



Appeal Decision

Site visit made on 25 May 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2021

Appeal Ref: APP/X2410/W/21/3268301

Entrance to Lady Martin Drive, Woodhouse Eaves, Leicestershire LE12 8WX

- 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 Gill Wenham against the decision of Charnwood Borough Council.
 - The application Ref P/20/1151/2, dated 7 July 2020, was refused by notice dated 16 November 2020.
 - The development proposed is replacement of existing gates with electrically operated vehicular & pedestrian access gates (max height 2m).
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing gates with electrically operated vehicular and pedestrian access gates (max height 2m) at Entrance to Lady Martin Drive, Woodhouse Eaves, Leicestershire LE12 8WX in accordance with the terms of the application Ref P/20/1151/2 dated 7 July 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as it is more concise than that on the application form. I note that the appellant has used the same description on the appeal form therefore I am satisfied that neither party has been prejudiced.

Main Issues

3. The main issue in this appeal is the effect of the development on the character and appearance of the local area and the Woodhouse Eaves Conservation Area.

Reasons

4. The appeal site is the entrance to Lady Martin Drive from Brand Hill and is located within the Woodhouse Eaves Conservation Area. Lady Martin Drive serves 8 properties, and the properties are set back from Brand Hill and not easily visible from the main highway as the access to Lady Martin Drive is uphill and veers to the right when seen from Brand Hill.
5. When the original consent for the properties was given, a condition stated that the original gates were to be removed. This was never done, but never enforced by the Council.

6. The new gates proposed are set back from Brand Hill, are metal in construction, painted black, and approximately 2m high, spanning the full width of the Lady Martin Drive access with a pedestrian access gate as well as a vehicular access gate.
7. The Woodhouse Eaves Conservation Area was set up in 1991, and consists of the original area of Victorian settlement of the village and later development, and is heavily influenced by the contours and landform which contribute to the appearance of the village and provide opportunities for views in and out of the village,
8. The statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a Conservation Area. Furthermore, Paragraph 193 of the National Planning Policy Framework (the Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance.
9. I find that the gates are similar in design and construction to those that were erected previously and correspondingly, I find they would not be harmful to the character and appearance of the area, or the Woodhouse Eaves Conservation Area. I cannot consider them to be out of character, given the presence of the existing pillars and remnants of the original gates to the nursing home, installed prior to the residential development.
10. Whilst the development would alter this access to Lady Martin Drive and would be viewed from the Conservation Area, the re-introduction of gates on to pillars already in existence would not detract from this or the wider character and appearance of the area
11. On my site visit, I noticed the presence of several sets of gates around the Brand Hill area, some of which provide security to properties. Whilst I have no details regarding them, they do form a sense of character for the locality.
12. The installation of the gates would give security to the existing residents, in light of the issues raised, given the semi-isolated location and lack of visibility from the main highway.
13. I conclude that the development would be consistent with the preservation of the character and appearance of the area and Woodhouse Eaves Conservation Area and would comply with policies CS2, CS11 and CS14 of the Charnwood Local Plan (2015), and saved policy EV/1 of the Borough of Charnwood Local Plan (2004), which when taken as a whole, expect development to respect and enhance the character of an area, reinforce sense of place and protect heritage assets and their setting. I also find that the development complies with the relevant paragraphs of the Framework and National Design Guide which seek to preserve and enhance Conservation Area's and the character and appearance of an area.

Other Matters

14. I have noted the objections of the Parish Council in respect of the impact of the Conservation Area but as I have stated above, the new gates would be extremely similar to the remnants of the existing gates, and the pillars are already in-situ, therefore I cannot consider the proposals are harmful to the Conservation Area.

Conditions

15. I have considered the conditions suggested by the Council, and I find them to be fair and reasonable and impose them accordingly.
16. With regard to the Conditions, 1 & 2 are in the interests of proper planning, Condition 3 relates to protecting the character and amenity of the area and Condition 4 relates to highway safety.

Conclusion

17. For the reasons detailed above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2) The development hereby permitted, shall be carried out in accordance with the following plans:

Existing site plan and elevation plan – R/20231/L(0)01
Proposed site plan and elevation plan – R/20231/L(0)02
Design and access statement – received 07/07/20
Site location plan – received 07/07/20,
- 3) Notwithstanding the submitted details, no materials shall be placed on the site until such time as full details of the design, and finish of the proposed gates has been submitted for the agreement of the local planning authority. The development shall only be carried out in accordance with the approved details, and shall be retained as such at all times
- 4) The gates shall be of a type that open inwardly and shall be so maintained in perpetuity.