



Appeal Decision

Site visit made on 12 July 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/G2435/D/23/3319025

Ashcroft, Short Hill, Wilson, Leicestershire, DE73 8AF

- 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 Lea Osbourne against the decision of North West Leicestershire District Council.
 - The application Ref 22/01765/FUL, dated 10 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is a garage conversion and material changes to appearance.
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Decision

1. The appeal is allowed and planning permission is granted for a garage conversion and material changes to appearance at Ashcroft, Short Hill, Wilson, Leicestershire, DE73 8AF in accordance with the terms of the application Ref 22/01765/FUL, dated 10 November 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2207-PA41-P01 and 2207-PA41-P02.
 - 4) Notwithstanding the provision of the Town and Country Planning (Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
 - 5) There shall be no lighting directly beneath the roof lights that will emit light upwards. Only downward facing ambient lighting shall spill from the roof lights upwards.
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Procedural Matter

2. A proposal for a different form of development was refused¹ in December 2021 and subsequently dismissed at appeal².

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the Wilson Conservation Area.

Reasons

4. The appeal property is set back from the road behind a front garden, low stone wall and grass verge and comprises a detached dormer bungalow. The dwelling is of modest proportions and of unassuming appearance.
5. The lie of the land results in the appeal property sitting higher than the road passing in front of the house, affording the appeal property a prominent position above Short Hill.
6. The appeal property is sited immediately alongside the Wilson Conservation Area and is generally seen within the same context as and very much forms part of, the setting of the Wilson Conservation Area.
7. Wilson Conservation Area is distinguished by an attractive range of period properties linked to the hamlet's agricultural history, including former farmhouses, outbuildings and farmworker's dwellings displaying architectural features dating from post-medieval through Georgian and Victorian periods, including numerous attractive timber-frame and brick buildings. The use of brick and local sandstone in buildings and boundary features combines with informal groupings of properties within a relatively open settlement pattern, to create a distinctive and attractive built environment.
8. The appeal property, whilst prominently located, does not draw undue attention to itself and to some considerable degree, nestles into its surroundings.
9. The proposal would extend the appeal property to the side. When observed from main views from the front, the proposed development would appear as a slightly larger but no taller garage than that which currently exists. As such, I find that it would appear entirely subservient to the host dwelling.
10. From the side, the removal of a window and the introduction of stone rubble materials similar to attractively incorporated materials found elsewhere within the Wilson Conservation Area, would result in the proposal enhancing the setting of the heritage asset to a small degree; and to the rear, the proposed development would appear as a modest enlargement in keeping with the host dwelling and the surrounding area.
11. Taking the above into account, whilst the proposal would elongate the appeal property, I find that it would do so in a way that has been carefully designed to be sensitive to its surroundings such that the proposed development would appear unassuming in extent and appropriate in its context.

¹ Reference: 21/01086/FUL.

² Reference: APP/G2435/D/22/3293886.

12. Taking all of the above into account, I find that the proposed development would preserve the character and appearance of the Wilson Conservation Area and would not be contrary to the National Planning Policy Framework; to North West Leicestershire Local Plan (2021) Policies S3, D1 and He1; or to the Good Design for North West Leicestershire Supplementary Planning Document (2017), which together amongst other things, seek to protect local character.

Conditions

13. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

14. A condition controlling external surfaces is necessary in the interests of local character.

15. A condition controlling exterior lighting is necessary in the interests of flight safety. A condition controlling light spillage from the roof lights is necessary in the interests of flight safety.

16. With regards the latter condition above, the Council suggested that the condition included the phrase "ideally, automatic blinds to be fitted that close at dusk." This proposed element of the condition suggests an "ideal" rather than a requirement and consequently, it does not meet the national tests in respect of conditions being necessary and precise.

Conclusion

17. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR