
Appeal Decision

Site visit made on 27 March 2024

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/K2420/W/23/3328482

Houghton House, Sheepy Road, Sibson, Nuneaton, CV13 6LE

- 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 Ms Amy Lawson-Gill against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref. 22/01233/FUL, dated 22 December 2022, was refused by notice dated 10 May 2023.
 - The development proposed is the demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of three dwellings and associated external landscape works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuildings, refurbishment of a Grade II listed residential property, erection of three dwellings and associated external landscape works at Houghton House, Sheepy Road, Sibson, Nuneaton, CV13 6LE in accordance with the terms of the application, Ref. 22/01233/FUL, dated 22 December 2022, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The Council has separately granted listed building consent for works to the listed building and this appeal deals only with those aspects of the works requiring planning permission.

Main Issues

4. The main issue is whether the development would be at risk of flooding or increase the risk of flooding elsewhere, along with the effect on water quality, ecology, foul and surface water functions and pollution.

Reasons

5. The application is supported by extensive evidence in relation to flood risk and drainage, including the proposed management of surface water, which has been prepared by a qualified expert in this field. The evidence is unambiguous in that the currently uncontrolled surface water flows will be collected on site and released at a controlled rate, significantly below the current rate of runoff.

The system is designed to deal with the 1 in 100-year storm event plus 40% for climate change which is a very significant betterment.

6. There is clearly a concern from local people regarding the existing incidences of flooding in the area but there is no evidence that the proposed development would worsen the situation. It is not the responsibility of the appellant to rectify the existing situation. Neither the Council's drainage expert or the water company, Severn Trent, has raised any objection to the proposals. This is notable, as Severn Trent has statutory duties to provide and maintain necessary infrastructure.
7. No evidence prepared by a suitably qualified hydrologist is available to persuade me that the scheme put forward by the appellant is unsuitable or that a suitable scheme cannot be achieved. The final details of any drainage scheme, incorporating sustainable drainage principles, could be secured by condition.
8. Subject to suitable conditions, there is no evidence that the development would be at risk of flooding or that it would increase the risk elsewhere. The scheme would improve the current situation in terms of surface water run-off. The statutory water company has raised no objection regarding foul or surface water infrastructure capacity and no substantive evidence has been provided to demonstrate any likely effect on water quality or ecology. The scheme would involve a very modest addition, involving three new dwellings, with correspondingly modest impacts.
9. As such, I find no conflict with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP), or Policy S6 of the Sheepy Parish Neighbourhood Plan (2022) (NP), both of which seek to avoid flooding, amongst other things.

Other Matters

10. The Council has identified no conflict with any other policy of the development plan and whilst the majority of growth in the district is directed to larger settlements, Policy 13 of the Core Strategy (2009) (CS) allows for infill development in rural hamlets in principle. The term infill development is not defined within the plan but the Council accepts that the current proposal conforms with the policy.
11. It is important to consider whether the proposal would preserve Houghton House, a Grade II listed building, and any of the features of special architectural or historic interest that it possesses; and the extent to which it would preserve or enhance the character or appearance of the Sibson Conservation Area.
12. Houghton House is a pleasant red brick building, thought to have been an agricultural labourers' cottage. For the purposes of this appeal, its historic interest lies in its former use, as part of the rural hamlet based around agriculture, as well as its traditional form, appearance and architectural interest. The building is currently in a poor state of repair and proposals to replace rotten windows, reinstate doors and generally restore the building would be highly beneficial.
13. The land associated with the house makes only a limited contribution to its special interest or significance and is currently occupied by modern 'make-shift'

outbuildings. Modern dwellings are apparent adjacent to the site, opposite and to the rear. However, there is also an abundance of more traditional properties in the vicinity, with their eyebrow dormers and substantial chimney stacks, contributing significantly to the character and appearance of the conservation area.

14. The scale and appearance of the proposed dwellings would replicate the traditional properties nearby, being 1.5 stories and constructed from red brick, with characteristic eyebrow dormers and chimney stacks. Plot 3 would infill the existing gap in the street scene, continuing the established building line, whilst the other two properties would be located at depth, which is not uncharacteristic in the hamlet. The development would significantly enhance the listed building and its setting, as well as the wider conservation area, allowing for the removal of uncharacteristic and unsightly modern outbuildings and introducing sensitively designed residential properties.
15. Although the Council's Conservation Area Appraisal (CAA) identifies views into the site as important, it was unable to justify this in written evidence and it is difficult to see what positive contribution is currently made to the conservation area. Whilst I have had regard to the CAA, it does not alter my conclusions.
16. I have taken other concerns raised by interested parties into account, including the potential for increased traffic movements and concerns around parking arrangements and highway safety. Each property would be served by suitable parking provision and a safe vehicular access can be secured by way of conditions, notwithstanding that agricultural vehicles operate in the area. The Local Highway Authority confirms that the arrangements are in accordance with local standards.
17. Whilst there are very limited services and facilities in the immediate vicinity, larger settlements are within a short drive and the local plan allows for small scale development in rural settlements.
18. The proposed buildings would be developed close to a number of neighbouring properties, but their scale, siting and orientation are such that no material harm would result to neighbours living conditions. This is notwithstanding a degree of mutual overlooking towards garden areas, which is not unusual where residential properties neighbour one another.
19. The site is currently a residential garden, largely comprising of a gravel covered yard with small areas of grass. There is no evidence that the development would harm wildlife or ecology although statutory safeguards are in place.
20. In light of my conclusions, and subject to the imposition of suitable conditions, I find no conflict with Policies S6, S7, S8 and S15 of the NP or Policies DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP.

Conditions

21. The Council has suggested a range of conditions should planning permission be granted, which I have had regard to. It would be necessary to impose the standard time period for commencement of development and to ensure that the proposals are carried out in accordance with the submitted drawings, to ensure appropriate development. It is also necessary to secure details of the proposed external materials and treatments, so as to ensure a suitable appearance and to protect the character of the area, including heritage assets.

22. It is not necessary to attach the suggested condition requiring works to be undertaken to Houghton House before occupation of the proposed dwellings, since their acceptability is not dependent on these works, albeit that they are desirable. Nor is it necessary to remove permitted development rights from the proposed dwellings, as no exceptional circumstances for doing so have been identified. Sufficient restrictions on permitted development rights are inherent in conservation areas.
23. Conditions would be required to ensure a safe and suitable highway access and parking provision, including visibility splays and the prevention of gates close to the highway boundary.
24. As discussed above, it would be necessary to impose a condition securing a suitable surface water drainage strategy prior to the commencement of development. To avoid risks of pollution or harm to human health, the site should be investigated for contamination and remediated as necessary.
25. Conditions would be necessary to protect the living conditions of neighbouring occupants, including a Construction Environmental Management Plan and restrictions on the permissible hours of construction.
26. A historic lamppost stands close to the existing vehicular access, contributing to the character of the area. Should this need to be removed in order to facilitate safe access to the site, it would be necessary to secure its re-siting in a suitable position nearby.

Planning Balance

27. The development would be in accordance with the development plan taken as a whole and would deliver significant enhancements to a listed building and its setting, as well as the Sibson Conservation Area. Subject to conditions, there are no material considerations indicating a decision other than in accordance with the development plan.

Conclusion

28. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Ground Floor Site Plan - Drg No. 20101 P06 received by the LPA on 24 March 2023.
 - Proposed First Floor Site Plan - Drg No. 20102 P06 received by the LPA on 24 March 2023.
 - Proposed Ground Floor Plans Unit 1 - Drg No 20121 P02 received by the LPA on 24 March 2023.
 - Proposed First Floor Plans Unit 1 - Drg No 20122 P02 received by the LPA on 24 March 2023.
 - Proposed Elevations Unit 2 – Drg No 20124 P02 received by the LPA on 24 March 2023.
 - Proposed Floor Plans - Unit 2 - Drg No. 20123 P02 received by the LPA on 24 March 2023.
 - Proposed Floor Plans - Unit 3 - Drg No. 20125 P02 received by the LPA on 24 March 2023.
 - Proposed Elevations Unit 3 – Drg No 20133 P02 received by the LPA on 24 March 2023.
 - Site Location Plan - Drg No. 00101 P05 received by the LPA on 24 March 2023.
- 3) Notwithstanding the submitted details, before development commences full details and/or samples of all external materials for the construction of the new dwellings, including facing walls, roof tiles, details of proposed new windows and doors, window cill and header treatments, and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details.
- 4) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on AFL Architects drawing number 94102 revision P06 have been implemented in full. The access once provided shall be so maintained at all times.
- 5) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided at the site access in both directions. 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) No dwelling hereby permitted shall be occupied until such time as its associated car parking spaces, each measuring at least 2.4 metres by 5.5 metres with 0.5 metres added if bounded by a wall, fence, hedge, tree or other similar obstruction on one side, and one metre added if bounded on both sides, have been provided and made available for use. Thereafter the on-site parking provision shall be so maintained in perpetuity.

- 7) No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metres pedestrian visibility splays have been provided at the highway boundary on both sides of the 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.
- 8) Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of six metres of the highway boundary unless hung to open away from the highway.
- 9) Development shall not commence until a scheme for surface water drainage of the site including design details, calculations and maintenance and incorporating sustainable drainage principles (SuDS) and that ensures that no surface water drains onto the public highway has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the full details prior to the occupation of any dwelling and maintained in accordance with the approved scheme thereafter.
- 10) No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and approved in writing by the Local Planning Authority which include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 11) Upon completion of the remediation works a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include details of the remediation works and quality assurance certificates to demonstrate that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to demonstrate that the site has reached the required clean-up criteria shall be included in the Verification Report. Together with the necessary documentation detailing what waste materials have been removed from the site.
- 12) If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.
- 13) Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be

prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The approved details shall be implemented throughout the course of the development.

- 14) Construction work for the development hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:30 hrs on weekdays and 09:00 hrs and 14:00 hrs on Saturdays and shall not take place at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15) Should the existing heritage lamppost requiring moving to accommodate the kerb radii it shall be replaced as close as possible to its original position prior to any dwelling being occupied.