

Appeal Decision

Site visit made on 13 February 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 7TH March 2017

Appeal Ref: APP/Y2430/W/16/3162726

4 Woodville, Dalliwell, Stathern, Leicestershire LE14 4HG

- 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 and Mrs Chris and Hannah Bembridge against the decision of Melton Borough Council.
 - The application Ref 16/00426/FUL, dated 16 June 2016, was refused by notice dated 30 September 2016.
 - The development proposed is to demolish an existing 2 bedroom bungalow and create a new build 1-2 storey house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Stathern Conservation Area and preserve the setting of the adjacent listed building.

Reasons

3. The significance of this part of the Stathern Conservation Area is considered to be the narrowness of the lane and the intimate historic feel provided by the mainly two storey buildings which front closely onto it, providing a pleasant mixture of varied traditional styles and materials, including stone, brick and tiles.
 4. To its west the appeal site abuts the garden of Ivy House which is a handsome traditional dwelling, built of limestone at two and three storeys, which fronts directly onto the footpath on Church Lane, just south of the junction with Dalliwell. This is the only listed building in the immediate vicinity where there are also a number of other very pleasing unlisted buildings which provide the area with a traditional character and attractive appearance.
 5. The proposal is to replace a somewhat unprepossessing 20th century bungalow with a part one storey, part two storey house in approximately the same position set back slightly from the street. The existing bungalow is of a post-war design which, whilst less pleasing than the surrounding traditional houses, blends in adequately due to its single storey height.
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6. The new dwelling would be of a strongly contemporary design with a scale, form and materials reminiscent of an agricultural building. The scheme has officer-level support but the Council exercised its democratic prerogative not to follow this advice. The appellant leans strongly on the officer support in the case made. Whilst the existing bungalow might be considered of inferior design and materials, and there would be no objection to its replacement with a building of better appearance, this would not provide a free reign in respect of design given the sensitive location of this site, within a conservation area and adjacent to a listed building.
7. Whilst accepting that such a location does not preclude a contrastingly contemporary solution, rather than one that adopted the more conservative approach of reproducing a more traditional building, such a design would require particular care and sensitivity, with consideration given to the surrounding architectural and historic context.
8. The contemporary dwelling proposed pays little heed to its built neighbours and the design statement provides inadequate historical support for the somewhat utilitarian agricultural design proposed, in surroundings which are entirely domestic in both character and appearance. The appellant's statement acknowledges little beyond the nearby housing being mainly of two storeys with pitched roofs and that the replacement dwelling would respect this and the general height and mass of the other dwellings.
9. Whilst the rather austere agricultural appearance and facing materials of the proposed dwelling might be of an intrinsically quite reasonable contemporary design in isolation, in the context of this site it would appear incongruous with the more intimate and traditional setting provided by the existing houses in Dalliwell and the wider area.
10. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, in deciding this appeal, special regard and attention be taken of the desirability of preserving the setting of a listed building and that of preserving or enhancing the character or appearance a conservation area.
11. The adjacent listed house would have the buffer of a quite substantial garden at the rear and consequently this contemporary dwelling would succeed in causing no material harm to its setting. However, the new house would not fit in well with that the surrounding more traditional housing and fail to either preserve or enhance the character or appearance of the conservation area.
12. The harm found from this single replacement dwelling is considered to be less than substantial. However, considerable importance and weight must be still given to any harm found in deciding this appeal. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that where a development leads to less than substantial harm to the significance of a designated heritage asset, in this case the character or appearance of the conservation area, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
13. However, I consider that the wider public benefit would have been better served by a design that at least succeeded in preserving the character and appearance of Stathern Conservation Area. Any lack of material harm to the living conditions of neighbouring occupiers, or in respect of the amount of

parking provided and the sustainability credentials of the design are not at issue in the appeal and these considerations would not bypass a requirement to consider the acceptability of the proposal in relation to its effect on the character and appearance of the area.

14. The design, height, scale and materials of the dwelling proposed would appear both alien and obtrusive, and lead to an overbearing impact on the street-scene. There would be harm as a result to both the character and appearance of the Stathern Conservation Area.
15. As a consequence the proposal would conflict with the aims of saved Policy BE1 of the Melton Local Plan of 1999. This policy is consistent with the principles of the Framework that decisions always seek to secure high quality design, taking account of the different roles and character of different areas and the need to conserve heritage assets in a manner appropriate to their significance. As a consequence this proposal would not gain the support of a presumption in favour of sustainable development as set out in the Framework and Policy BE1 can be afforded significant weight in deciding the appeal.

Conclusion

16. Regard has been given to the views of interested parties both in favour and against this proposal, including those of the Parish Council. From these it is evident a later scheme has been given approval. The details of this subsequently approved scheme are not before me and so have no bearing on this decision. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR