



Appeal Decision

Site visit made on 20 July 2020

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/G2435/W/20/3250075

55 Manor Road, Donington Le Heath LE67 2FW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs C Geary against the decision of North West Leicestershire District Council.
 - The application Ref 19/00213/OUT, dated 31 January 2019, was refused by notice dated 9 October 2019.
 - The development proposed is erection of one dwelling including accesses and parking arrangements.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved except for access, layout and scale. I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Donington Le Heath Conservation Area.
 - The effect on highway safety.

Reasons

Character and Appearance

4. The site comprises land to the rear of 55 Manor Road, a road which is subject to a 30mph speed restriction. The land forms part of the rear garden of the host detached dwelling. The site is located within the Donington Le Heath Conservation Area, the special significance and interest of which is derived from the survival of a mediaeval and post mediaeval agricultural village scape. Whilst there is some variety in the form of dwellings in the vicinity of the site, a unifying feature is that the properties sit close to the highway. A sense of enclosure is created by the sunken nature of the lanes that make up the settlement, lined by walls, hedges and trees. Number 55 sits above the highway and makes a positive contribution to the character and appearance of the Conservation Area.

5. Further along Manor Road is The Manor House, a Grade II* building which has its origins in the late 13th Century and the adjacent barn, a grade II structure. Constructed using Charnwood granite rubble and a Swithland slate roof their importance derives in part from their age and distinctive appearance.
6. The proposal would lead to backland development at odds with the existing pattern of development within the settlement. The appellant says the minimal fenestration on the façade would create the appearance of an outbuilding rather than a dwelling. Nevertheless, whilst appearance is not a matter currently before me, the size and shape of the scheme would create a large massing disproportionate to the existing dwelling fronting the site and would not relate well to surrounding development. Whilst views of the single storey scheme may be largely shielded by properties fronting the road, access to the property and residential paraphernalia such as name/ number plate would still make its existence evident.
7. The appellant has identified other dwellings that do not reflect the pattern of development in the Conservation Area. I do not know the circumstances in which they were developed. However, they are sited in a different location where the characteristics are different and therefore are not directly comparable with the case before me.
8. The new access to the site would require the removal of 7.5 metres of an existing stone retaining wall and the remains of an outbuilding, along with a reduction in the height of the remaining walls. Even if the wall is not historic, there would still be harm to the sunken and enclosed appearance of Manor Road which forms part of its defining character.
9. The proposal would be located away from the Manor House and adjacent barn. As such I am satisfied that there would be no harmful impact on the setting of the Listed Buildings. Nonetheless, the proposal would harm the character and appearance of the Conservation Area and as such would conflict with the parts of Policy He1 and Policy D1 of the North West Leicestershire Local Plan (Local Plan) which requires new development to conserve or enhance the significance of heritage assets and be well designed and as a minimum offer a good standard of design.
10. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to a less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. I shall return to this later.

Highway Safety

11. The proposed vehicle access would have restricted visibility in both directions given the speed of traffic on Main Road. Based on the submitted evidence there would be a shortfall in the visibility splay of some 29 metres in a northerly direction and 33 metres in a southerly direction. This would be significant irrespective of whether there has been an absence of any recorded personal

injury road traffic accidents on Manor Road in the last 5 years or whether the situation is worse elsewhere.

12. The appellant says the proposal would be an improvement on the existing situation for No 51 Manor Road and No 55 in terms of visibility and the ability to exit in a forward gear. However, improvements to the existing accesses could be achieved irrespective of the development which limits the weight I attach to this matter.
13. The parking layout and level of provision complies with the standards of the Highway Authority and the ability to accommodate cycle parking. However, the scheme would have a harmful impact on highway safety with regards access and as such would conflict with Policy IF4 of the Local Plan which requires safe connections to the transport network.

Planning Balance and Conclusion

14. The appellant has identified elements of the scheme that they claim would not generate harm. This includes the impact on the Victorian settlement pattern found elsewhere in the village, impact on wildlife and the living conditions of future occupiers and neighbouring occupiers. Even if this were the case, the absence of harm is not a benefit and as such I attach the matters neutral weight.
15. The site is located within the limits of development where the principle of development is supported and a 3 bedroom property would meet a local housing need. However, a single dwelling would make only a minimal contribution to the housing land supply which would not overcome the harm I have identified.
16. I note the reasons of the appellant for the scheme. This would be a personal gain. No public benefits have been identified that would outweigh the harm I have found.
17. The proposal would fail to preserve the character or appearance of the Donington Le Heath Conservation Area and would cause less than substantial harm to its significance as a heritage asset. There would be no public benefits to outweigh this harm and so it would conflict with the NPPF and the policies identified.
18. For the above reasons, and taking into account all other matters, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR