



Appeal Decision

Site visit made on 11 April 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2023

Appeal Ref: APP/K2420/W/22/3313250

6 Shakespeare Drive, Hinckley LE10 0BG

- 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 Antonino Puglisi against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 21/00937/FUL, dated 22 July 2021, was refused by notice dated 16 June 2022.
 - The development proposed is demolish existing bungalow and replace with two detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the site is located in a conservation area, I have had regard to the statutory duty set out under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the relevant conservation area's character or appearance.

Main Issue

3. Whether or not the proposal would preserve or enhance the character or appearance of the Hollycroft Conservation Area (the CA).

Reasons

4. The significance and special interest of the CA is drawn, in part, from the verdant expansiveness of Hollycroft Park (the Park), which serves as the centrepiece of the CA, and surviving original features that include a pavilion, bandstand, and ornate perimeter metal railings and gates. This significance and special interest is further underpinned by a prevalence of often featureful and attractive houses of interwar or post-war origin to the Park's edges.
5. Shakespeare Drive (the Drive) is fronted by a row of houses that reflects a variety of built forms. The row is setback from the Drive beyond often well-planted front garden areas and upon typically spacious individual plots. The appeal property has a discreet presence in a leafy and green streetscene, experiences of which are also influenced by the Park's verdant openness opposite.
6. It is proposed that two detached dwellings of two and a half storeys replace a single bungalow that is currently attached to a neighbouring dwelling that once

comprised part of the appeal property. A former garage to the opposite side of the plot has also been converted into a separate unit of living accommodation. Whilst the newly proposed dwellings would be setback from the Drive and positioned such that separation from neighbouring dwellings to either side would be achieved, a further plot subdivision is intended, and replacement development of noticeably increased scale and height would materialise.

7. I accept that there are other dwellings of large size in place along the Drive, including properties of comparable height to those proposed, but these tend to occupy wide plots of generous expanse. In the case of the proposal before me, each newly intended dwelling would cover close to the full width of a relatively narrow plot and, in-part owing to their considerable massing adjacent to low-rise development, would appear unduly cramped. This is especially so in the context of a loose and spacious pattern of development, which remains identifiable along the Drive despite some modern interventions and past plot sub-divisions.
8. Owing to the variety of built form, external-facing materials, and architectural designs in place along the Drive, as well as the setback positioning of the proposed dwellings, I do not take issue per se with the intended introduction of some modern architectural features such as Juliette balconies, side-facing roof lights and front-facing garage doors. I am also content that suitable materials could be secured via condition, and there is no reason to doubt that existing mature planting would be satisfactorily protected and retained during construction works. Even so, in my judgement, an over-intensive form of development is proposed that would be visible from various publicly accessible vantage points and that would unacceptably detract from the spacious and verdant qualities of the Drive and wider CA.
9. My attention has been drawn to planning permission having been granted on appeal in 2012 for the erection of seven dwellings to the rear of 31 and 33 Canning Street, a site closely located to the south-western end of the Drive and partly within the CA. The Inspector identified various densities of development in the vicinity of that site, including higher density properties to the east. Conversely, the site that is the focus of my considerations lies directly opposite the Park and at the heart of the Drive, a defining route within the CA that exhibits a loose and low-density pattern of development. As such, the 2012 appeal decision is of limited relevance to my considerations.
10. For the above reasons, the proposal would fail to preserve or enhance the character or appearance of the CA and would thus cause harm to its heritage significance. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the CA as a designated heritage asset would be less than substantial. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits, which I shall return to in my Heritage and Planning Balance below.

Other Matters

11. I have noted objections/concerns raised by interested parties with respect to matters including the effect upon neighbouring living conditions, the effect upon on-street parking, and possible conditional requirements should planning permission be granted. However, as I have found the proposal to be unacceptable for the reasons set out above and below, it is unnecessary for me to explore these matters further here.

12. Whilst the appellant has raised dissatisfaction with regard to the Council's handling of the planning application that is now the subject of this appeal, my focus is necessarily centred upon the planning merits of the case before me. For the avoidance of doubt, I am content that the appeal was submitted for consideration inside the relevant 6-month deadline.

Heritage and Planning Balance

13. In terms of the scheme's public benefits, one additional unit of housing would be provided. I note here that, whilst it has been suggested that a refurbishment of the existing dwelling in compliance with current building regulation standards would not be viable, this position has not been clearly substantiated. The Council's current housing land supply situation is not clear from the evidence before me. Nevertheless, even should a five-year supply of deliverable housing sites not be demonstrable, only one additional dwelling would not make a clear or noticeable difference to the extent of any shortfall and would be a benefit attractive of, at most, moderate weight.
14. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to only a single additional unit of accommodation being under consideration.
15. The appellant has set out a commitment to undertaking a scheme of soft landscaping. New planting to the front of the site would, to at least some degree, be anticipated to further soften available views of the proposed development from the Drive. However, new planting would initially take time to properly establish and would be dependent upon regular maintenance to retain a consistent form. Thus, when also factoring in the space constraints that apply to the front of the site and the height of development proposed, any potential visual benefits to be attained from the implementation of new landscaping attract limited weight. Any possible associated benefits in terms of promoting a net-gain in biodiversity also attract limited weight given the realistic extent of any soft landscaping scheme.
16. The benefits associated with the scheme would be relatively modest, even when considered in cumulative terms. This leads me to conclude that, in the circumstances of this case, the public benefits would not outweigh the less than substantial harm that I have identified would be caused to the heritage significance of the CA. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
17. The proposal conflicts with the historic environment conservation and enhancement policies contained within the Framework and Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (July 2016) in so far as these policies set out that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features.
18. Moreover, the proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

19. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR