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## Appeal Decision

Site visit made on 3 January 2018

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> January 2018**

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**Appeal Ref: APP/X2410/W/17/3181433**

**Former 1a Gray Street, Loughborough LE11 2DZ**

- 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 Ms Tracey Copley against the decision of Charnwood Borough Council.
  - The application Ref P/17/0783/2, dated 23 November 2016, was refused by notice dated 9 June 2017.
  - The development proposed is demolition of disused garage and erection of a 2 storey property with basement.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are:
  - The effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance that of the Victoria Street Conservation Area.
  - Whether the proposal would provide acceptable living conditions for future occupants, with particular regard to the quality and amount of outside living space, and secure those of the neighbouring occupants of 7a Park Street, with particular regard to outlook.

### Reasons

*Character and appearance of the area, including whether it would preserve or enhance that of the Victoria Street Conservation Area*

3. The proposal is for a modest one bedroom apartment with basement accommodation and two floors above, the upper of which partly occupies the roof space. The dwelling is of a simple rectangular form with a pitched roof and doors and windows on the gable end fronting onto Gray Street. The land is currently occupied by a garage with a corrugated sheet roof and doors set back slightly from the street. The garage lies adjacent to the two-storey rear part of 7a Park Street which occupies the corner plot at the junction with Gray Street. Another garage lies to the other side.
4. The site falls within the Victoria Street Conservation Area. The significance of this part of the Conservation Area derives from the architectural character of the late Victorian and Edwardian buildings, which include varying sized

dwelling, mainly of quite modest scale, including semi-detached and terraced houses. The palette of materials used in the construction of the surrounding buildings is quite narrow and features predominantly smooth red bricks and Welsh slates, often with white stone dressings to openings and Classical detailing.

5. The appellant's case makes reference to the poor quality of this particular part of the Conservation Area. However, in my opinion the surrounding houses and other main buildings, whilst in some cases in need of maintenance or sympathetic improvements, generally provide good examples of the period architecture typical of this area. The various garages, such as that currently occupying the appeal site, are clearly of lesser value but their lower profiles make them visually less prominent and preserve some openness between the more significant buildings.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of this area. The National Planning Policy Framework (the Framework) states in paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Conservation Area, great weight should be given to the asset's conservation.
7. Whilst modest in scale, given the small plot, the proposed building would introduce a more prominent structure into the Conservation Area. The Design and Access Statement makes some assessment of the area's architectural character but there is little to show how this has informed the scheme proposed and there is a reliance on an opinion that the surrounding area is of a poor quality, which I do not share.
8. There is a new dwelling of a similar form, but generally more traditional appearance, nearby on the opposite side of Park Street to 7a. However, this does not establish a precedent and the current proposal has to be considered on its own merits. The overall design and proportions of the building proposed, with the wide extent of blank side walling, inauthentic sash-style double glazed windows, slate effect roof tiles and projecting front balcony with glazed guarding, would relate unsatisfactorily to, and be harmfully out of keeping with, the surrounding traditional buildings.
9. The unsympathetic modern design would have a harmful effect on the traditional character and appearance of the area, including failing to preserve or enhance that of the Victoria Street Conservation Area, and thus conflict with the aims of policies CS2 and CS14 of the Charnwood Local Plan Core Strategy 2011-2028 (CS) and to saved policy EV/1 of the Borough of Charnwood Local Plan 2004 (LP).
10. The harm caused to the Conservation Area by this single dwelling would be less than substantial. Nevertheless, considerable importance and weight has to be given to the harm found, with the presumption that preservation is desirable. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the Framework requires that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, the benefits of a single dwelling in this respect would be minimal and clearly not outweigh the harm that has been found.

*Living conditions of future and neighbouring occupants*

11. Because of the small site this redevelopment would provide apartment accommodation without any attached garden space. The front balcony would provide future occupiers with a small sitting out space leading from the first floor living room. This would be directly onto the road and in a publicly visible position which would offer limited privacy to its users.
12. The development would also have a quite prominent visual impact on the outlook from the facing windows and outside space to the adjacent property at 7a Park Street. The appellant has provided evidence of this adjacent outside space being a bin and cycle store, and refers to its poor quality, rather than functioning as a garden. I have no evidence of the occupation of this neighbouring property but it appears likely to comprise a number of separate flats or multiple occupation.
13. Future occupiers of this proposal would have the benefit of consumer choice over the nature of accommodation provided and I am also unaware of any objections being raised by those at No 7a. Overall, I am not persuaded that entirely unacceptable living conditions would be provided for future occupants of either the proposed apartment or the next door accommodation such as to conclude that there would be further material conflict with CS Policy CS2 and LP Policy EV/1 for these reasons.

**Planning Balance and Conclusion**

14. The Council has confirmed that currently only 4.6 of the five year supply of housing land required under paragraph 47 of the Framework can be demonstrated in this Borough. Paragraph 49 goes on to state that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
15. As relevant policies for the supply of housing are out-of-date the presumption in favour of sustainable development set out in paragraph 14 of the Framework applies. This would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, based on it performing economic, social and environmental roles which should be sought jointly and simultaneously.
16. The social and economic benefits of the one bedroom apartment would be relatively small and significantly and demonstrably outweighed by the harm found to the character and appearance of the area generally and to the heritage asset in particular. For this reason this proposal would not gain the presumption in favour of sustainable development provided by the Framework. Consequently, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

*Jonathan Price*

INSPECTOR