

## Development Management Performance Report Quarter 4 2019-2020

<b>Corporate Priority:</b>	All
<b>Relevant Ward Member(s):</b>	All
<b>Date of consultation with Ward Member(s):</b>	N/A
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 The purpose of the report is to advise the Committee, of current national performance indicator outcomes related to the determination of planning applications for Q4 (January to March 2020).

### Recommendation

**It is recommended that:**

- (i) **The Committee notes the current performance data.**

### 2 Reason for Recommendations

- 2.1 The Committee requires oversight of performance against various indicators and particularly if the risk of MHCLG intervention is possible (see details below).
- 2.2 The report also allows for impacts arising from the current operating environment and when applicable those arising from changes to procedures.
- 2.3 Appeals data is regarded a measure of decision making 'quality' but also provides valuable reflecting and learning regarding to interpretation and effectiveness of policies

### 3 Growth and Infrastructure Act

- 3.1.1 The Growth and Infrastructure Act 2013 put in place Performance Standards, known as the 'Planning Guarantee'. However, this was updated on 22 November 2016 with a new paper entitled 'improving planning performance: Criteria for designation (revised 2018).

3.1.2 This states that the performance of Local Planning Authorities in determining major and non-major developments will now be assessed separately, meaning that an authority could be designated on the basis of its performance in determining applications for major development, applications for non-major development, or both. The assessment for each of these two categories of development will be against two separate measures of performance:

- The speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
- The quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.

Therefore, the performance of local planning authorities will be assessed separately against:

- The speed of determining applications for major development;
- The quality of decisions made by the authority on applications for major development;
- The speed of determining applications for non-major development;
- The quality of decisions made by the authority on applications for non-major development.

Where an authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated.

Data showing the performance of local planning authorities against the speed and quality measures are published by the Department for Communities, Housing and Local Government on a quarterly basis. The Secretary of State will aim to decide whether any designations should be made in the first quarter of each calendar year, based on the assessment periods for each measure set out in the table below.

## 3.2 **Measures of Performance Outcomes and Current Position**

### 3.2.1 **Speed of decisions**

The table below shows the Council's recent and current performance on speed of decisions. It includes historical data for ease of comparison

Indicator	2018-19 Q1	2018-19 Q2	2018-19 Q3	2018-19 Q4	2019-20 Q1	2019-20 Q2	2019-20 Q3	2019-20 Q4	2019-20 Whole Year
% 'major' applications determined in 13 weeks, or within agreed period.	93%	91%	100%	100%	80%	100%	100%	89%	92%
% 'minor' applications determined in 8 weeks, or within agreed period.	86%	82%	87%	88%	88%	88%	88%	94%	90%

- 3.2.2 Planning application performance for quarter 4 shows a continual above average performance in minor applications alongside a consistently high performance in major applications and again taken the Authority well above the National target of 60% for Majors and 70% for Minors with the Authority continuing to be well above average.
- 3.2.3 Whilst the amount has decreased this quarter the total averaged over the whole year is 92% for majors which shows a second strong year for the Planning Team. Minors have increased this quarter and overall have averaged at 90% for the year, again a very good result for the overall period of 2019-2020.

### 3.3 Quality of decisions

- 3.3.1 The outcome of appeals is regarded as a principal measure of decision making quality, being the means by which decisions are individually scrutinised and reviewed.

Indicator	2017/18	2018/19	2019/20 Q4	2019/20 Overall
Percentage of <b>appeals</b> against refused applications dismissed	72%	54%	60%	73%

- 3.3.2 Performance for Quarter 4 maintained an above average percentage and overall the period of 2019-2020 has averaged out at 73% again well above the National target of 10%.
- 3.3.3 It is hoped that appeal decisions will continue at the higher level and performance continues for the 2020/2021 period and subsequent reports will monitor this performance.

### 3.4 Appeals by decision background

- 3.4.1 The table below indicates the Council's appeal record for quarter 4, with key information associated with a selection of the appeals detailed in Appendix 1 below.

Decision type	No. of appeals dismissed	No. of appeals allowed
Delegated	3	2
Committee, in accordance with recommendation	0	0
Committee, departure from recommendation	0	0

## 4 Development of the Service

4.1 The recommendations of the Planning Review which began in August 2018 are still being taken forward however they have been delayed slightly by the Covid-19 pandemic. Some of the measures that were due to be rolled out as part of the Planning Review have been taken up during this outbreak for example the removal of paper files.

Further updates will be presented when they are available.

4.2 The outbreak of Covid-19 affected everyone at the Council and has changed the way in which we work, Development Management adapted to this pandemic by all of those who could work from home doing so, skeletal staff remain in the department to undertake the remaining desk- based duties that cannot be done at home, equipment such as large scale monitors and keyboards were collected by the team and has allowed us to perform a “Business as usual” Service to customers.

4.3 Site visits have been shared amongst the team and covered by having 2 people on site per week, adhering to strict guidelines.

## 5 Summary and Conclusion: How are we performing?

5.1 This report has shown that in quarter 4 standards of performance for majors have decreased to 89% but the overall total of 92% for the year is well above average.

There is also an increase in Minors for quarter to 94% the highest reported since 2017 along with a well above average total of 90% for the year.

5.2 Our appeal record for the fourth quarter of the year has decreased, however the overall yearly average of 73% is a very encouraging increase from the low 50% range previously reported.

5.3 It is hoped that this performance continues for 2020/2021.

## 6. Options considered

6.1 None – for information only

## 7 Consultation

7.1 No public consultation has been undertaken

## 8 Next Steps – Implementation and Communication

8.1 None proposed

## 9 Financial Implications

9.1 Section 106 developer contributions

- 9.2 Number of Section 106 Signed in period  
4 applications (16/00560/OUT, 18/00500/OUT, 19/00342/FUL, 19/01072/FUL)
- 9.3 Contributions Requested in period (MBC payments only)  
13/00497/FUL, Police Contribution - £46,788.84  
16/00577/FUL, Village Hall Contribution - £4,406.25  
19/00342/FUL, MBC Monitoring Contribution - £1,750  
15/00178/FUL, Police and Community Facilities Contribution - £44,197.55
- 9.4 Contributions received in period (MBC only)  
13/00844/FUL, Melton Mowbray, MBC Monitoring, £1,046.43  
19/00217/FUL, Melton Mowbray, off site play equipment, £2,000
- 9.5 Contributions spent  
None spent in this period.

**Financial Implications reviewed by: N/A**

## **10 Legal and Governance Implications**

- 10.1 The Local Planning Authorities are required by law to submit their quarterly performance results to The Ministry of Housing, communities and Local Government, which collect information about the range of district matter applications that local planning authorities handle when exercising their development management functions.
- 10.2 The figures collected are summarised and published as National Statistics in MHCLG's planning application statistics quarterly statistical release and in a range of associated live tables, available at <https://www.gov.uk/government/collections/planning-applications-statistics>.
- 10.3 The statistics are used by central government to monitor planning policies and performance, and by a wide range of other users, including local authorities, academics and the general public.

**Legal Implications reviewed by: Planning Legal Advisor : RP 25.5.2020**

## **11 Equality and Safeguarding Implications**

- 11.1 No equality or safeguarding issues have been identified to date.

## **12 Community Safety Implications**

- 12.1 No community safety issues have been identified to date.

## **13 Environmental and Climate Change Implications**

- 13.1 This report is related to climate change issues in that the decisions made on planning applications govern the location and nature of development, which in turn impact on travel patterns and energy efficiency etc.

## **14. Other Implications (where significant)**

- 14.1 None

## 15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Performance levels on applications fall beneath government standard	Significant	Critical	Low Risk
2	Appeal record falls beneath Government standards	Significant	Critical	Low Risk
3	S106 developer contributions not collected in accordance with needs and aspirations	Significant	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant		3		
	3 Low		1,2		
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	Exiting process continue to perform and are refined as and when opportunities for improvement are identified. The Planning Review will include a revision to core and processes and resource profile which will assist with efficiency .
2	Maintenance of decision making in accordance with the Local Plan with provide sound basis for successful appeal decisions.
3	Claims that schemes are 'unviable' are robustly scrutinised and rebutted where results allow. When viability is an issue, the absence of provisions towards infrastructure is a material consideration and consideration is given as to whether development should be permitted in their absence.

## 16 Background Papers

- 16.1 18/01471/FUL Part demolition and creation of three detached dwellings – 3 Main Street Burrough on the Hill, Melton Mowbray

- 16.2 19/00405/FUL Change of use to form new dwelling – The Old Coach House, 26 Church Lane, Thorpe Satchville
- 16.3 19/00512/FUL Conversion and extension of an existing outbuilding to create a single storey three bedroom dwelling – 49 Main Street, Rotherby
- 16.4 19/00575/FUL 6 new dwellings and associated landscape and access works. Amendment to extant application reference 15/00881/FUL – 1 Station Lane, Old Dalby

## 17 Appendices

- 17.1 A: Summary of Appeal decisions

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### Appendix A : Summary of Appeal Decisions

**Proposal: 18/01471/FUL Part demolition and creation of three detached dwellings – 3 Main Street, Burrough on the Hill, Melton Mowbray.**

**Level of decision:** Delegated

**Reasons for refusal:**

The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policy SS3 of the Melton Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need.

**Inspectors Conclusion:** Dismissed

The main issues were whether the proposal represents a suitable location for housing having regards to relevant planning policies and access to services and facilities.

**Local Plan**

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

The inspector found there would be conflict with the MBLP insofar as the development would not be meeting a defined local need. There would also be moderate harm relating to the settlement's lack of services and facilities and likely reliance on the car.

**Housing Land Supply**

The development would add two additional dwellings to the overall housing land supply. It would also add some variety of housing types in the village and make more efficient use of

the land.

There is however no evidence to suggest the Council cannot demonstrate a five year supply of deliverable housing land. In the inspectors view, there is also no clear evidence that there is insufficient housing choice in the area. As such, two additional dwellings would provide little overall benefit in these terms.

### **Economic and Social benefits**

Paragraph 78 of the Framework states that development in rural areas should be located where it can enhance or maintain the vitality of rural communities. It also recognises that development in one village may support services in a village nearby.

Burrough on the Hill forms part of a cluster of settlements along with Somerby. Development here could therefore help to enhance or maintain the vitality of Somerby and other settlements in the cluster.

The likely reliance on the car would reduce any functional relationship, as occupants may decide to travel further afield for some trips. The economic or social benefits to the vitality of any settlement would not therefore be significant. Any economic benefits associated with the construction of the development would also be short lived.

### **Standard of dwelling**

The new dwellings could be developed to a higher standard in terms of energy efficiency, but this would be expected of any form of development and adds no particular weight in favour of this proposal.

### **Personal circumstances**

The personal circumstances of the appellants do not constitute a local need in policy terms. Nevertheless, the inspector recognised the development would provide some private benefits for the appellants.

The Planning Practice Guidance (PPG) makes it clear that the planning system works in the public's interests. Personal circumstances rarely outweigh matters of public interest, and the inspector did not find that to be the case with the appeal proposal.

The inspector therefore was able to place only a moderate amount of weight on the personal considerations put forward in support of the development. This includes social and environmental issues relating to the ability of the appellants to provide on-site care.

### **Impact on Conservation Area**

The site lies within the Burrough on the Hill Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The development would clearly lead to an increase in density on the site. Nevertheless, while the open nature of some of the garden would be lost, the development would not encroach into the open countryside. The self-enclosed nature of the site away from the main road ensures there would be no particular impact on the street scene.

The development would be far more prominent from the public right of way which runs through the field to the rear. However, the residential character of the site when viewed from this location would not change. The impact of development in this regard would not be significant.

The Council did not refuse the application owing to its impact on character and appearance, the Conservation Area or any other nearby heritage asset. The inspector saw nothing that



would lead them to a different conclusion.

### **Other factors**

The Council also raised no concerns relating to impacts on other factors, such as drainage, highways, the living conditions of neighbours or biodiversity. However, a lack of harm in these respects is neutral and weighs neither for nor against the development.

### **Conclusion**

Taking all relevant matters into account, the inspector did not consider the benefits of the development would outweigh the clear conflict with the development plan or other harm identified. There are therefore no material considerations that would lead them to a decision other than in accordance with the development plan in this case.

The inspector recognised that their decision pulled in a different direction to some of the appeals put to them by the appellants. While the inspector had regard to these, they were all written prior to the adoption of the MBLP.

The inspector noted that the policies which have been replaced did not appear to refer to a local need. They were therefore considered in a different policy context. Furthermore, some of the cases were clearly not directly comparable to the development before the inspector.

The example given in Burrough on the Hill related to the reuse of an existing building, which inevitably raises different issues. The factors to consider in any planning balance are therefore materially different. In any event, the inspector considered the appeal on its own merits based on the evidence before them and their own observations. These appeal decisions do not therefore alter the overall conclusion.

### **Proposal: 19/00405/FUL Change of use to form new dwelling – The Old Coach House, 26 Church Lane, Thorpe Satchville**

**Level of decision:** Delegated

### **Reasons for refusal:**

In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of an additional dwelling in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policy SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Paragraph 78 of the NPPF in relation to promoting sustainable development and local need. The limited benefits of the proposal would be outweighed by the significant harm that would be caused by the unsustainable location of the development and in the absence of any evidence to demonstrate an identified housing need the proposal is contrary to Policy SS3 of the Local Plan and the requirements of the NPPF.

**Inspector's conclusions:** Allowed

The main issues were whether the proposal would represent a suitable location for housing, having regard to relevant local and national policy relating to development in the countryside and access to services and facilities.

### **Site and Policy Context**

The site formed a two-bedroom dwelling and a two bedroom annex with separate facilities connected only by a single internal doorway. In practical terms, two residential units

already existing within the building.

### **Need for housing**

No formal housing assessment or neighbourhood plan has been undertaken. Instead, the appellants set out their local connections to the village and personal circumstances. The inspector acknowledged these, however concluded that the existing arrangements fulfil the care requirements.

The appellants refer to the Council's Settlement Roles, Relationships and Opportunities Report (2015) (the SRROR) which shows 17 dwellings were completed in Thorpe Satchville between 1994 and 2014, less than one per year, and indicate that just one built unit has been granted permission since 2014, that is presently under construction on Main Street.

The low rate of development in Thorpe Satchville seemed to the inspector to run contrary to the aims of the Framework, as few new residents have been able to move into the village to help maintain local services, such as the public house which was closed.

The inspector noted the evidence from a property website indicating generally limited availability of properties in the village for sale. It was noted that the market assessment was but a snapshot at a single point in time, but the creation of two smaller units through this appeal would add to the mix of housing within the village and increase choice for prospective residents, however modestly.

Whilst the evidence was limited, the inspector suggested that at the very least, there was a residual need for occasional new development within the village to maintain its vitality, which would be addressed to some extent by the proposal.

### **Location and access to services and facilities.**

Given the physical layout of the existing dwelling, and the semi-independent living arrangements of the present occupants, the inspector found it unlikely that the sub-division of the building would materially increase the number or length of car journeys undertaken, even if both dwellings were occupied wholly independently, whilst future residents could avail of the bus service within walking distance to reduce overall reliance on private modes of transport.

In the inspectors view, any increase in car use would therefore be negligible, and would be outweighed by the social and economic benefits an additional dwelling would generate in terms of adding to the local housing stock and protecting and enhancing existing services and facilities through increasing the potential number of residents and adding to the use of local services, both within Thorpe Satchville and neighbouring villages.

### **Other considerations**

The building is already served by all relevant services, recently including broadband, and no new services appear to be required. The inspector found that the continued use of existing infrastructure accords with the principles of sustainable development.

There are already two de facto dwellings on the appeal site, used as such, and so the change of use would have little tangible effect on, and would be in keeping with, the overall scale and character of the host settlement as required by Policy SS3. The proposal would replace one large four-bedroom dwelling with two smaller, two-bedroom dwellings, which would better accord with the overall housing mix sought under Policy C2 and meet a recognised need for smaller housing overall in the Borough.

Whilst no indication was given of the Council suffering a shortfall in its housing supply, an additional dwelling would nevertheless add to the Borough's housing stock and assist,

albeit modestly, in maintaining that supply.

**Proposal: 19/00512/FUL Conversion and extension of an existing outbuilding to create a single storey three bedroom dwelling – 49 Main Street Rotherby.**

**Level of decision:** Delegated

**Reasons for refusal:**

In the opinion of the Local Planning Authority the proposal would, if approved, result in the provision of an additional dwelling in an unsustainable location. The development occupies an unsustainable location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of a private motor vehicle. The proposal does not meet an identified proven local need and would be contrary to Policy SS3 of the Local Plan which seeks to restrict development in such settlements to that which is based on a local proven need. The proposal would also be contrary to Paragraph 78 of the NPPF in relation to promoting sustainable development and local need. The limited benefits of the proposal would be outweighed by the significant harm that would be caused by the unsustainable location of the development and in the absence of any evidence to demonstrate an identified housing need the proposal is contrary to Policy SS3 of the Local Plan and the requirements of the NPPF.

**Inspector's conclusions:** Dismissed

The main issues were whether the site is suitable for residential development; and whether there is a proven local need for the proposed development.

**Conclusion and Recommendation**

The proposal would provide a three-bedroom dwelling which would utilise an existing building and the Framework does give weight to the value of using suitable brownfield land within settlements for homes.

Whilst the proposal would require new built form, it would include the conversion of an existing building and therefore would contribute to the re-use of an existing building for residential use which would be a moderate benefit to the proposal.

There was no evidence before the inspector that the Council cannot identify a 5-year housing land supply of deliverable housing, nevertheless an additional dwelling would help the Council to maintain this supply, albeit the delivery of a single dwelling would only provide a modest addition to the supply.

The proposed dwelling would incorporate sustainable energy generation and conservation methods in its construction which would be a minor benefit to the proposal. The proposal would also not cause harm to the CA or biodiversity, however a lack of harm in these aspects is neutral and does not weigh in favour of the proposal.

Nevertheless, the site would not be a suitable location for a single dwelling and substantive evidence has not been provided that shows the proposal would meet a proven local need. Therefore, the benefits of the proposal would not outweigh the conflict with the development plan, or the other harm identified.

There were no material considerations that would have led the inspector to a decision

other than in accordance with the development plan in this instance.

**Proposal: 19/00575/FUL 6 new dwellings and associated landscape and access works. Amendment to extant application ref 15/00881/FUL – 1 Station Lane, Old Dalby.**

**Level of decision:** Delegated

**Reasons for refusal:**

The proposal, by reason of its cramped layout and poor design, would result in a development that would not appear complimentary within the street scene and which also fails to take the opportunity to create better places and improve the character and quality of the area and the way it functions as required by Section 12 of the NPPF. It would therefore fail to accord with Policy D1 of the adopted Melton Local Plan 2018, Policy H6 of the Broughton & Old Dalby Neighbourhood Plan and Section 12 of the National Planning Policy Framework 2019.

**Inspector's conclusions:** Dismissed

The main issue was the effect of the proposed development on the character and appearance of the area.

**Reasons**

An extant permission exists for the development of the appeal site for four dwellings. The key differences between that and the scheme before the inspector is that the appeal scheme proposes two more units and all six would face in the opposite direction, taking access from a new road.

The inspector did not object to the increase in the number of dwellings over the extant scheme. The site is larger this time around and the density would be in a similar vein to that which exists elsewhere on Station Lane.

Concern was raised over how the proposed development would effectively turn its back on the secondary road of Station Lane. The switch over the extant scheme in this respect would create something of a dead frontage to Station Lane, exacerbated by the fact that there would also be no frontage to Station Road. The proposed development, as a small contained one, would appear somewhat isolated and insular, unrelated to its surroundings.

The inspector did not feel that the approach used by the appeal scheme would represent a sufficiently high quality design.

The inspector was mindful of the fact that the appeal scheme is arguably one design solution to the problems that have been created by not being able to gain access from Station Lane and they had not seen alternatives that have been explored or discounted or the reasons therefore.

The inspector was aware extant permissions 72 units to the west and south of the appeal site and 25 to the east, and concluded that in conjunction with the extant scheme on the appeal site these developments would not doubt change the character of the area significantly.

It was also possible that if the other sites came forwards then the appeal scheme would be read as part of the wider entity and the effects raised above be somewhat diluted.

Be this as it may the inspector would be largely relying on the other planning permissions, which are currently only at outline stage, to come to fruition. This could be sometime off, there is no guarantee they would be built out, final decisions about layout and design have yet to be made and ultimately they are not in the inspectors control as a decision maker on the appeal scheme. The inspector had to consider the fact that the appeal scheme could therefore come forward in isolation and in that respect it would remain to be harmful in the manner described.

### **Other Matters**

The Council make comment in their evidence on how parking would be provided to each unit on its frontage. They consider this would be an equally retrograde step when comparing it to the previously approved scheme. The inspector agreed that this would lead to a cluttered appearance akin to placing a formal car park in front of what would otherwise be well designed dwellings. An effect that would be exacerbated by how close the two spaces for each dwelling would be.

Whilst it is debatable as to whether this factor would be sufficient alone to resist the appeal scheme, it would nonetheless add to the harm that has been found. Harm that would arise from the design and layout of the scheme and essentially its overall quality, accordingly conflicting with the policies cited.

Whilst also not a reason for the refusal of planning permission, the Council raise substantive concerns over the creation of an additional access and how that would be viewed in the context of the new ones that would serve surrounding committed developments and the rural qualities of the road more generally.

The inspector agreed that this would no doubt change the character of Station Road to a more urban one but then so would the developments themselves should they come forwards as alluded to above.

In addition, the Council's highways advisors do not seem to object to the proposed arrangements and have clearly considered access to other developments equally acceptable. Taken together, these factors led the inspector to conclude that this concern would not be sufficient a ground to withhold planning permission.

In the same vein, and whilst the gardens provided to each dwelling would be modest as said, the inspector did not consider they would be so small as to necessarily amount to a poor provision for future occupiers.

It was noted the appellant's further argument that the revised facing of the new dwellings would add to the natural surveillance of areas around the potential new access for the wider consented development to the west and south. That said, it did not strike the inspector that such surveillance would not be possible from the rear elevation of new dwellings.

As well as design in terms of the buildings themselves, the appeal scheme would also be acceptable in a number of other planning respects. However, this would amount to a lack of harm which by definition cannot be used to weigh against harm.

They would be neutral in any balance. There would be benefits arising out of the provision of new dwellings adding to choice and mix locally as well as investment in the construction industry and expenditure from future occupiers.

Nonetheless, these would be very similar to the benefits associated with the extant planning permission. The addition in net terms of two more units would mean such new benefits would be limited and thus unlikely, given the nature of the harm and conflict with the

development plan the inspector found, to be sufficient to allow the appeal.

**Proposal: 19/00954/FUL New dwelling– 12 Brownlow Crescent, Melton Mowbray.**

**Level of decision:** Delegated

**Reasons for refusal:**

In the opinion of the Local Planning Authority, the proposed development would result in an overbearing impact through the proximity, size, massing and scale of the two-storey rear projection and the perception of being overlooked through the window in the western elevation, to the detriment of the residential amenities of future occupiers of 12 Brownlow Crescent. The proposal is therefore contrary to Policy D1 (d) of the Local Plan which seeks development to protect the amenity of residents.

**Inspector's conclusions:** Allowed

The main issue was the effect of the proposal on the living conditions of the occupiers of the host dwelling, 12 Brownlow Crescent having particular regard to outlook, privacy and light.

**Reasons**

The appeal site comprises a two storey end of terrace dwelling with a modest front garden and a reasonably large and long rear garden. As stated, planning permission was granted in 2017 for a two storey side extension to the host dwelling and construction works are currently taking place on site. The permitted extension projects beyond the rear elevation of the host dwelling, which contains a number of ground and first floor windows.

Although the rear elevation of the permitted extension and proposed dwelling extends beyond the rear elevation of the host dwelling in close proximity to it, at 2.5 metres the extent of the projection is not significant. Moreover, having assessed the outlook from the ground and first floor rear windows of the host dwelling, any loss of outlook from these windows would not be significantly harmful and a satisfactory outlook would remain for the occupiers of the host dwelling. Similarly, having regard to the overall size and length of the rear garden that would remain for the host dwelling, any loss of outlook from the garden would not be significant.

Amended plans have been received which remove the first floor window from the western elevation of the proposed dwelling. Acceptance of the amended plan therefore overcomes the Council's objection to this aspect of the proposal and in addition there would no longer be any light overspill from this window.

Taking the above matters into consideration, the inspector concluded that the proposal would not have a significant adverse effect on the living conditions of the occupiers of the host dwelling, 12 Brownlow Crescent having particular regard to outlook, privacy and light. It therefore accords with Policy D1 (d) of Melton Borough Local Plan 2011 – 2036 adopted October 2018. This policy seeks, amongst other things, to ensure that the amenity of neighbours and neighbouring properties is not compromised