
Appeal Decision

Site visit made on 9 January 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 17th January 2017

Appeal Ref: APP/X2410/D/16/3157324

70a Brook Street, Wymeswold, Loughborough, Leicestershire, LE12 6TU

- 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 Kathleen Simpson against the decision of Charnwood Borough Council.
 - The application Ref: P/16/0602/2 dated 11 March 2016, was refused by notice dated 23 May 2016.
 - The development proposed is a retrospective application to retain the resin bound stone surface from drive gates to back of footpath.
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Decision

1. The appeal is allowed and planning permission is granted to retain the resin bound stone surface from the drive gates to back of footpath at 70a Brook Street, Wymeswold, Loughborough, Leicestershire, LE12 6TU in accordance with the terms of the application, Ref: P/16/0602/2 dated 11 March 2016.

Main Issue

2. The one main issue in this case is whether the proposal would preserve or enhance the character or appearance of the Wymeswold Conservation Area.

Reasons

3. Planning permission was granted for a dwelling on the site under application Ref No. P/14/1341/2, with Condition No 4 stating that *"the dwelling shall not be occupied until such time as the access driveway has been surfaced in a bound, porous material; details of which shall first have been agreed in writing with the local planning authority"*. An application to discharge this condition was approved in part under application Ref: P/15/1843/2, and a smooth resin bound stone surface, red in colour, was agreed for the driveway inside the drive gates. However, what has been carried out is at variance with the approved details in that the same red coloured surface has been continued to from the gates to the footpath, whereas the surfacing agreed for this section was block paving. Therefore, the appeal only concerns the relatively short section of surfaced area between the gates and the footpath.
4. The site is within the Wymeswold Conservation Area, where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with Section 72(1) of the *Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*.

5. Saved Policy EV/1 of the *Charnwood Local Plan 1991-2006* (LP) seeks a high standard of design in all developments by utilising materials appropriate to the locality, and by providing positive and attractive built frontages. Policy CS14 of the *Charnwood Local Plan 2011-2028 Core Strategy* (LPCS) requires proposals to respect heritage assets and their setting, and Policy CS2 says development shall respect and enhance the character of an area.
6. Paragraph 131 of the *National Planning Policy Framework* (the Framework) requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, which include conservation areas, and the desirability of development making a positive contribution to local character and distinctiveness. Paragraph 132 says when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. As stated in the *Wymeswold Conservation Area Appraisal* (WCAA), a significant characteristic of the conservation area is that many historic and modern dwellings (such as the appeal property) are located on plots to the rear of the frontage dwellings, with many access drives intruding into the street scene. There are a variety of materials found on these access drives, as well accesses and parking areas for the frontage dwellings. These include block-paving, gravel, tarmac and concrete. As stated by the Council, whilst some of these materials have a modern engineered quality, they appear as part of the natural development of the village over time, and do not appear incongruous.
8. The Council says the red coloured surface is inappropriate and incongruous in the street scene, adding that the area fronting Brook Street is particularly sensitive in terms of the character and appearance of the conservation area. It says the red finish dominates views along the street, rather than reading as part of the wider built context.
9. However, given the range and variety of boundary treatments found in the area, I do not agree with the Council that the surface material would be unacceptably incongruous or out of keeping in the street scene. Nor is the red colour of the material especially unusual; and at my site visit I noted many examples of red or pink coloured gravel and block paving surface treatments nearby in Brook Street and elsewhere in the conservation area. I am satisfied that the material would not appear particularly prominent in the street scene, and in any event the driveway (surfaced in the same material) is readily visible to passers-by when the entrance gates are open. Nor am I aware of any reference to preferred surface treatments within the WCAA, other than a comment that granite kerbs are found at the edges of many of the pavements.
10. I consider on balance that the surface material would have a neutral effect that would preserve the character and appearance of the Wymeswold Conservation Area. As such I find no conflict with saved LP Policy EV/1, LPCS Policies CS2 and CS14, and the Framework. I have considered the imposition of conditions in the light of the advice in the *Planning Practice Guidance*. However, as the development has already taken place, no conditions are necessary in this case.
11. I note the concerns expressed by the Parish Council that the colour of the driveway is not in keeping with the character of the village and the conservation area. However, whilst I appreciate these concerns they are not sufficient to alter the considerations that have led to my conclusion.

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

Nigel Harrison

INSPECTOR