



Appeal Decision

Site visit made on 15 May 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 MAY 2023

Appeal Ref: APP/T2405/D/22/3306637

17 Sharnford Road, Sapcote, Leicestershire LE9 4JN

- 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 and Mrs Chappell against the decision of Blaby District Council.
 - The application Ref 22/0662/HH, dated 20 May 2022, was refused by notice dated 7 September 2022.
 - The development proposed is to extend existing extension to create new bedroom with ensuite.
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Decision

1. The appeal is allowed and planning permission is granted to extend existing extension to create new bedroom with ensuite at 17 Sharnford Road, Sapcote, Leicestershire LE9 4JN in accordance with the terms of the application, Ref 22/0662/HH, dated 20 May 2022, subject to the conditions listed at the end of this Decision.

Preliminary Matters

2. The Council resolved to refuse both listed building consent¹ and planning permission² for proposed works and development. Nevertheless, merely a single appeal against the Council's decision to refuse planning permission has been submitted. Thus, I shall consider the planning appeal on its own. For the avoidance of doubt, I am unable to determine whether or not listed building consent should be granted.
3. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty.
4. Upon inspection, it was apparent that the proposed development had commenced through foundation construction and the erection of low-level brickwork. I shall thus consider the appeal on a part-retrospective basis.

¹ 22/0513/LBC

² 22/0662/HH

Main Issues

5. The main issues are:

- Whether or not the proposal would preserve the Grade II listed building known as '17, Sharnford Road' (No 17) and any features of special architectural or historic interest that it possesses; and
- The effect of the proposal upon the setting and thereby the significance of the Grade II listed building known as '15, Sharnford Road' (No 15).

Reasons

No 17

6. No 17, according to the statutory list description³, dates to the mid-18th-century. It is a brick-built house with thatched and slate roofs. No 17's significance and special interest as a designated heritage asset is drawn, in part, from its age, its palette of traditional external-facing materials, and from its authentic vernacular appearance that remains appreciable despite various 20th-century alterations and additions. These additions include an existing single-storey slate-roofed rear extension of brick construction (the existing extension).
7. The proposed extension, which would be visible at least in-part from a variety of Sharnford Road vantage points, would closely replicate the form of the existing extension and be positioned to continue its building lines and roof pitches. It is also proposed that matching external-facing materials be utilised, which would include painted brickwork and slate roof tiles. To my mind, the newly proposed extension, being of small scale and simple composition, would be read as a discreet and complementary addition to the listed building. Moreover, in conjunction with the existing extension, it would be read as a low-key and subservient feature to the rear.
8. I have noted the Council's concerns related to the amount of development that already occupies the residential curtilage of No 17. Indeed, the existing extension is of not insignificant ground coverage and a freestanding annex of sizeable footprint is in the process of being constructed. A further outbuilding was also observable upon inspection. However, when factoring in the small-scale and subordinate nature of the proposal that is before me, I am satisfied that a suitable proportion of the site would remain clear of built development so as not to lead to any harmful effect upon the listed building's setting. Moreover, the ability for No 17's special interest and heritage significance to continue to be appreciated would not be undermined.
9. It has been raised that the proposed courtyard-facing windows, to be of timber construction and shown on the relevant elevation drawing to be of casement type with glazing bars, would fail to match the design of existing windows. However, whilst the existing extension's windows are of distinctive square bay type, windows of other designs are also in existence at the site. This promotes some flexibility as to the specification of those to be installed, the full details of which could be suitably controlled via condition.

³ List Entry Number: 1361090

10. For the above reasons, the proposed development would preserve No 17 and any features of special architectural or historic interest that it possesses. The scheme satisfactorily accords with Policies CS2 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (adopted February 2013) (the CS), Policy DM1 of the Blaby District Local Plan (Delivery) Development Plan Document (adopted February 2019) (the DDPD) and the historic environment conservation and enhancement policies of the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies set out that proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.

No 15

11. No 15 is a brick-built cottage that, according to the statutory list description⁴, dates to the late 18th-century. Its significance and special interest as a designated heritage asset is drawn, in part, from its age, its traditional materials, its relevance to the historic evolution of the area, and from its group value. This significance and special interest is further underpinned by the verdant spaciousness that is offered by its surrounding grounds, which remains appreciable despite subservient extensions.
12. The proposed extension to No 17 would be positioned immediately alongside the grounds of No 15 and thus within its setting. However, being of small scale and single storey height, it would have a discreet presence and a limited influence upon how No 15 would be read and experienced. Moreover, the proposal would not have a detrimental influence upon the group value provided by Nos 15 and 17, would suitably complement other rearward extensions of modest height and scale, and would not unduly impinge upon the spaciousness of No 15's setting.
13. For the above reasons, the proposal would have an acceptable effect upon the setting and thereby the significance of No 15. The scheme satisfactorily accords with Policies CS2 and CS20 of the CS, Policy DM1 of the DDPD, and the historic environment conservation and enhancement policies of the Framework in so far as these policies seek to preserve and enhance the cultural heritage of the District.
14. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

15. The Council has suggested conditions that the appellants have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments for consistency and clarity purposes. For the avoidance of doubt, as development has already begun, it is not necessary to impose a condition setting a timeframe for commencement.
16. In the interests of certainty, a condition setting out the approved plans is required. In the interests of protecting the character and appearance of the area and the significance of designated heritage assets, conditions are reasonable and necessary to secure the use of matching external-facing materials and black-coloured aluminium rainwater goods.

⁴ List Entry Number: 1074699

17. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In the interests of safeguarding the privacy of neighbouring occupiers at No 15, a condition withdrawing rights related to any possible future insertion of window openings within the west-facing elevation of the extension is reasonable. I note here that, as No 17 is listed, separate listed building consent would be required for any future works likely to affect its character as a building of special interest. Thus, it would be unnecessary for permitted development right restrictions to apply to other elevations/parts of the extension.

Conclusion

18. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be implemented in full accordance with the following approved plans: 01 2219_00; 02 2219_00 Rev A; 01-2219 Rev B.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those specified upon approved plan Ref 01-2219 Rev B and shall match those used to the adjacent existing extension.
- 3) Prior to the installation of the windows hereby approved, full details at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority.
- 4) All rainwater goods to be installed shall be black colour coated aluminium unless alternative details are submitted to and approved in writing by the Local Planning Authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no windows shall be constructed on the western elevation of the extension hereby permitted.

-----END OF SCHEDULE-----