



Appeal Decision

Site visit made on 20 September 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/X2410/W/22/3299994

45 Beveridge Street, Barrow Upon Soar, Leicestershire LE12 8PL

- 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 Williams Builders against the decision of Charnwood Borough Council.
 - The application Ref P/21/2186/2, dated 1 October 2021, was refused by notice dated 27 April 2022.
 - The development proposed is demolition of existing bungalow, associated buildings & structures and erection of 7 no dwellings.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Williams Builders against Charnwood Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. There is some dispute between the main parties in relation to the relevant drawings upon which determination of the appeal should be made. The appellant asserts that drawing 101 480/(P)018C, showing an updated layout about the garage for plot 1, was sent to the Council in January 2022 and was therefore the relevant plan for determination. However, the Council's appeal statement and the officer's report to the Planning Committee refer to the earlier plan version 101 480/(P)018B. The changes relate only to a minor alteration to the site layout. As the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take this amended plan into account. I have therefore had regard to the later version of the plan.
4. The Council have indicated that The Charnwood Local Plan 2021-37: Pre-submission Draft July 2021 has been submitted for examination under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. However, it advises that proceedings have been suspended to further consider Leicester's unmet housing need. Consequently, the Council identify that it currently carries little weight in the determination of this appeal. It has not directly referred me to any policies within it. Although a copy of the draft plan has been provided, there is little detail in relation to any interim findings, main modifications or outstanding objections to the detailed policies within it. Accordingly, I attribute it limited weight in the appeal and I have not referred to in my decision.

Main Issues

5. The main issues are:

- the effect of the proposal on the Barrow upon Soar Conservation Area (the CA) and the setting of the Grade II Listed Building at 47 Beveridge Street
- if any harm to heritage assets exists, whether or not this is outweighed by the public benefits of the scheme.

Reasons

Barrow upon Soar Conservation Area

6. The site is located on the north-eastern side of Beveridge Street, a predominantly residential street leading south from the prominent Holy Trinity Church and grounds. It lies close to the historic core of the settlement and the town centre, community facilities and transport links. It is located at the eastern extent of the CA.
7. As the site is located within the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
8. The significance of the CA derives from the town's lengthy historic development from its farming heritage through various stages of notable expansion, some associated with local industries, including knitting and quarrying. This has resulted in a built environment of diverse domestic and commercial buildings displaying a variety of architectural forms and features. Beveridge Street is noted as a gently curving street of such diverse buildings, a high proportion of which are listed. It features mainly 2-storey stone and brick buildings.
9. The houses in the street are typically set immediately to the back of the pavement or behind short front gardens. This provides an intimate feel, particularly towards the northern end of the road. The buildings are mainly individual or paired, however, many have been built as attachments to earlier neighbours. The street's development over a long period provides the variance in the scale, architectural detailing and stature of the buildings typical of the wider CA. The inconsistencies in their depths and heights subsequently results in an over-riding character of organic growth.
10. The existing site includes a number of low buildings derived from various phases of development associated with different uses of the site. An altered stone-built shed, likely a remnant agricultural building, serves as a domestic garage and store to a modern bungalow sited centrally in the plot. A single storey building alongside the entrance was formerly used as an electronics shop with a display window facing on to the street. Attached outbuildings and a dilapidated timber store appear to have supported that former commercial use.
11. Although significantly altered, the redundant shop unit is identified as a former framework knitter's workshop in the CA Character Appraisal [2008] and retains a typical form. Aside from the access point, the rest of the frontage is enclosed by a boundary wall formed from a lower stone base with over-rendered brickwork above. The wall construction is a characteristic feature of this part of the CA.

12. The site lies at a point where development on the eastern side of the road changes from a high density of generally closely-sited narrow plots to buildings backed by more spacious grounds. Aside from the shop unit, the remainder of the buildings within the site contribute little to the character and appearance of this part of the CA. This is due to a combination of their limited height, set back positions and the degree of enclosure arising from the frontage wall. Despite their timeworn condition, their visual role is limited and therefore mainly restricted to providing a greater sense of spaciousness about the frontage buildings on this part of the street.
13. The redevelopment of the site would result in the loss of the shop unit as a former knitter's workshop. Even accounting for the degree of alteration to the building, its loss, as an unusual isolated element of some historical significance within the CA, would cause a degree of harm to the significance of the CA. Its replacement by a low stone wall and the gable of a modern domestic garage would result in a notable and adverse change to the historic character on this part of the street.
14. Although the removal of the stone agricultural building would be regrettable, the effect on the character and appearance of the CA would be negligible. This is due to its overall height and largely concealed position.
15. Consistent with other modern infill development, the position of the proposed principal buildings would be set off the frontage to maintain the characteristic gaps between the roadside buildings. In turn this would preserve the informal hierarchy of their stature along its length.
16. However, unlike the existing development where views are merely glimpsed through the access opening, the main buildings would be prominent elements behind the retained part of the frontage wall. In contrast to other examples of limited scale backland development or secondary infill along the road, the proposals would compete with the main frontage buildings.
17. The overall height of the main building – particularly the deep central section, would be significant. The effect would be substantially increased by virtue of the rising land level towards the back of the site. Rather than appearing as a subordinate scale of recessive development, the terrace of houses would present as a secondary frontage with a competing degree of prominence.
18. Although the layout would loosely reflect a courtyard or farmstead arrangement, and might mathematically fit within the range of local housing density, it would be dominated by the excessive scale of the main block of 6 units. I recognise that the design of the main building has sought to break up its massing through the variation in height, stepping of the front elevation and introduction of roof hips and gablets across the eaves line. However, the effect of its overall scale and the bulk of a continuous line of 6 terraced units would be considerable.
19. Notwithstanding the retention of much of the existing frontage wall, the overall effect would be imposing and be inconsistent with the local arrangement and scale of development. I therefore find the proposal would fail to preserve the character and appearance of the CA. Whilst this harm would be no greater than less than substantial within the context of Paragraph 202 of the National Planning Policy Framework (the Framework), less than substantial harm does not equate to a less than substantial planning objection.

20. Paragraph 202 of the Framework identifies that where less than substantial harm to the significance of a designated heritage asset occurs, this harm should be weighed against the public benefits of the proposal. I undertake this assessment below. Nonetheless, at this stage it is important to recognise that the proposal would be contrary to Policies CS2 and CS14 of the Charnwood Local Plan Core Strategy [2015] (the CS), saved policy EV/1 of the Borough of Charnwood Local Plan 1991-2006 [2004] (the CLP) and Policies BuS4 and BuS16 of the Barrow upon Soar Neighbourhood Plan [2018] (the NP) which, amongst other aims, seek to ensure that developments respect and enhance the local environment, including the form and character of their surroundings, and protect and enhance the borough's heritage assets, their settings and their significance.

Listed buildings

21. Section 66(1) of the LBCA Act, requires a decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
22. The appeal site has an historical association with the building at No47 located immediately to the south of the site. Together they are regarded as forming part of an historic farmstead, but long since separated. The site has common boundaries with No47 and extends to its side and rear. It also lies adjacent to the listed north-western boundary wall and gazebo of its offset garden.
23. No47 appears as an amalgamation of 2 houses of different dates and is noted for its architectural detailing. The older south-eastern part has a narrow gable and steep-pitched roof and rear return. The building is set on a random stone plinth with Flemish-bond brickwork above. The frontage openings on both sections include later sliding sash windows with margin lights set in projecting framework. The lower later section is also set above a continuous extended stone plinth. It has a substantial central chimney stack, brickwork banding and bracketed guttering. A recent extension providing a garage and additional accommodation has been added to the rear. The significance of the building derives principally from its architecture and contribution in the street scene.
24. The appeal site currently provides a positive role in the building's setting. This is due to the limited scale of buildings within the plot and the subsequent sense of space it provides about the Listed Building, giving it a degree of prominence on the street frontage. Despite the set back positions of plot 1 and the terrace, there would be some closing down of the space about the Listed Building. Moreover, the scale of the proposals would compete with that of the Listed Building to undermine its prominence. This would impose on its setting.
25. Although there would be no direct effect on the building, garden wall or gazebo, and the effect on their setting would be limited, I find it would nevertheless result in less than substantial harm to the heritage asset.
26. The main parties agree that the proposals would not adversely affect the setting of the Grade II Listed Bishop Beveridge House at 22 Beveridge Street, or the more distant Listed Buildings including the dwellings at 35-37 and 49/49a Beveridge Street. Having considered the proposal and visited the site, I concur with that view. The significance of those buildings arises from their age

and architectural detailing. The building at No22 also has historic significance as the birthplace of William Beveridge, a former Bishop of St Asaph.

27. Consecutive views of the appeal site and the buildings at Nos35-37 and 49/49a along Beveridge Street would be limited on account of the combined effects of the recessed position of the proposed buildings, the presence of intervening houses and the distance between them and the site. Although the proposals would feature in views of and from No22, the degree of detachment arising from the intervening road and proposed locations of the buildings would ensure a neutral effect on its setting.
28. As above, the identified harm must be weighed against the public benefits of the scheme. However, the effects of the proposal on the setting of No47 would result in a conflict with Policy CS14 of the CS and saved Policy EV/1 of the CLP as they require development to be sited so as to be compatible with neighbouring buildings and to protect heritage assets and their settings.

Public benefits and heritage balance

29. I note the potential public benefits of the proposal including its contribution to the Government's aim of boosting significantly the supply of housing. In so doing, the scheme would also offer employment and economic benefits associated with the construction and occupation of the dwellings. As a scheme delivering 6 additional units, these are benefits to which I attribute moderate weight.
30. However, the proposal would harm the setting of a Listed Building and the character and appearance of the Barrow upon Soar Conservation Area. Accounting for the considerable importance and weight to be given to the desirability of preserving designated heritage assets and their settings, as required by the LBCA Act, and the Framework's expectation that great weight be afforded to their conservation, these are matters to which I attribute considerable weight. In the circumstances of the case, I find the benefits of the proposals would not outweigh the totality of the harm identified.

Other Matters

31. The appellant refers me to the fact that the Council is unable to demonstrate a 5-year housing land supply. There is no dispute between the main parties that the Council's current housing land supply stands at some 3.04 years. However, further to my finding above in relation to the harm which would arise to designated heritage assets, the 'presumption' as set out in Paragraph 11 of the Framework does not apply. This is on account of Para. 11.d)i and Footnote 7 and the conflict with the Frameworks protection of designated heritage assets.
32. The appellant draws me to the fact that the use of small windfall sites within settlement areas should be attributed great weight in adding to the mix of development sites contributing to the housing land supply requirements of an area. It states that small sites and those developed by small/medium sized enterprise builders should be afforded more weight than that attributed by the Council in making its decision. This is a matter I return to in the final s38(6) balance.
33. I note the concerns of nearby residents as to the current extent of on-street parking pressure in the locality. Indeed, at the time of my site visit, albeit a snapshot in time, kerb space was limited. However, there is little before me to

demonstrate that the level of parking provided, or the internal manoeuvring and main access arrangements, would cause material harm to highway safety or capacity in the locality. As a small scale of development providing a commensurate level of off-street parking and sited close to services, I find that the proposal would have a negligible impact on those highway concerns.

34. Given the proposed arrangement of development and the distance and orientation of surrounding houses, the effects on the living conditions of nearby occupiers through overshadowing, loss of sunlight or overlooking would not be so severe to warrant a refusal of planning permission. Subject to the use of opaque glazing in a secondary first-floor window to bedroom 1 of plot 1, to prevent overlooking of the annex and rear garden of No47, I find the effects on local living conditions in the context of an edge of centre residential townscape, would not be unusual.
35. Any effects from the construction period would be short-term and could be mitigated by careful construction management, which could be conditioned.
36. I also recognise that the appellant made concerted efforts in pre-application with the Council as advocated by the Framework, and made amendments to the scheme following the expressed concern of its officer/s. However, this is not a matter for this appeal.

Planning Balance and Conclusion

37. The proposal would make effective use of a previously developed, small windfall site in a sustainable location within a settlement area to deliver new family housing. This could be delivered relatively quickly. These are benefits acknowledged in the Framework and to which I attach moderate weight.
38. However, having assessed the public benefit of the potential addition of 6 houses to local housing supply, I find those site circumstances do not add sufficient weight in the final planning balance to justify a development that would cause identified harm and would persist for many tens of years. Accordingly, I conclude that the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should not be allowed.

R Hitchcock

INSPECTOR