

Appeal Decision

Site visit made on 22nd August 2016

by Alison Roland BSc DipTP MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/K2420/W/16/3151312

Bosworth House, 46 New Buildings, Hinckley, Leicestershire, LE10 1HW.

- 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 Character Developments against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref: 15/00858/FUL, dated 28 July 2015, was refused by notice dated 12 February 2016.
 - The development proposed is additional floor added to existing building to create 4 additional flats. Previous flats approved under change of use prior approval.
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Procedural Matter

1. The description of the development cited in the header above reflects that on the planning application forms. However, it is apparent that revised plans were submitted during the course of the application (cited in condition 2 below) which resulted in a reduction to 3 flats. In addition, the scheme details changes to the external elevations of the building. The Council determined the appeal on the basis of the aforementioned description and revised plans and I shall do likewise.

Decision

2. The appeal is allowed and planning permission is granted for additional floor added to existing building to create 3 additional flats and alterations to external elevations, at Bosworth House, 46 New Buildings, Hinckley, Leicestershire, LE10 1HW, in accordance with the terms of the application Ref: 15/00858/FUL, dated 28 July 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Job No: 14/86 Drwg No 24: Site Location Plan; Job No 14/86 Drwg No 22D: Additional Floor Elevations; Job No 14/86 Drwg No 16C: Site Layout; Job No 14/86 Drwg No: 21C: Additional Floor.
 - 3) Before development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development shall be deposited with and approved in writing by the Local
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Planning Authority. The development shall be implemented in accordance with the approved materials.

- 4) Prior to first occupation of the flats hereby permitted, a scheme for the provision of waste storage and recycling facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be made available before occupation of any of the units and retained for their designated purpose thereafter.
- 5) Prior to first occupation of the flats hereby permitted, the car parking spaces shown on Job No: 14/86 Drwg No 16C shall be laid out, demarcated and made available solely for the use of the units hereby permitted. The car parking spaces shall be retained for their designated purpose thereafter.

Main Issue

3. The main issue in this appeal is the implications of the proposal for the character and appearance of the area.

Reasons

4. The appeal building comprises one of a cluster of buildings which occupy a triangular piece of land at the intersection of New Buildings, Leicester Road and Hollier's Walk. Across the opposite side of New Buildings is a substantial B&Q store. The area has a mixed commercial character with considerable diversity in building scale and height.
5. The Council maintain that the additional storey proposed would increase the prominence of the building and render it out of character with its setting, which would be most evident when viewed from Hollier's Walk, a road extending from the North of the site to the South West and Baptist Walk, a pedestrian thoroughfare to the West of the site.
6. When viewed from Hollier's Walk, the closest vantage point of the building is secured from a gap between a commercial building known as Amity House and a building in use as a carpet showroom. From this vantage point however, the appeal building stands well back from the road frontage behind a commercial building, where it appears very much a recessive element in the street scene. As one travels westwards along Hollier's Walk, Bosworth House becomes virtually imperceptible, by virtue of the increased distance and mature trees on a large undeveloped area of land on the Southern side of that road. Thus, whilst the resultant building would be taller than those immediately surrounding it, it would when viewed from Hollier's Walk, appear entirely unremarkable in terms of its scale and appearance.
7. Baptist Walk is a pleasant and relatively well used pedestrian pathway which passes between Hollier's Walk and Stockwell Head Road and runs in a North-South direction to the West of the appeal site. From this pathway, only the top of the current building can be glimpsed in the distance across intervening trees. Whilst the additional storey would render it more visible above some of these, the effect, given the considerable intervening distance, could hardly be described as rendering the building in any way prominent. Rather, it would render it slightly less innocuous than it presently appears from views along this path.

8. The additional storey would be most obvious when viewed from the intersection of roads to the North East of the appeal site. However, from this vantage point it would be largely seen behind the foreground of the carpet warehouse. The resultant building would be appreciably taller than the latter building, but not to the extent that it would draw the eye or appear incongruous in its setting. This is particularly the case as height is merely one component of scale and the appeal building would be viewed in the context of the substantial B & Q store across the opposite side of the road, as well as the carpet warehouse building which wraps around the road frontage at this point.
9. The appeal site falls within the Stockwell Head/Concordia Theatre Strategic Development Area identified in Policy 2 of the Hinckley Town Centre Action Plan (AAP) (March 2011). This identifies a need for a landmark building at the junction of Leicester Road, New Buildings, Derby Road and Hollier's Walk to provide a focus for the entrance to the town centre.
10. However, the appeal building is offset relative to the aforementioned junction and the opportunity would exist for a landmark building to be erected on the remaining land. Moreover, it is acknowledged in the Policy that the fragmented land ownership and presence of viable businesses therein, could lead to development of different parts taking place independently of each other.
11. The proposal also includes alterations to fenestration, including the re-cladding of the exterior of the building in modern materials, which are apparently similar to those previously approved. This would impart a facelift the building, giving a cleaner, modern and more attractive appearance, enhancing its presentation to the street. The additional accommodation at roof level would in my view, add interest to the building and complement the improvements to its façade. This would sit comfortably with the key objective of the Policy to improve the approach to the town centre from the North East.
12. Whilst the Council suggest that the residential use of the building may compromise the development of the remainder of the adjoining land, it is clear that the principle of residential use has been established through the prior approval process. They also identify nothing specific about the appeal proposal that would add to those concerns.
13. Overall on the main issue, I conclude that the additional storey proposed would integrate comfortably with the prevailing character and appearance of the area. I therefore find no conflict with Policy DM10 of the Site Allocation and Development Management Policies Development Plan Document (DPD) (July 2016), Policy 2 of the AAP or the advice in the Framework, which seek to promote high quality design which complements or enhances the character of the surrounding area. The Council have confirmed that Policy BE1 of the Hinckley and Bosworth Borough Council Local Plan (2001) (cited in the Decision Notice) is no longer relevant to the appeal. Whilst the Council cite other Policies in the DPD and the Hinckley and Bosworth Core Strategy (2009), none add to the substance of their case on the main issue and I need not consider them further.
14. The Council suggest several conditions in addition to the standard time limit for the commencement of development and confinement of the approval to specified plans (in the interest of certainty). A materials condition is necessary

to ensure a satisfactory finished appearance and the provision of waste storage and recycling facilities and car parking spaces are both required to serve the needs of the development in these regards.

ALISON ROLAND

INSPECTOR