



Appeal Decision

Site visit made on 18 November 2021

by D M Young JP BSc (Hons) MPlan MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 1 December 2021

Appeal Ref: APP/G2435/D/21/3280162

28A March House, Long Street, Belton, Leicestershire LE12 9TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Ms Fancourt against the decision of North West Leicestershire District Council.
- The application Ref 21/00559/VCI, dated 26 March 2021, was refused by notice dated 10 June 2021.
- The application sought planning permission for the re-construction of existing roof space increasing pitch with the addition of 3 dormer windows creating internal space within roof area and the widening of existing vehicular access (retrospective application) without complying with conditions 1 and 3 attached to planning permission Ref 20/00242/FUL, dated 17 June 2020.
- The conditions in dispute are Nos 1 and 3 which state that:
 1. *"The development hereby permitted shall be carried out in accordance with the following approved plans and details:*
 - Proposed ground floor plan, drawing number DBA04496/14 and,
 - Proposed first floor plan, drawing number DBA04496/15, received by the Local Planning Authority on 28th February 2020,
 - Visibility Assessment of Proposed Parking Space, drawing number LE5153-1PD-001, received by the Local Planning Authority on 4th May 2020,
 - Proposed second floor plan, drawing number DBA04496/17 and,
 - Proposed elevations, drawing number DBA04496/18, received by the Local Planning Authority on 20th May 2020 and,
 - Location and site plan, drawing number DBA04496/19 and,
 - Block plan, drawing number DBA04496/20, received by the Local Planning Authority on 22nd May 2020.
 3. *No part of the development hereby permitted shall be occupied until such time as the access and parking arrangements including vehicular and pedestrian visibility splays shown as 'Starting Point Achievable Visibility on drawing number LE5153-1PD001, received by the Local Planning Authority on 4th May 2020, have been implemented in full. Parking arrangements and visibility splays shall thereafter be maintained in perpetuity with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway."*
- The reasons given for the conditions are:
 1. *"In the interests of certainty and to ensure the development is carried out in accordance with the approved plans and details, and*

3. *To ensure a safe and suitable parking and access, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of pedestrian safety, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019)."*
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Decision

1. The appeal is allowed and planning permission is granted for the re-construction of existing roof space increasing pitch with the addition of 3 dormer windows creating internal space within roof area and the widening of existing vehicular access at 28A March House, Long Street, Belton, Leicestershire LE12 9TP in accordance with the application Ref 21/00559/VCI, dated 26 March 2021 without compliance with condition numbers 1 and 3 previously imposed on planning permission Ref 20/00242/FUL, dated 17 June 2020 and subject to the following condition:
 - 1) The access and parking arrangements shown on drawing number LE5153-1PD001, shall be implemented within 12 months of the date of this permission and shall thereafter be retained.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The background to this appeal is that the Appellant secured retrospective planning permission to convert the roof-space into habitable living space. The conversion necessitated changes to the design of the roof including the creation of three dormer windows.
4. There is no dispute that the dormers constructed on the front elevation of the house are larger than those shown on the approved plan¹. The proposal therefore seeks to vary condition 1 by substituting the aforementioned plan with the 'as-built' drawing².
5. According to the Council's reason for refusal, the dormer windows, as built, have a detrimental impact on the existing dwelling house, the street-scene of Long Street and is contrary to advice in the "*Good Design for North West Leicestershire Supplementary Planning Document*" (the SPD) which states that dormer windows should be small and unobtrusive.
6. As I saw when I visited the site, Long Street contains a varied mix of building styles such that one would be hard pushed to describe the area as particularly sensitive or remarkable in architectural or streetscape terms. Whilst I accept Long Street possesses a certain eclectic charm, there is no Conservation Area and no Listed Buildings within the immediate vicinity of the appeal site³ and no formal townscape designations relevant to the site.
7. From a cursory inspection of the plans there appears to be very little difference between the dormers as built and those shown on the previously approved plan. Whilst it is true that the as-built dormers are slightly wider and bulkier,

¹ Drawing no. DBA04496/18

² Drawing no. DBA04496/18 Rev J

³ According to the Officer Report the nearest listed building is approximately 19m away

the difference is not significant, and it is doubtful whether the design changes are perceptible to the 'ordinary man in the street'. Even if I am wrong about that, the dormers sit comfortably within the roof-slope. They are not of a size or design that unduly dominates or detracts from the host dwelling or surrounding area and the materials and fenestration largely respect that of the main building below.

8. Based on the foregoing I conclude that whilst there would be some minor change to the approved scheme, this does not come close to causing unacceptable harm. Accordingly, there would be no conflict with the SPD, Policy D1 of the North West Leicestershire Local Plan (2021) or paragraph 130 of the National Planning Policy Framework.

Conditions

9. The Council has requested two conditions. The first is a standard plans condition. However, since the development has already been carried out, this condition is unnecessary. The second, is a highway condition which seeks to secure the access and parking arrangements shown on drawing LE5153-1PD001. Whilst I note the access works have now been carried out by LCC⁴, at the time of my visit the additional parking space had not been provided. To that end I consider that the proposed rewording of condition 3 to be entirely acceptable. I have however simplified the wording of the condition to ensure compliance with the relevant tests and advice in the Planning Practice Guidance.

Conclusion

10. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

⁴ See Appendix 2 to the Appellant's Grounds of Appeal