
Appeal Decision

Site visit made on 23 March 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 06 April 2021

Appeal Ref: APP/X2410/D/20/3262731

7 Mountsorrel Lane, Sileby, LE12 7NF

- 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 Bhumiika Parmar against the decision of Charnwood Borough Council.
 - The application Ref P/19/2579/2, dated 16 December 2019, was refused by notice dated 20 August 2020.
 - The development proposed is we wish to have a dropped kerb outside our house to access our drive and house. Currently we have access from our neighbour's property we use their access go through their drive to access our forcourt. This is becoming an issue for us to make our house secure and private for the children. The highway department have already been to the house and for them to complete their part we require planning permission as the road is classified C road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development given above is that submitted on the application form. However, that was amended by the Council on the notice it issued refusing planning permission. This described the development as *'proposed drop kerb to the front of dwelling including partial removal of stone wall in order to provide vehicular access to property'*. Whilst I have had regard to the description of development on the application form, I have used the description of development given by the Council in this appeal as it more succinctly describes what is being proposed.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the Sileby Conservation Area.

Reason

4. The appeal site lies within the Sileby Conservation Area. The Conservation Area contains the older part of the village which is constructed of traditional materials such as brick, stone, and timber framing. The area of Sileby where the appeal site is located slopes down from the Church to the meadows beyond. It has characteristic granite stone walls which surround the Church and continue, after a break, across the front of the appeal property and its neighbouring house.

5. The Sileby Conservation Area Character Appraisal adopted in March 2007 recognises that there are a number of granite rubble boundary walls within the Conservation Area. It is clear that in certain areas of the village these boundary walls are significant and help to define its character. The area of Mountsorrel Lane from the Church to the edge of the village, including the appeal site, is one of these areas.
6. The appeal proposal would result in the removal of a section of the granite wall to create a vehicular access. This would not only result in the removal of a feature which adds to the character and appearance of the Conservation Area, but also fragment the wall in this area to the detriment of the character and appearance of the area as a whole. This would harm the character and appearance of the Conservation Area.
7. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. The loss of a section of this granite wall in the Conservation Area would cause harm to its character and appearance through the loss of a feature which is characteristic of this part of the Sileby Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the special character or appearance of that area. Furthermore, I am required to give considerable importance and weight to the desirability of preserving or enhancing the character of that area.
9. However, I also find that this would cause less than substantial harm to the character and appearance of the Conservation Area. In this case I am required to weigh this harm against the public benefits of the proposal.
10. The appellant has stated that the proposal would open up the wall for public view through the removal of vegetation. Additionally, the granite removed from the wall would be used to create a wall at the side of the new drive. Whilst there is some benefit in the reuse of the granite the proposal would still lead to the loss of a section of wall that contributes to the character and appearance of the Sileby Conservation Area. I do not consider that this is a public benefit that outweighs the harm the proposal would cause to the character and appearance of the Conservation Area.
11. The appellant has contended that the creation of the access would result in drivers slowing down as they would be aware of an additional access. Whilst this might be the case, there is no guarantee that this would happen. Therefore, this is not a public benefit that outweighs the harm that the proposal would cause to the character and appearance of the Conservation Area.
12. The appellant has further argued that the proposed access would make the area more attractive as it would clean up the overgrown trees outside the proposed access way. Additionally, the access would mean that delivery drivers would be able to park off the street when delivering to the house. On my site visit I did not notice any significantly overgrown trees between the road and the granite wall. Moreover, I accessed the property over the existing drive and

would expect that delivery drivers would be able to do the same. Therefore, I do not consider that the public benefits referred to by the appellant in this respect outweigh the harm that would be caused to the character and appearance of the Conservation Area.

13. Finally, I have had regard to the appellant's point concerning the possibility of cars rolling backwards on the existing drive and causing a danger to those using the neighbours drive, in particular children. Whilst I understand that incidents as described by the appellant can occur, it is not unusual for cars to be parked on slopes where there is a possibility of them rolling backwards. However, there are ways of preventing this through the way the car is parked or the use of physical measures in order to hold the car on the slope. I therefore do not consider that this is a sufficient public benefit of the proposal to outweigh the harm it would cause to the character and appearance of the Conservation Area.
14. As required by the legislation I have given considerable importance and weight to the desirability of preserving and enhancing the character and appearance of the Conservation Area. I find that the harm that would be caused to the character and appearance of the Conservation Area by the proposal to remove the section of wall to create a vehicular access would not be outweighed by the public benefit.
15. The development plan for the area consists of the Charnwood Local Plan 2011-2028, Core Strategy, adopted on 9 November 2015 (CS), Borough of Charnwood Local Plan 1991-2006, adopted in January 2004 (LP) and the made Sileby Neighbourhood Plan of 2020 (NP).
16. Policies CS2 and CS14 of the CS seek to ensure that development contributes to and respects local character and conserves historic assets. Policy EV/1 of the LP expects development to respect and enhance the local environment and the NP at Policy G2 requires development to reinforce local distinctiveness, particularly in Conservation Areas.
17. I find that the appeal proposal is in conflict with the above policies of the development plan as it would harm the character and appearance of the Conservation Area by the removal of a section of granite wall which contributes to the historic character of the village.
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states, amongst other things, that applications for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise. I have had regard to the considerations put forward by the appellant. However, I consider that for the reasons given above that they do not outweigh the conflict I have identified between the proposal and the development plan.

Conclusion

19. The appeal therefore must be dismissed.

Peter Mark Sturgess

INSPECTOR