



Appeal Decision

Site visit made on 14 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 1 September 2017

Appeal Ref: APP/G2435/W/17/3171482

Land at and to the rear of, 6 Top Street, Appleby Magna DE12 7AH

- 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 P Standen against the decision of North West Leicestershire District Council.
 - The application Ref 16/00833/FUL, dated 13 July 2016, was refused by notice dated 29 December 2016.
 - The development proposed is the erection of one dwelling, ancillary outbuilding, car port to serve Nos 6 and 10 Top Street; alterations to No 6 Top Street, demolition of existing outbuilding and wall and creation of a new access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal include one relating to the direct effects on archaeology within the site. As a result of additional information submitted with the appeal, the Council no longer resists the proposal in relation to this issue.

Main Issues

3. The main issues in this appeal relate to the effects on the conservation area, the adjacent Scheduled Ancient Monument (SAM) and the character of the area.

Reasons

4. The appeal site incorporates land fronting onto Top Street, including No 6 and land to the rear, currently forming part of the extended garden of No 26 Top Street. The site is within the Appleby Magna Conservation Area. Land abutting the northern and western boundaries of the appeal site is within the SAM associated with the Moat House, generally referred to as the manorial site, by the Council.
5. The pattern of development on Top Street has buildings addressing the street, with relatively long and narrow plots to the rear. The dominant form of development is the main buildings at the frontage with lower ancillary buildings and gardens to the rear. This is said to reflect the early post-medieval pattern of development within the village and conservation area. The Conservation

Area Appraisal and Study (CAAS), published by the Council refers to the specific contribution of some open areas to the Conservation Area, and includes land to the rear of 24/26 Top Street. Although this has been taken to not include the appeal site, I consider that the openness of the appeal site helps to reinforce the identified early post-medieval pattern of development. In addition, it separates and defines the manorial site from the development along Top Street. As the Council points out (assuming that the above reference excludes the appeal site) the CAAS may not be expected to specifically identify every single feature that makes a positive contribution to the Conservation Area. I disagree with the appellant that its contribution is neutral; its freedom from built development, the function that it performs in defining the early post-medieval pattern of Top Street and of the manorial site means that it makes a strong and positive contribution to the character and appearance of the conservation area and to the setting of the SAM.

6. The proposal would introduce ancillary buildings behind No 6 Top Street and a detached dwelling on the larger rear part of the site. I consider that the detached dwelling would remove the sense of openness of this part of the appeal site. Although some areas of garden would be provided around it, I consider that it would significantly and harmfully remove the sense of openness and spaciousness that currently exists. In relation to the Top Street properties, this would significantly reduce the definition of the historic pattern of development here. In this way, it would fail to either preserve or enhance the character or appearance of the conservation area.
7. In relation to the SAM, (whilst recognising that it is an important component of the conservation area also), the proposal would be sited very close to the 2 boundaries with the SAM. The appellant considers that the lack of intrinsic archaeological value, historic association and the screening afforded by the existing boundary means that its setting would be preserved. My view is that the openness of the site adds to the setting of the SAM by preserving open land immediately adjacent to its boundary. In relation to the screening provided by the existing vegetation, having viewed this carefully on site, it seems to me that the design and proximity of the proposed house would mean that this would need to be reduced. This is particularly so where there are main room windows facing onto it. The submitted plans acknowledge that some vegetation would need to be reduced here. I consider it likely that the presence of the proposed dwelling would be far more obvious than has been set out by the appellant due to such a reduction in the screening and also having in mind that I visited the site at the height of Summer when the screening effects of the vegetation is at a height.
8. In my assessment the arguments about the effects on the Conservation Area, the SAM and the character of the area are overlapping and inseparable. Thus, I find that the proposal would also have an unacceptable effect on the character of the area generally, for the reasons set out.
9. The appellant has made reference to the development at the nearby Garton Close, seeking to demonstrate how new development can assimilate into an historic townscape. The CAAS identifies this as having a neutral effect on the Area. Although the proposed pattern of development is quite different, my own view is that the comments made in the CAAS are generous to Garton Close and I would not seek to use it as a positive example to follow. In any event, the

sites and their surroundings are not identical and I have judged this individual proposal in relation to its individual effects.

10. The appellant also refers to the benefits arising from the scheme, including the provision of an additional home and the improvements to the appearance of No 6 Top Street. I find that these are only very modest benefits and are insufficient to outweigh the harm arising from the proposal.

Conclusions

11. The proposal would have a harmful effect on the historic pattern of development within this conservation area and adjacent to the SAM. The proposal would fail to preserve or enhance the character and appearance of the conservation area and fail to preserve the setting of the SAM. There are no benefits that the proposal would bring which are sufficient to outweigh the harm that I have identified. Therefore, the proposal is contrary to Policies E4 and H7 of the North West Leicestershire Local Plan 2002, Policy He1 of the submitted North West Leicestershire Local Plan and the advice in the NPPF. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR