



Appeal Decision

Site Visit made on 11 October 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/X2410/W/21/3278350

32 The Green, Mountsorrel LE12 7AF

- 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 Imogen Wendler against the decision of Charnwood Borough Council.
 - The application Ref P/20/2115/2, dated 12 November 2020, was refused by notice dated 25 June 2021.
 - The development proposed is creation of new vehicular access, erection of 2m high gates, infill of pedestrian access and part demolition of boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for creation of new vehicular access, erection of 2m high gates, infill of pedestrian access and part demolition of boundary wall at 32 The Green, Mountsorrel LE12 7AF in accordance with the terms of the application, Ref P/20/2115/2, dated 12 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (scale 1:1250); Block Plan (scale 1:500) Entrance Gates (scale 1:100, ref: 860 Issue No 1).
 - 3) The facing materials to be used in the construction of the works hereby permitted shall match as closely as possible those existing at the site.

Main Issue

2. The main issues are:
 - Whether or not the proposal would preserve or enhance the character or appearance of the Mountsorrel Conservation Area (the CA); and
 - The effect upon the setting of the host dwelling, a Grade II listed building.

Reasons

The CA

3. The significance of the CA as a designated heritage asset is drawn in-part from its distinctive linear development pattern as well as its abundance of historic buildings and areas of open space. This significance is further defined by the prominent presence of granite stone as a local building material. I note that

various granite boundary walls make a distinctive contribution to the CA's character and appearance.

4. The boundary wall under consideration here is not historic. Indeed, on the ground, it can be interpreted as a modern addition and the site's planning history indicates that permission was granted for its erection as recently as 1990. Whilst it is of granite stone construction, its value in heritage and conservation terms is minimal. It is also relevant to note that the proposal includes the infilling of an existing pedestrian access, such that the net-loss of stone walling to the site's perimeter would be limited.
5. I do not consider that timber gates at this site would appear as incongruous or harmful additions to the CA. Indeed, a set of traditionally designed gates of similar height and specification are already in place at No 79 The Green in a location visible from the site. The proposed timber gates would provide enclosure to the particular street frontage in question (when set in a closed position) and would sit comfortably and understatedly within the historic environment that is under consideration.
6. For the above reasons, the proposal would preserve the character and appearance of the CA. The scheme accords with Policies CS2 and CS14 of the Charnwood Local Plan 2011 to 2018 Core Strategy (adopted November 2015) (the Core Strategy) and saved Policies EV/1 and H/17 of the Charnwood Local Plan 1991-2006 (adopted January 2004) (the Local Plan) in so far as these policies require development proposals to protect heritage assets.

Setting of listed building

7. The appeal property is Grade II Listed and dates to the eighteenth century. Its special interest and significance as a designated heritage asset is drawn in-part from its historic origins, its traditional form/materials and its variety of ornate architectural features.
8. As already set out above, the existing boundary wall is non-historic and offers little in terms of heritage significance. The gates that are proposed would blend acceptably with their immediate surroundings and would not detract from the manner in which the appeal property can currently be experienced and enjoyed. Thus, the proposal would not cause harm to the heritage significance of the appeal property through bringing forward development within its setting.
9. The proposal accords with Policies CS2 and CS14 of the Core Strategy and saved Policies EV/1 and H/17 of the Local Plan in so far as these policies require development proposals to protect heritage assets and their setting.

Other Matters

10. The site's space constraints dictate that the proposed gates would be unable to open inwards in conjunction with a standard-sized vehicle being parked on site. Even so, gates to slide on a side-to-side basis are depicted upon the relevant submitted plan¹. Whilst the introduction of gates would be likely lead to circumstances of vehicles needing to wait for short periods upon the highway in advance of being parked, the location of the site dictates that traffic movements in this location are realistically of limited frequency and low speed. I witnessed nothing upon inspection to indicate otherwise. Accordingly, I find

¹ Ref: 860 Issue No 1

that the scheme would not cause material harm in highway or pedestrian safety terms.

11. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

12. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the National Planning Policy Framework (July 2021) and Planning Practice Guidance. As a result, I have made amendments for consistency and clarity purposes
13. In the interests of certainty, a condition setting out the approved plans is required. I have not considered it necessary to list supporting documentation in addition to these plans.
14. In the interests of protecting the character and appearance of the CA and the heritage significance of the Grade II Listed appeal property, a condition is reasonable and necessary to impose to secure that the facing materials to be utilised in construction match those existing at the site.

Conclusion

15. For the reasons given above, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR