
Appeal Decision

Site visit made on 16 February 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 15 March 2016

Appeal Ref: APP/K2420/W/15/3136226

Land to the North of 48 Roseway, Stoke Golding, Warwickshire CV13 6HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Taberer against the decision of Hinckley and Bosworth Borough Council
 - The application Ref 15/00077/FUL, dated 19 January 2015, was refused by notice dated 10 April 2015
 - The development proposed is Construction of bespoke disabled dwelling and associated access
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether or not the appeal scheme would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework ("the Framework") and the development plan.

Reasons

3. The appeal site is an area of open land adjacent to the turning head of Roseway, a predominantly residential street which slopes upwards towards the site. The site is undulating, and in the main open with a shed and steel container close to the boundary with 77 Roseway. Trees define the eastern boundary of the site, and frame its entrance from the street, although it is open to the north and the south. In all directions but westward the site is bounded by open agricultural fields. To the north these blend into open countryside, with the rooflines of houses visible in the middle distances. The rears of houses to the south and east are more prominent in the view across the adjacent field. Roseway itself comprises, in the main, large detached and semi-detached properties, set back from the road and varying between one and two storeys, predominantly faced in brick.
 4. The proposal is for the development of single storey dwelling with accommodation in the roof space, with a ridge height of around 7 metres. Dormers at the front and rear would project from the roofline. The hipped roofed garage would present its door to Roseway and be attached to the dwelling's principal elevation by a pitched roofed link building.
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5. The Hinckley and Bosworth Core Strategy (adopted 2009) ("the Core Strategy") recognises Stoke Golding as a Key Rural Centre and sets a framework in Policy 11 to support local services and maintain population levels, including allocating land for at least 60 new homes. The appeal site is, however, outside of the settlement boundary for the purposes of the Hinckley and Bosworth Local Plan (adopted February 2001) ("the Local Plan"), Policy NE5 of which restricts residential development in the countryside.
6. Given the age of the Local Plan, I have had regard to advice of the Framework at paragraph 215 that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework". I have also been mindful of the appeal decisions referenced by the parties, which consider the materiality of Policy NE5¹. I also had regard to another appeal decision referenced by the appellant², however, the proposal, policy background, and location of that appeal decision were all factors that distinguished it from the current case, and consequently, I have attached only limited weight to it in my assessment of this scheme.
7. Policy NE5's objectives in terms of protecting the character and appearance of the countryside are broadly consistent with the Core Planning Principles set out in paragraph 17 of the Framework, in particular bullet 5, which states that planning should "take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." However, there is a tension between NE5's restrictive approach to residential development and the Framework's policy in relation to rural housing at paragraph 55, which states inter alia that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."
8. Consequently, and irrespective of the current housing supply position, I have given due weight to Policy NE5's objectives in respect of protecting the character and appearance of the countryside, but have attached greater weight to the Framework's policy on rural housing in the determination of this appeal.
9. The Framework sets out the three dimensions of sustainable development in paragraph 7, namely the environmental, social and economic. Taking the environmental role of planning first, the Framework states that planning should contribute to protecting and enhancing the natural, built and historic environment.
10. The proposal's effects on the character and appearance of the area are thus an essential consideration in an assessment of its contribution to wider environmental sustainability. The site currently acts as a visual endpoint of the suburban character of Roseway, and blends into the much more open countryside. From Roseway itself, due to its sloping topography, the existing open character of the site allows views through to the open fields and sky beyond. The site itself blends into the surrounding agricultural land. The proposal would introduce development deeper into the open setting of Stoke Golding, beyond the extent of the curtilages of adjacent development and would have an inevitable effect on the open and rural character of the site, and its contribution to the wider landscape.

¹ APP/K2420/A/12/218108; APP/K2420/A/13/2200224; APP/K2420/W/15/3003301

² APP/X0360/A/13/2209286

11. Development of the site would be visible in views particularly from the rolling open countryside to the north. In these views, the proposal's excessive fenestration would be an eye-catching and visually jarring intrusion at variance with the area's wider rural character. Given the topography of the surrounding landscape, additional landscaping would do little to soften this effect and would itself introduce a level of subdivision within the open setting of the settlement that would look incongruously domestic.
12. From Roseway itself, the prominent gables, large dormers and particularly the garage and link building would be visible, and would be dominant and incongruous features at odds with the roof forms and development pattern of adjacent dwellings. The appeal proposal's blank western wall and its garage door would be its most prominent features in the context of Roseway, and be at variance with the wider development pattern which presents active front elevations to the street.
13. The proposal would thus be unsympathetic to both the character and appearance of the wider rural area, and that of the streetscene of Roseway, and in terms of the environmental aspect of sustainable development this would weigh heavily against the proposal. Whilst I note the aspirations to employ renewable technologies in the proposal and the site's reasonable level of accessibility, these considerations would not outweigh the harmful effects to character and appearance in this case.
14. From the economic point of view, the proposal would have demonstrable, though modest, benefits during its construction. However, its harmful effects on character and appearance would endure long after the benefits of employment associated with the construction had faded. The appeal scheme would also have social benefits, by providing housing accessible to people with disabilities although again, as this is only one unit, the benefit would be of a modest scale.
15. Consequently, the appeal scheme, due to its significant and harmful effects on the character and appearance of its surroundings would constitute a low level of environmental sustainability for the purposes of the Framework, whilst there would be benefits arising from the scheme they would be modest, and not outweigh this harmful effect.
16. I had regard to a recent planning permission for development outside of Stoke Golding's settlement boundary³. However, there were a number of considerations in that previous decision that differentiated it from the current scheme, including the scale of the social benefits that the scheme would deliver in terms of delivery of both market and affordable housing, and the more significant economic benefits flowing from construction of a much larger scheme.
17. Whilst, I can apprehend no conflict with the objectives of Policy 11 of the Core Strategy that seek to support local services and maintain rural population levels in Stoke Golding, the proposal due to its significantly harmful effects on the character and appearance of the area would not constitute sustainable development and would thus be at variance with the Framework, and the objectives of Policy NE5, which, taken together, and amongst other things seek

³ LPA reference 14/00262/OUT

to ensure that development is sustainable and respects the character and appearance of the landscape and wider surroundings.

Other Matters

18. The appellant submitted a unilateral undertaking in respect of provision and maintenance of public play and open space provision for children. Whilst this would be a benefit it would be a modest one, and would not weigh heavily in favour of the proposal, when balanced against the scheme's harmful effects.
19. I have had regard to the evidence of discussions between the appellant and Council officers during the original determination of the planning application. However, I have only attached limited weight to this background in arriving at my decision. The issue of precedent was not mentioned in the Decision Notice as part of the reason for refusal and consequently has not been a determinative matter in my assessment of the appeal.

Conclusion

20. The proposal, although having modest environmental, social and economic benefits would have demonstrably harmful effects on the character and appearance of the surrounding area. These significantly harmful effects would be indicative of a low level of environmental sustainability in the wider sense and would weigh heavily against the appeal scheme. Consequently, I have found that the proposal would conflict with the development plan and the Framework in this regard. As no other material considerations indicate otherwise, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G Fort

INSPECTOR