
Appeal Decision

Site visit made on 4 July 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 5 September 2017

Appeal Ref: APP/G2435/W/17/3173770

34 Main Street, Snarestone, Swadlincote DE12 7DB

- 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 & Mrs Stephen and Diana Saunders against the decision of North West Leicestershire District Council.
 - The application Ref 16/01192/FUL, dated 11 October 2016, was refused by notice dated 8 March 2017.
 - The development proposed is the construction of a single dwelling within the curtilage of 34 Main Street.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Following a recent appeal decision, the Council now considers that the second reason for refusal relating to development in the River Mease Special Area of Conservation cannot be substantiated. As a result, the Council has withdrawn that reason for refusal in this case. Having noted the appeal decision and considered these matters carefully, I have accepted this to be the case. Therefore, I have assessed the proposal against the two remaining reasons for refusal presented by the Council and determined the appeal on that basis.

Main Issues

3. Therefore, the main issues are:
 - whether the proposed development would constitute sustainable development in terms of national and local planning policies; and
 - the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to nearby protected trees.

Reasons

Sustainable development

4. Policy SP2 of the adopted North West Leicestershire Local Plan (LP) states that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Maps, where it complies with the policies of that Local Plan. Whilst I note the age of the adopted plan and the subsequent introduction of the National Planning Policy Framework (the Framework), I consider the policy to be consistent with the aims of the Framework. Notwithstanding this, the emerging Policy S2 of the Submission North West Leicestershire Local Plan

2016 (Submission LP), which has been examined, indicates that Snarestone is a 'small village' within the settlement hierarchy where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land or affordable housing.

5. Given the above policy context, I give significant weight to the adopted Policy SP2 and to the Submission LP Policy SP2 as a material consideration. Notwithstanding this, the Submission LP does not yet form part of the development plan. As a result, I have also given due regard and weight to the relevant sections of the Framework.
6. Snarestone has limited services and facilities which consist of a public house, a church, a primary school and a recreation ground. The Council states that the appeal site is remote from basic services such as a shop and a doctors surgery. I note that the nearest such facilities are in Appleby Magna, approximately 2 miles from the appeal site by road, and in Measham about 2.5 miles away. However, I am led to understand that the doctors surgery in Appleby Magna has now closed and the nearest surgery is now at Measham.
7. The Council argues that this situation would render future occupiers of the proposed dwelling as 'socially isolated' with regard to access to basic services and facilities. Based on the evidence before me, I agree that access to essential services would be limited. Such distances would discourage people from walking or cycling, particularly along narrow lanes where there is no footpath or lighting provided. Furthermore, whilst a bus service is available, I find that its limited timetable through the week, with no services on Sunday, would deter potential users who would require everyday convenience items such as a newspaper or a pint of milk. As a result, with no other reasonable alternative mode of transport, I find that the above circumstances would lead to future occupiers of the proposal being heavily reliant on the use of a car.
8. I appreciate that in rural areas the reliance on private vehicles will be higher and that other existing residents may be considered to be equally 'socially isolated'. However, given the distances to key services and the limited availability of reasonable modes of transport available to reach them, I find that in this case, on balance, the proposed development would not be in a sustainable, accessible location. It would therefore be contrary to the aims of the Framework with regard to sustainable development.
9. Consequently, I conclude that the proposed development would not constitute sustainable development in terms of national and local planning policy. It would therefore be contrary to Policy SP2 of the adopted Local Plan and the relevant sections within the Framework. Amongst other matters, this policy and guidance seeks to ensure that development is in locations which are well connected to local services and facilities.

Character and appearance

10. The appeal site is formed by part of the garden area of 34 Main Street (No.34) and lies within the River Mease Special area of Conservation and the Snarestone Conservation Area (CA). The site is within the development limits of Snarestone, as defined by the LP. However, it lies outside of the development limits identified by the Submission LP. To the north of the site, on the opposite side of Main Street, are three Grade II listed buildings.
11. The Council has concerns regarding the impact of the proposed scheme on existing nearby trees on and around the site, particularly a mature Scots Pine. Whilst these trees do not benefit from the protection of a tree preservation order, they do have

- protection due to their position within the CA and because some trees positively contribute to its character and appearance.
12. The appellants state that the proposal would not impact on any existing trees and that the Scots Pine is in an area of the garden at the furthest point possible from the footprint of the proposed dwelling. The appellants also point to the fact that the proposed garage and driveway have been relocated to the east boundary of the site to minimise the impact on the Scots Pine and the hedgerow along the north boundary which fronts onto Main Street. It is argued that such measures indicate the appellants' efforts to maintain and enhance the character and appearance of the area, including the CA.
 13. Notwithstanding this, I note from the site visit that a number of trees on the appeal site had been already removed or cut down. Whilst I have no other information before me to indicate the circumstances for such works, it is evident to me that some trees at the appeal site have been affected by the potential for the proposed development.
 14. The appellants argue that the Scots Pine is not in a prominent position to positively contribute to the CA and, in any event, a gap between No.34 and the proposed dwelling would be retained so that the Scots Pine would remain visible in the streetscene. In addition, the appellants argue that the Council's tree officer did not comment on the original application and such issues were raised by neighbours. Whilst I acknowledge this, these matters form part of the Council's reasons for refusal. Therefore, I have considered them accordingly in determining this appeal.
 15. The Council has indicated that the appellants have been asked several times to provide a tree survey to ascertain the impact of the proposed development on the root protection areas of nearby trees, including the Scots Pine. However, I am led to understand by the Council that nothing has been provided. Furthermore, there is no substantial evidence before me to indicate that such information has been submitted during the appeal. Consequently, in the absence of this, I find that it is not possible to fully assess and determine whether the proposal would be significantly harmful to nearby trees, including the Scots Pine, and the character and appearance of the area and CA. Moreover, I find that a detailed tree survey would assist in determining whether any part of the development would be sited within the root protection areas (RPA) of the trees, particularly the Scots Pine, and whether any specialist foundations or construction methods would be required.
 16. In addition to the above, in my view, the proposed dwelling would have an adverse impact on the wider, long range views of the group of trees and green space provided by the garden area within the settlement. The existing garden area provides a green space along Main Street which positively contributes to the character and appearance of the streetscene and the CA. The green space is particularly visible and prominent on the approach into the village from the east along Main Street. As a result, I find that the proposal would result in the loss of a visually prominent green space and greenfield site within the central part of Snarestone. Therefore, it would not protect the natural environment within village.
 17. I note that the existing property at No.34 was in a relatively poor state of repair and did not appear to be occupied. Furthermore, the garden which forms the appeal site was overgrown and unkept. The appellants state that the granting of planning permission for the proposal would enable the refurbishment of No.34 which would be a benefit of the proposal and would enhance the appearance of the surrounding area and CA. Whilst I note this, there is no substantive evidence before me to indicate why the maintenance and enhancement of No.34 and its

garden could not be undertaken without the proposed development taking place. Therefore, I give limited weight to these matters in determining the appeal.

18. With regard to the effect of the proposal on the Snarestone CA, I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this respect, I find that the character, appearance and heritage significance of the CA is provided by a range of 19th and 20th Century residential and agricultural buildings set around a linear street pattern in this part of the settlement. These buildings are increasingly, although not exclusively, set back from the road as one travels eastwards along Main Street. Furthermore, the streetscene is increasingly punctuated by areas of green space, landscaping and open countryside.
19. As a result, I find that the proposal would not preserve or enhance the character or appearance of the CA and would therefore be harmful to its significance as a designated heritage asset. The harm would be less than substantial. However, when weighed in the overall planning balance, I find that the harm to the CA and the wider area would clearly outweigh the public benefits of the proposal.
20. Consequently, I conclude that there is insufficient information to fully assess the impact of the proposed development on the protected trees on and around the appeal site. As a result, the appellant has failed to demonstrate that the proposal would have no significant adverse impact on the character and appearance of the surrounding area, including the CA, particularly resulting from the loss of the Scots Pine tree. Therefore, it would not comply with Policy E7 of the adopted LP and the relevant sections of the Framework. Amongst other matters, this policy and guidance seeks to ensure that development makes appropriate provision for landscaping and incorporates existing features such as trees and hedgerows where it is necessary or desirable to retain them. Furthermore, development should have no significant adverse impact on the character or appearance of its surroundings, including conservation areas.

Other Matters

21. Concerns have been raised relating to the effect of the proposal on such matters as privacy and the provision of appropriate boundary treatments relating to adjoining properties. I appreciate the importance of these matters to those involved. However, given my findings on the substantive issues above, I have not given these matters any further consideration as doing so would not alter my overall decision. However, were the appeal allowed, I find that these matters would most appropriately be addressed by suitably worded planning conditions.

Conclusion

22. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR