



Appeal Decision

Site visit made on 12 December 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/T2405/W/22/3305010

10 Station Road, Countesthorpe, LEICESTER LE8 5TA

- 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 c/o agent Price Planning Associates against the decision of Blaby District Council.
 - The application Ref 21/1430/FUL, dated 1 December 2021, was refused by notice dated 17 May 2022.
 - The development proposed is the sub-division into two dwellings with associated alterations, demolition of outbuilding and new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the sub-division into two dwellings with associated alterations, demolition of outbuilding and new vehicular access at 10 Station Road, Countesthorpe, LEICESTER LE8 5TA in accordance with the terms of the application, Ref 21/1430/FUL, dated 1 December 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. I have removed reference in the description of development to the proposal being a resubmission as this does not describe development.
3. During my visit I observed that the proposed internal works were largely complete, and the garden had been subdivided. The proposed demolition has not been undertaken. I shall take the partially retrospective nature of the proposal into account in my assessment of the proposal.
4. In various places the evidence refers to the component to be demolished as both an outbuilding and a side extension. Having sought clarity from the Appellant, I am satisfied that the subservient addition connected to the side of the building is the outbuilding referred to in the description of development. I have also received an amended plan¹ that indicates the part of the building to be demolished and the ceiling height in the roof space. I shall take the updated plan into account, that I am satisfied would not cause prejudice to any party.

Main Issues

5. The main issues are:
 - Whether the proposed sub-division would create a suitable standard of living conditions for future occupiers,

¹ Plan reference: Existing and Proposed Plans and Elevations 1281_03A

- Whether the proposed works would preserve or enhance the character and appearance of the Countesthorpe Conservation Area and preserve the setting of the Church of St Andrew, Main Street, a grade II listed building, and
- The proposed provision of on-site parking and its effect on highway safety.

Reasons

Living conditions

6. The appeal site consists of a large family dwelling. It has no front garden, is at the back of the footway and stands within a relatively small site. The proposed subdivision would result in the creation of two three-bedroom dwellings over three floors. The first dwelling would have a kitchen at ground floor with three bedrooms and a bathroom above. The second dwelling would have a kitchen and dining room with a separate lounge, and three bedrooms within the upper floors. Each unit would have access to a private rear garden.
7. The Council has indicated that all bedrooms meet national space standards, although it has not indicated whether it has formally adopted these. The bedrooms in the roof space would have limited headroom at their edges close to the eaves. However, most of the area of these bedrooms would be useable with sufficient height to be of a good standard. Furthermore, the Council has not indicated that it has a policy expectation for bathrooms to be a certain size, and whilst the bathroom of the first dwelling is small, it is nonetheless of sufficient size to accommodate a bath, toilet and sink. Furthermore, I am unconvinced that the spare room at second floor of the first dwelling, would be used as a bedroom, due to its size and having a constrained ceiling height.
8. The proposed rear gardens are around 31 sq.m and 33 sq.m. These are small spaces, in comparison to local garden sizes, but form regular squared spaces of sufficient size to accommodate garden equipment typically required by a family. These spaces are therefore suitable to provide adequate external amenity space and support the provision of good quality accommodation. Equally the plots would be neither cramped or of contrived design and would create an acceptable standard of living conditions for future occupiers.
9. Accordingly, the proposal would comply with policy CS2 of the Blaby Core Strategy (CS) and policy DM1 of the Blaby District Local Plan 2019 (delivery) Development plan Document (LP). These seek, among other matters, for development to apply good design principles and not be significantly detrimental to the amenities of future occupiers or result in overdevelopment.

Heritage issues

10. The appeal site is within the Countesthorpe Conservation Area (CCA). The statutory requirements² 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. The conservation area includes the historic core of the village, including the church and the open space behind the appeal site and a number of dwellings of traditional rural

² Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

character. The significance of the CCA derives from its historic and architectural interest within a village setting.

11. The streetscene, close to the site, consists predominantly of high walls and hedges forming a strong sense of enclosure to the public realm, especially on the north side of the highway. The site is adjacent to another dwelling but otherwise separate from other build form by the highway and public open space to the rear. The building is of traditional form and as such makes a positive contribution to the conservation area.
12. The proposed works would involve the demolition of a front boundary wall and outbuilding. These elements match the main building in terms of brick type, colour, style and bond. Nevertheless, it is evident that the boundary wall has been reinforced with a breeze block wall, eroding its historic integrity. The demolition of the wall would reduce the sense of enclosure in the street. Nonetheless, it is adjacent to a gap in built form formed by the public open space to the rear. This therefore reduces the sense of enclosure which is more pronounced on the opposite side of the street. As such, the demolition of the wall would result in limited harm to the significance of the CCA.
13. The outbuilding has a pitched roof that matches the main building and is visible from the highway in some distant views. Even if it is a later addition, having a different style of eaves detailing, it complements the building and adds interest. As a result, the demolition of this element would result in harm to the integrity of the building. However, the proposed demolition would relate to a relatively small and subservient part of the building. As such, the main building would be retained as an intact form. Accordingly, the overall harm to the building, and therefore the significance of the CCA, would be limited.
14. New front doors and wooden sash windows have been installed within the front elevation of the building. These appear to be sensitive and considered replacement features that reflect the style and form of the building. Furthermore, the rooflights placed on the rear roof slope are discrete additions.
15. The installed uPVC windows, to the rear elevation of the building, are modern interventions. However, the use of uPVC is not, in principle, unacceptable in a conservation setting. The uPVC windows have a slim frame design that complement the features of the existing building. Due to the relatively enclosed nature of the rear elevation, despite some views from the open space, the installed windows have a negligible effect on the overall appearance of the building. Consequently, the retention of the rear and front windows and rooflights preserve the significance of the CCA.
16. Accordingly, the proposed alterations to the building would result in a limited adverse effect to the conservation area, due to the proposed demolition of the outbuilding. This would be calibrated as harm at the lower end of 'less than substantial harm'. As a result, whilst any harm to a heritage asset should be afforded great weight, the harm identified, is nevertheless limited. As a result, the public benefits of an additional dwelling, bringing the building back into productive use and the economic and social benefits that would flow from the proposal, are of sufficient magnitude to outweigh the limited harm found.
17. The appeal building is within the setting of the Church of St Andrew, to the rear of the site. I am required to pay special attention and have regard to the

desirability of preserving the setting of listed buildings³. The church originates from the C15 and consists of granite rubble with limestone dressing and slate roofs. It includes many interesting architectural features including angled buttresses around its tower and a stained-glass window on the east window of the south aisle by Kempe, an important figure in Anglican church art. In my view the significance of the church derives from its architectural interest and its setting within a village context.

18. The Church primarily addresses Main Street. Nevertheless, its side and rear is clearly evident from the area of public open space to its rear. A wooden fence forms the boundary between the grounds of the church and the open space with limited plant screening. Accordingly, the public open space makes an important contribution to the setting of the listed building. The appeal site, is also an important positive component within this setting, framing the open space and creating part of the sense of enclosure around it. However, the proposal results in minor changes to the external appearance of the building. The proposed demolition of the side extension and wall would only be glimpsed within views where both buildings would be read together. As such, the proposal would have a neutral effect on the setting of the listed building and therefore preserve its significance.
19. Accordingly, the proposal would preserve the character and appearance of the CCA and the setting of the Church of St Andrew, in accordance with s66 and s72 of the Act. Consequently, the proposal would comply with CS policy CS20 and LP policy DM12 which seek, inter alia, for development to preserve and enhance the cultural heritage of the district and avoid harm to heritage assets.

Parking and highway safety

20. Station Road is a classified road going east to west through the village and is a relatively busy throughfare. It is subject to a 30mph speed restriction, has footways both sides and streetlights. It is close to a bus layby and located on the outside edge of a gradual curve in the road. A number of local residential properties have accesses onto this part of the highway, some of which gain access from a single driveway. Users of these driveways would inevitably have to reverse onto the highway. As a result, motorist passing through the area would need to employ a high degree of care and attention to drive safely through this built-up area.
21. LP Policy DM8 requires parking provision to be in accordance with the County's parking guidance. The County's Highway Engineer refers to guidance that requires a three-bedroom dwelling to provide two parking spaces. However, this requirement can be reduced in areas where services can be easily reached by walking, cycling or public transport. The site is within the centre of a large village offering a range of facilities within a walkable neighbourhood. It is also adjacent to a bus stop providing sustainable travel choices. Occupiers of the proposed dwellings would therefore have good access to a range of goods and services without being reliant on a private car. As a result, one space per dwelling would be an acceptable provision of parking for the proposed scheme.
22. The existing dwelling has no off-street parking. The proposal would provide parking for two vehicles. The Appellant's tracking plan⁴ demonstrates that

³ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Plan reference: Existing and Proposed site plan 1281_02

vehicles using these spaces would be able to turn and leave the site in a forward gear. Due to the curvature of the highway and depth of the footway, a motorist would have clear visibility splays, past the corner of the existing dwelling, and gain safe access onto the highway.

23. The Council has not adequately demonstrated why car ownership might be greater than anticipated by the County's guidance for sites in walkable neighbourhoods or how on-street parking would cause detriment to highway safety. The highway close to the site is not subject to any parking restrictions. Therefore, any on-street parking demand could be accommodated around the site without causing detriment to highway or pedestrian safety. Also, the proposed parking provision would reduce on-street parking demand in comparison to its use as a single dwelling offering a benefit to the free flow of traffic on the highway.
24. Consequently, the proposed parking provision would be appropriate, in consideration of the site and its surroundings and would not cause harm to highway safety, in accordance with LP policy DM8.

Conditions

25. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance. Despite, the retrospective nature of most parts of the proposal, it would nevertheless be necessary to include an 'approved plans' condition in the interests of certainty and to define the scope of all work including outstanding elements. Conditions are necessary for the proposal to be completed using agreed materials in the interests of the character and appearance of the area. Also, it is necessary for the access, visibility splays and parking area to be installed as shown in the interests of highway safety.
26. The Council seeks a condition that would remove Permitted Development (PD) rights. The National Planning Policy Framework advises that such rights should not be removed unless there is clear justification to do so. In this case, the site is within an exposed location within the conservation area, where relatively minor changes could have an adverse impact upon the conservation area. This, combined with the small size of the rear gardens, would provide adequate justification for PD rights to be removed.
27. A condition requiring the submission of a demolition Statement would be required in the interests of the final appearance of the newly exposed wall and for the Council to agree a suitable method of demolition to ensure the works would preserve the conservation area, the living conditions of neighbouring residents and highway safety.

Conclusion

28. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the above reasons, the appeal is allowed, and planning permission is granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby approved shall be built in strict accordance with the following approved drawings: Existing & Proposed Plans and Elevations, scale 1:100, Drawing No 1281_03A Existing and Proposed Site Plans, scale 1:100. Drawing No 1281_02 Proposed Location Plan, Scale 1:1250, Drawing No 1281_05 Received by the District Planning Authority on the 01 December 2021.
- 2) The development hereby permitted shall be constructed using the materials specified on the 'Planning Application' form received by the District Planning Authority on the 01 December 2021, which are attached to and form part of this planning permission.
- 3) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the 'Existing and Proposed Site Plans' drawing (reference 1281_02) have been implemented in full.
- 4) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the 'Existing and Proposed Site Plans' drawing (reference 1281_02). Thereafter the on site parking provision shall be so maintained in perpetuity.
- 5) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43.0 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
- 6) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development) Order 2015, (or any subsequent re-enactment with or without modification), no extensions or additions to the dwelling or the provision of any buildings within its curtilage shall be constructed without the prior permission of the Local Planning Authority granted on an application submitted in that regard.
- 7) Prior to demolition of the boundary wall and outbuilding, a Demolition Method Statement has been submitted to, and approved in writing, by the District Planning Authority. The approved Statement shall be adhered to throughout the demolition period. The statement shall provide for: a) the parking of vehicles of site operatives and visitors; b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals; c) wheel washing facilities and road cleaning arrangements; d) measures to control the emission of dust and dirt during demolition; e) a scheme for recycling/disposing of waste resulting from demolition works f) hours of demolition, including deliveries and removal of materials; g) full details of any piling technique to be employed, if relevant; h) location of temporary buildings and associated generators, compounds, structures and enclosures; i) full details of any floodlighting to be installed associated with the demolition works). Measures to control the emissions of noise during demolition referring to appropriate standards j) site access arrangements for demolition vehicles k) Measures to make the brickwork good on the side elevation.

End of conditions