The Planning Inspectorate

Appeal Decision

Site visit made on 27 January 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 FEBRUARY 2023

Appeal Ref: APP/G2435/D/22/3306035
Hall Farm, Copt Oak Road, Charley LE12 9XL

- 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 Mr Mark Massarella against the decision of North West Leicestershire District Council.
- The application Ref 21/01601/FUL, dated 11 August 2021, was refused by notice dated 9 June 2022.
- The development proposed is demolition of existing single storey side wing, front entrance porch, rear balcony and rear conservatory. Construction of a new two storey front entrance porch, single storey rear garden room and single storey side extension.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing single storey side wing, front entrance porch, rear balcony and rear conservatory and construction of a new two storey front entrance porch, single storey rear garden room and single storey side extension, at Hall Farm, Copt Oak Road, Charley LE12 9XL in accordance with the terms of the application, Ref 21/01601/FUL, dated 11 August 2021 and subject to the conditions set out in the attached schedule.

Main Issue

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

Reasons

3. Manor House is a large, detached dwelling with gardens to three sides, set in rural surroundings with open fields beyond the site to the north, west and south. The dwelling stands to the side of Manor Farm, which includes a dwellinghouse and extensive outbuildings and barns. Roughly to the north-east are a number of large buildings associated with a stud farm. A further cluster of agricultural buildings stands further along the access road.

4. The site lies within the National Forest Area 3 Charley Heath and Pasture Landscape Character Area (LCA), described as an elevated and undulating landform, predominantly pastoral land in a regular pattern of medium sized fields bounded by hedgerows and/or stone walls, with some large areas of woodland, scattered farms and large individual houses.

5. The site is also located within the Charnwood Forest Regional Park (CFRP), a distinctive area of rugged upland landscape towards the north-west of Leicester. It is valued for its geological importance, rich biodiversity, landscape

beauty, historical importance, and recreational role, and is also traditional working landscape with a high proportion of land in agricultural use.

6. The dwelling is constructed in stone with a hipped roof, broad, five bay front elevation over two storeys and central entrance portico. The design evokes a Georgian style, though the evidence indicates the dwelling is not of that age but is a more recent construction. The existing single storey side extension also features a hipped roof, with a slight projection forward of the main front wall, and a recessed building line at the rear. The dwelling is separated from Manor Farm by a driveway/parking area and, further back, a line of mature trees.

7. The proposed extension would extend beyond the front elevation by some 8.3 metres and beyond the rear elevation by just over 23 metres, with a width of some 9.35 metres to the front and 12.36m at the rear. The Council does not oppose the forward projection of the extension which would house a double garage, but raises concern in respect of the scale and form of the rear projection which would contain an indoor pool with a fully glazed and partly curved wall to the garden elevation.

8. The Council's Good Design Supplementary Planning Document (April 2017) (the SPD) sets out that extensions should normally be subservient whereby the original house should be dominant and all other extensions should appear as sympathetic additions. It adds that extensions should be narrower in width, shorter in depth and lower in height than the existing property. A well designed subservient extension will help to maintain the original appearance of a house and the wider area.

9. Though single storey in height, the proposed extension would have an exceptionally large footprint and would represent a very substantial increase in the overall size of the accommodation within the dwelling. The SPD does acknowledge, however, that strict application of the guidance on extensions will not be appropriate in all circumstances.

10. In this case, the proposal relates to an individual dwelling not forming part of a street scene where consistency of scale or design is an important part of its character. The dwelling is also located in a relatively remote location not subject to extensive public view. As such, I consider this to be a circumstance where the guidelines of the SPD may not be fully applicable. However, it is still necessary that the proposal maintains the character of the original house and wider landscape.

11. On approach along the access road, the dwelling is concealed from view by mature trees in the foreground, with the existing side extension not prominent. Given this screening, the forward projection of the proposed extension would not impinge harmfully upon existing views of the front elevation from this side, but would be seen as an ancillary wing which is not uncommon for large country dwellings. The main front elevation would remain the focal point in views from the north, and the extension would not adversely affect the overall prominence of the dwelling within its plot when viewed from the front.

12. From the side, the full depth of the extension would not be obvious due to the presence of trees, hedges, walls and parking areas in the spaces between the appeal dwelling and adjacent buildings of Hall Farm. The change from a pitched roof to a flat roof over the rear section and use of a staggered building line would also assist in breaking up the massing of the extension as seen from this

side, such that it would not read as a single monolith that would overpower the host dwelling, which would be visible above the extension at a height that would indicate it to still be the principal element.

13. At the rear, the depth of the extension would be screened from the neighbouring dwelling at Hall Farm by the existing established line of primarily evergreen trees. The only public views of the extension would be from the public footpath which traverses the fields to the south-west of the site on higher ground. The extension would be visible from the footpath, but the undulations of the topography mean its massing would be partly concealed by the landform from many points along the footpath.

14. Though large in depth, the flat roof design and use of fully glazed walls would reduce the visible bulk of the extension to some degree and distinguish it from the main body of the dwelling. Its lower height and offset position along the side boundary would also maintain the prominence of the original dwelling in its plot. Despite its size, the extension would form a contemporary addition to a large country house that, from the available angles and distance of view, would not appear disproportionate relative to the host dwelling or its plot. My view is reinforced in that, from the footpath, the extension would be seen within a context of existing development and would be framed by the mature landscaping to the side boundary. The appellant has indicated an intention to increase the extent of landscaping which would further filter views of the extension.

15. Moreover, due to its low level position, the extension would not form a conspicuous or dominant feature within the wider landscape, which has several agricultural and other buildings of significantly larger size visible in the same panoramas. As such, I find that the proposal would not erode any of the prevailing characteristics of the LCA or CFRP. I note the Council raises concern over light pollution from the extension, but there are unlikely to be walkers using the public footpath outside of daylight hours and therefore very little risk of vistas being adversely affected by light from the extension.

16. In terms of detailed design, I am satisfied that the extension would not encroach over the rear fenestration, as the larger curved section would be set well away from the rear wall, and would not obscure the original fenestration, or the overall composition of the rear elevation, when seen from the public footpath given the possible angles of view. The proposed garden room to the rear would effectively replace an existing conservatory and balcony and would maintain an acceptable overall appearance to the rear elevation. The proposed central gable to the front would improve the overall scale and balance of the front elevation and would be a positive element of the proposal.

17. Taking these considerations together, the proposed extension would not accord with the general guidance of the Council's SPD in terms of size and scale. However, having regard to the particular site circumstances in this case, together with the detailed design, the extent to which it would be visible and the context in which it would be seen, I conclude that the proposed extension would preserve the character and appearance of the host dwelling and the wider landscape in which it sits.

18. Therefore, notwithstanding the guidance of the SPD, I find no conflict with the aims of Policies D1, S3 or En4 of the North West Leicestershire Local Plan (March 2021) which together require well-designed development that

safeguards and enhances the appearance and character of the landscape, including that of the CFRP.

Other Matters

19. The Council did not oppose the application in terms of neighbours' living conditions, ecology or highways matters. On the evidence before me, I have no reasons to disagree with these conclusions.

Conditions

20. To provide certainty, a condition is required specifying the approved drawings. It is also necessary to requiring external surface materials to match those specified in order to secure a satisfactory appearance. Further conditions are required to secure details and implementation of a landscaping scheme in the interest of preserving landscape character. For similar reasons, it is necessary to impose a condition requiring details of measures to protect the health of existing trees during the construction process. This condition is pre-commencement as it relates to impacts that may arise from the outset of works on site. The appellant has agreed to the imposition of this condition.

Conclusion

21. For the reasons set out, therefore, I conclude that the appeal should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin 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: Site Location Plan; Block Plan; Existing Ground Floor Plan 2113/01; Existing First Floor Plan 2113/02; Existing NE and SW Elevations 2113/03; Existing SE and NW Elevations 2113/04; Proposed Ground Floor Plan 2113/05; Proposed First Floor Plan 2113/06; Proposed NE and SW Elevations 2113/07; Proposed SE and NW Elevations 2113/08; Proposed Site Layout 2113/09; Proposed Perspective Views 2113/10.

3) The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.

4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

5) The development hereby permitted shall not be brought into use until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and the location and type of new planting on the site.

6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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