locally; and,

   3) whether the proposal demonstrates Code Level 3 of the Code for Sustainable Homes.

## Reasons

*Character and appearance*

4. The proposed development would be in the garden to the side of the host property, with an access off Weston Close. In the immediate area around the site there are bungalows on Barlestone Drive and there is a pair of bungalows on Weston Close backing onto the site, although there are town houses and semi-detached houses nearby on the same estate, which lies within the built-up area of Hinckley. The dwellings in the local area have frontages which face onto roads or footways but, given the position of the site, it would not be possible to provide frontage development in this case. Whilst recognising that this is an outline application, the density on site would be much higher than similar development locally and wherever the bungalow was on the site it

would be cramped in relation to its boundaries. Whilst the host dwelling has a larger than average plot size, the proposed development would result in a development of uncharacteristically high density.

5. With access needing to be provided off Weston Close and parking to the front of the dwelling, any bungalow on the site would have a short rear garden, in comparison to characteristic rear garden lengths of similar properties in the vicinity, which are between 10-15m. The illustrative plans show a rear garden length of about 4m in the Council's estimate, well short of the normal minimum of 12.5m rear garden length set out in the Council's Design Guidance for New Development Supplementary Planning Guidance (SPG).

6. The total garden size would be about 50sqm in the appellant's estimate and would fail to achieve the minimum size for a 2-bedroom dwelling set out in the SPG of 60sqm. Even though other garden space can be taken into account, in this case there is little usable space to the sides of the proposed dwelling on the illustrative plans. It might be possible to reduce and reconfigure the internal space in the dwelling to allow a 60 sqm garden space and a longer rear garden but this would result in a much smaller, cramped lounge and a reduction in circulation space. The highway authority's consultation says that they would require a least 2 on-site car parking spaces with a hard-surfaced access and driveways and therefore much of the area to the front of the house would be taken up with driveway and parking rather than available as usable garden area. Although the appellant says that the dwelling would be unlikely to be used by a family, space around the dwelling and sufficient garden space are reasonable requirements whoever occupies the dwelling.

7. The proposed development would be out of keeping with the existing character of the area in terms of its position and the space around the dwelling. It would be cramped in its position on the plot and would be obvious in public views from the end of Weston Close. Although both saved policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan (2001) (LP) refer to design matters, criterion a) of BE1 and b) of RES5 still apply since they relate to the wider relationship of proposed development the site and the surrounding area, which can be determined at outline stage.

8. Therefore the proposal would be harmful to the character and appearance of the area, contrary to policies BE1 and RES5 of the LP, which include the need for development to complement and enhance the character of the area and, on unallocated sites, that layout, siting and design of the proposal would not conflict with local plan policies, and the Council's adopted SPG.

*Play and open space facilities*

9. The second reason for refusal related to the lack of contribution to play and open space facilities. The appellant has now submitted a signed and dated unilateral undertaking for the amount which the Council say is required.

10. The contribution would be used for local play facilities. The Council give examples of local open space and 2 recreation grounds close to the site which have only average quality scores and are in need of improvement. As such, the required payment is necessary, directly and fairly and reasonably related to the development proposed. It would meet the tests in Circular 05/2005: Planning Obligations and Regulation 122 of the Community Infrastructure

Regulations 2010 and therefore has weight in the appeal. It would also be in accordance with saved polices IMP1 and REC3 of the LP.

*Code for Sustainable Homes*

11. The Council's adopted Core Strategy (CS) in policy 24 requires new dwellings in Hinckley to be constructed to a minimum of Code Level 3 in the Code for Sustainable Homes, in support for Objective 12 which seeks to minimise the effects of climate change. Whilst the application is in outline, it was supported by a design and access statement, which might have been expected to give a commitment to a specification for the building in terms of sustainable design measures. Nevertheless, the Council say that this matter could be overcome by the imposition of a suitably-worded condition. With this condition in place, the proposal would be in accordance with policy 24 of the CS.

**Other matters**

12. The appellant has said that the Council does not have a five-year housing land supply and that should weigh in favour of the proposal. The Council accept that their current housing land supply is only 3 years and 7 months. Whilst paragraph 71 of Planning Policy Statement 3: Housing (PPS3) requires Councils with less than a five-year supply to consider favourably planning applications for housing, it also has to meet the requirement in paragraph 69. This includes achieving high quality housing and ensuring the proposal is in line with housing objectives and the spatial vision for the area. As set out above, the proposed development would not meet the objectives in saved policies BE1 and RES5 of the LP. Therefore the proposal would not have weight in its favour due to the lack of a five year housing land supply.

13. The appellant has mentioned the change to the status of garden land in PPS3 and the weight to be given to the fact that it should no longer be regarded as previously-developed land. However, this was not a reason for refusal and the Council has not sought to defend their decision on this basis. The appeal has been determined around the main issues already defined.

14. Objection has been raised to the proposal on the grounds that access might be obstructed to existing dwellings. This would be a separate legal matter which cannot be considered within this appeal, which has been determined on the planning merits of the proposal. In addition, objection has been raised to the proximity of the proposal to other dwellings, including the bungalows at 24 and 25 Weston Close and the house at 88 Roston Drive. The dwellings on Weston Close would be sufficiently far away for there not to be an adverse impact on the living conditions of their occupiers. In the latter case there would be less separation distance than the Council's normal requirement of 25m. With landscaped screening, this distance would be acceptable but this matter further serves to highlight the cramped relationship with other development locally.

**Conclusions**

15. A sufficient contribution towards recreational facilities would be made through the completed planning obligation and the Code for Sustainable Homes could be enforced through a suitably-worded condition. However, these matters would not outweigh the harm that would be caused to the character and appearance of the area.

16. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*E A Hill*

INSPECTOR