
Appeal Decision

Site visit made on 14 February 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 13th March 2017

Appeal Ref: APP/T2405/W/16/3161390

Jerviston, Stamford Road, Kirby Muxloe, LE9 2ER

- 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 T Dallow against the decision of Blaby District Council.
 - The application Ref 16/0611/FUL, dated 29 April 2016, was refused by notice dated 24 June 2016.
 - The development is a proposed replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the Kirby Fields Conservation Area.

Reasons

3. Policies CS2 and CS20 of the Blaby District Local Plan Core Strategy 2013 (CS) seek to preserve or enhance the cultural heritage of the District. Saved Policy CE8(iv) of the Blaby District Local Plan 1999 (LP) provides more specific guidance and seeks to resist the demolition of buildings within Conservation Areas unless the building is of no benefit to the character and appearance of the area and its replacement would constitute a positive improvement. The National Planning Policy Framework (the Framework) seeks to conserve and enhance the historic environment. Both local and national policy is also underpinned by the legal duties as prescribed by s.72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the Act') which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
 4. Jerviston is a large detached dwelling which is orientated at an angle from Stamford Road. The building is asymmetrical and is 2-storey in height. Its walls are roughcast render, painted white and the eastern gable also includes decorative pargeting at first floor level. It has a large roof structure comprising of pitched and tiled roofs which overhang the walls and include exposed rafter feet, and large chimney stacks.
 5. The property is set within a large plot which contains a number of trees and mature vegetation. There are two separate vehicular accesses leading into the site from Stamford Road and two garages are located either side of the house.
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The front boundary comprises of railings with trees and shrubs behind. There is also a large area of hardstanding to the site frontage. To the east is a terraced area with an outdoor swimming pool which is largely screened from Stamford Road by the garaging and a tall hedgerow.

6. The property dates from the early 20th century and is located in an area known as Kirby Fields – a planned estate developed in the late 19th/early 20th century as an affluent suburb to Kirby Muxlow. Dwellings are largely individual in their design, however there is unity in respect of their scale and plot size. The architecture of the dwellings is also demonstrative of the fashions of the Victorian and Edwards periods. There is also evidence of later development during the second half of the 20th century, including along Stamford Road.
7. Based on the submitted information as well as my own observations, I consider that the character of the Kirby Fields Conservation Area (CA) is derived from the presence of high quality, low density housing which is indicative of the architectural and social fashion and prosperity of the area at the time.
8. The original house has undergone a number of changes both to its plan form and its design and external appearance over the second half of the 20th century, including the erection of extensions, replacement of windows with poor quality uPVC and development within its grounds including the creation of an outdoor swimming pool and terrace and poor quality/loss of landscaped gardens and vegetation, particularly to the front.
9. It is on this basis that the appellant submits that the appeal property has little or no significance. I recognise that not all elements of a CA will necessarily contribute to its significance, in accordance with paragraph 138 of the Framework. However, and while there is no evidence that it was designed by CFA Voysey, I consider that it is an appreciable example of the 'Arts and Crafts' style and the nature and scale of the alterations to its exterior as well as changes in respect of landscaping have not undermined and impaired its character to such an extent as to negate any contribution to the significance of the CA.
10. Furthermore, due to its scale, positioning and architecture, Jerviston represents a good example of a substantial and individual building that forms part of a wider group of such dwellings including Grey Lodge, The Firs and Crail Lodge, which underpins and forms the fundamental basis of the character of the CA. I accept that the character of the CA has been eroded with a number of later developments during the second half of the 20th Century and I saw that a number of infill developments and subdivision of the large plots had taken place along Stamford Road, particularly to the east of the appeal site. However, such development serves to confirm the harm caused to the CA and should not justify the further erosion of the character of the CA.
11. Overall I consider that the appeal property makes a positive contribution to both the character and appearance of the Kirby Fields CA and as a beneficial building, its loss would also not accord with the first part of saved LP Policy CE8(iv).
12. In respect of the second part of saved LP Policy CE8 (iv) which requires that replacement buildings should be a positive improvement, I accept that the replacement dwelling has been designed to complement the general character of the CA in respect of materials. Some of its architectural elements, including

the pitched and gabled roofs with deep eaves would also echo an Arts and Crafts type design.

13. However, it would be of a size and scale that is of a significant step up from the existing building on the site. In design terms, the development would be symmetrical to the front elevation and the dwelling would also be positioned within the plot in order to front Stamford Road. Overall, this would result in the introduction of a very formalised and wide building of an unexceptional design which would urbanise and erode the architectural and spatial qualities which are characteristic of the CA.
14. This effect would not be overcome to any great degree by the removal of poor quality hard surfaced areas (including the swimming pool terrace) and the proposed scheme of landscaping, including a new hedge to the front boundary. Indeed, the proposed landscaping plan illustrates a large paved area of permeable hard standing to the front elevation and as such I do not consider that the removal of existing such elements would represent an overall enhancement. Features such as the raised planters and ramped and raised terraces to the front also further increase the formalising effect of the development. I accept that the proposed hedge to the front boundary would help to bolster the verdant character of the street scene, but this alone would not overcome my overall concern in respect of the urbanising effect of the development.
15. As a result, and in spite of the individual nature of dwellings in the area, the proposal would appear as an incongruous insertion. In that context, replacing Jerviston with the proposal would lead to a harmful impact on both the character and the appearance of the Kirby Fields CA.
16. Concern has been raised by the appellant in respect of a lack of an adopted CA Appraisal which sets out the significance of the CA, in accordance with paragraph 129 of the Framework. However the Case Officer sought the advice of the Principal Historic Buildings Inspector at Leicestershire County Council and detailed comments were provided for both the original application and this appeal. While a lack of a detailed up-to-date CA Appraisal is noted the submitted information from both parties adequately identifies and assesses the significance of the CA and I have assessed the appeal on this basis.
17. The appellant also has drawn my attention to the Planning Practice Guidance (PPG) in respect of non-designated heritage assets. This states that only a minority of buildings have enough heritage significance to be a material consideration in the planning process.¹ My understanding of the PPG is that that this particular paragraph relates to all buildings and of course it would follow that a substantial majority of these would have little or no significance. In any case, I have found that the appeal property makes a positive contribution to the character and appearance of the CA as a designated heritage asset and that the loss of this would cause harm.
18. Furthermore, and notwithstanding the debate between parties in respect of the repair and restoration of the existing dwelling, there is no evidence to support the appellant's claim regarding the viability of retention in respect of the current value of the dwelling and investment required. In any case, I have assessed the proposed based upon its own merits.

¹ Reference ID: 18a-039-20140306

19. Overall the proposal would cause harm to the character and appearance of the Kirby Fields CA. This falls contrary, therefore, to CS Policies CS2 and CS20 and saved LP Policy CE8(iv) of the Blaby District Local Plan (1999). Moreover, as a result of the Act this conclusion attracts considerable importance and weight on the negative side of the planning balance. Given the wide compass of the Kirby Fields CA, it is my view that the proposal would cause less than substantial harm to the significance of the designated heritage asset in respect of paragraph 134 of the Framework.
20. In weighing this harm against the public benefits of the proposal, I recognise that the development would generate some economic activity and would be developed as an energy efficient building. I note reference in respect of benefits to surface water drainage and while I note the use of permeable materials in the landscaping scheme, I have no evidence that the existing paving contributes to surface water flooding which limits the weight I can attach to this claim. In any case, I consider that cited benefits are limited in their extent and in light of the adverse impacts I have identified, I do not consider that they are sufficient to outweigh the harm to Kirby Fields Conservation Area. The harm I have identified is also not outweighed by there being some local support for the development. The proposed development would not therefore accord with the Framework in respect of conserving and enhancing the historic environment.

Conclusion

21. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR