



Appeal Decision

Site visit made on 9 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/X2410/W/19/3231913
80 Main Street, Woodhouse Eaves LE12 8RZ

- 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 Mrs Richmond against the decision of Charnwood Borough Council.
 - The application Ref P/18/2464/2, dated 5 December 2018, was refused by notice dated 11 February 2019.
 - The development proposed is erection of two x three bed cottages. Backland development changing use of back garden to housing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the setting of the Woodhouse Eaves Conservation Area and preserve the setting of the Grade II Listed cottage at No 90 Main Street.

Reasons

3. The existing dwelling and access at No 80 Main Street are situated within the Woodhouse Eaves Conservation Area (CA) but the rear garden area forming the majority of the appeal site is not. The significance of the part of the CA where the appeal site is situated largely derives from the coherent group of dwellings No 80 sits within and the mostly linear layout on this side of Main Street with dwellings often positioned close to the boundary with the road. Cottage style development is prominent along this section of Main Street with a generally open and soft landscaped rear aspect towards the countryside beyond. The appeal site and neighbouring cottages at No 90 Main Street, which is a Grade II Listed Building, and Nos 82 -86 Main Street, reflect this character.
4. Even accounting for the lower land level that the proposed dwellings would be sited on relative to the buildings on Main Street, the height and width of the dwellings, their alignment side by side and position to the rear of existing dwellings in the CA would be at odds with the general pattern of development in the area. The presence of these dwellings would have an urbanising effect and would be appreciable within the context of the neighbouring dwellings in the CA and the setting of the Listed Building at No 90. The development would be particularly visible from upper floor windows serving these dwellings and the current generally open vista that forms an important part of their setting would not be preserved.

5. The evidence before me suggests that the appellant has sought to address the concerns of the Council established in a previous application on the site and has reduced the size of the houses to three-bedroomed dwellings with a reduction to the roof heights. I also acknowledge that the design of the dwellings incorporates overhanging eaves and dormer windows with casement glazing, steep slate roofs, contrasting brick chimney stacks and slate cladded walls and that such features reflect similar features on neighbouring cottages. However, this does not overcome the harm that would be caused to the setting of the neighbouring heritage assets.
6. The appellant contends that trees would be retained for the most part with seven trees earmarked to be felled. I am also mindful that the trees sit outside the CA and I have nothing before me to suggest they are individually protected. The Council has acknowledged that trees on the site are of limited individual value and from what I saw I find no reason to disagree with this assessment. However, collectively the trees form part of the generally open and soft landscaped setting which complements the existing setting of the heritage assets. The loss of some of the soft landscaping is not the decisive factor in considering whether there would be harm to the setting of heritage assets. However, the inevitable loss of some foliage would be likely to increase the presence of the development when appreciated as part of the setting of the CA and the neighbouring Listed Building, exacerbating the harm identified.
7. I note the comparisons made with other sites within the CA. From the limited evidence before me I do not find the examples provided as being identical to the appeal proposal. In particular, the planning permission at No 92/94 Main Street, which also shares boundaries with the Listed Building at No 90, related to a change of use of the existing building and included an expansion of an existing car park and is not therefore comparable to the development before me.
8. Notwithstanding the Council's housing land supply position at the time, the planning permission at No 112 Main Street had different material considerations regarding the effect on the character and appearance of the CA, particularly in terms of the layout of the development and its arrangement relative to existing outbuildings and the yard on that site. Conversely, the appeal proposal would appear as a standalone backland development rather than having any coherent relationship with existing buildings.
9. With regards to other development referred to behind the frontage development along Main Street, from the evidence before me and what I observed on site, these buildings often extend from or are perpendicular to existing buildings. Even where this is not the case, I am not persuaded the layout of the proposal reflects the predominant character of the area.
10. Taking all matters into account, the proposal would result in less than substantial harm to the CA and the setting of the Listed Building at No 90 accounting for the location of the site relative to the respective boundaries and the likely level of appreciation of the development factoring in its scale and position relative to these heritage assets. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal.
11. The provision of two dwellings would make a modest contribution towards the Council's housing figures. The appellant suggests that the development would

contribute towards affordable housing in the village, but I have nothing before me to indicate the dwellings would meet the definition of affordable housing in the Framework. I have therefore considered the proposal on the basis that they would be market dwellings. There would also be a limited social and economic benefit through the development of the site and the expenditure of future occupants using local services and facilities. However, I must attach considerable importance and weight to the desirability of preserving the setting of the CA and the Listed Building. I find therefore that the modest and limited public benefits identified do not outweigh the less than substantial harm that would result from the proposal.

12. For the foregoing reasons, the proposal would not preserve or enhance the setting of the CA nor would it preserve the setting of the Grade II Listed cottage at No 90 Main Street. Consequently, in that regard, the development would be contrary to Policies CS2 (High Quality Design), CS 13 (Biodiversity and Geodiversity) and CS14 (Heritage) of the Charnwood Local Plan 2011 to 2028 Core Strategy (2015) and Saved Policy EV/1 (Design) of the Borough of Charnwood Local Plan (2004) and the requirements of the Framework.

Other Matters

13. Whether or not there is limited scope in the village for further development or that there are limited number of dwellings of this size in the village does not override the harm identified particularly given that the Council can demonstrate a 5-year supply of deliverable housing land.
14. The consistency of advice provided by the Council is not a matter for me to assess under an appeal made under s78 of the Act.

Conclusion

15. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR