



Appeal Decision

Site visit made on 11 June 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2024

Appeal Ref: APP/F2415/W/24/3340602

Land adjacent to 740 Uppingham Road, Thurnby, Leicestershire LE7 9RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Smith against the decision of Harborough District Council.
 - The application Ref is 23/01379/OUT.
 - The development proposed is described as 'outline planning application for an infill plot at the land adjacent to 740 Uppingham Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline with all matters to be reserved, except for access. I have dealt with the appeal on this basis and treated the submitted plans as illustrative insofar as they refer to the reserved matters.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Thurnby and Bushby Conservation Area (the CA).

Reasons

5. The appeal site is a long, narrow parcel of land located between 740 and 742 Uppingham Road within the CA. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. I consider the significance of the CA as a whole is in part derived from its spatial and landscape character. Whilst the pattern of development varies from being more closely knit in the village core, to more spacious in the northern part of the CA, there is a coherence within each section. The varying sections are all tied together by the abundance of mature trees which adds to the verdant and semi-rural character of the CA as a whole.

7. The appeal site is located in the section of the CA where the pattern of development is distinctive for the spaciousness between the predominantly large, detached dwellings that are set within extensive grounds which is of significance to the CA. Properties are set back from the road on a varied building line, behind mature trees and vegetation which creates a spacious sylvan setting and which contributes positively to the verdant, semi-rural character and appearance of the CA.
8. The appeal site is bound by hedgerow to the front, rear and most of the side boundaries, interspersed with a number of trees along the boundary and throughout the site. Although the narrow parcel of land is at odds with the general pattern of plots in this part of the CA, its current undeveloped state contributes positively to the character and appearance of the CA.
9. The introduction of a dwelling would erode the gap that currently exists between the properties either side of the appeal site, and would undermine the spatial character of the built form which makes an important contribution to the significance of the CA. I acknowledge that all matters are reserved except for access, however, I cannot see how a proposal could be developed without causing harm to this characteristic.
10. Whilst the appeal site is sited away from the highway and the proposal would be likely sited some distance back into the plot behind trees, it would still introduce built form in a narrow plot, which would go against the pattern of development in this part of the CA.
11. I note that the site plan details the location of the trees within the site and gives an indication of those which could be retained and those removed. While this detail would be subject to future reserved matters, the appellant's statement sets out that the indicative location of a proposed dwelling on the site plan is likely to be the most optimum. As there is an abundance of trees within the site, I consider that trees would likely be in close proximity to any future dwelling.
12. Given the height and crown spread, particularly the tree marked T20, they could overshadow future living areas and garden of a proposed dwelling, limiting the use of living areas and garden space. Whilst the trees would be afforded protection due to their location within the CA, it could nonetheless lead to pressure to seek their removal to provide further light and increase the use of garden and living areas. This would cause harm to the character and appearance of the CA of which the trees are a significant feature.
13. In relation to the CA as a whole, I consider the harm would equate to less than substantial. In such circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal.
14. There would be short term economic benefits during the construction phase, however this would be of limited benefit as it is only 1 dwelling. The provision of an additional dwelling to housing stock within the Leicester Housing Market Area would be a social benefit of the scheme. However, as the proposal is for a single dwelling, I assign this limited weight.
15. I note that highways, subject to a condition, are satisfied with the access arrangements to and from the site, which is not a reserved matter in this appeal. From my site observations, noting the clear sightlines and nearby

traffic light controls, I would concur with this conclusion. I am also satisfied that a scheme could be designed to avoid any detrimental impact on the living conditions of the neighbouring occupier at No 740 and that of children and staff at the nursery at No 742. The appellant also asserts that there would be no harm to biodiversity within the site or to the risk of flooding within the locality. However, in the matters above, an absence of harm is a neutral factor weighing neither for nor against the proposal.

16. The appellant states that the proposed development would be the most viable use of the site by bringing a redundant, untidy space into use. Whilst the site may be underutilised, I observed the general appearance of the site to be pleasant and in its current form, I find it contributes positively to the character and appearance of the CA.
17. The cumulative stated benefits would be modest. The public benefits would not be sufficient to outweigh the less than substantial harm the appeal scheme would cause to the significance of the CA as a designated heritage asset. The Framework requires great weight be given to the asset's conservation, irrespective of the level of potential harm.
18. For these reasons I conclude that the proposed development would be harmful to the character and appearance of the CA as a whole, therefore detracting from the significance of this heritage asset, which would neither be preserved or enhanced, conflicting with section 72(1) of the Act. It would conflict with Policy HC1 of the Harborough Local Plan 2011 to 2031 (adopted 2019) (LP) which requires development to preserve or enhance the character or appearance of the conservation area. It would also conflict with Policy GD2 of the LP. This, amongst other matters, requires development to respect the form and characteristics of the existing settlement. Additionally, the proposal would conflict with the overarching aims of Section 16 of the Framework 'Conserving and enhancing the historic environment'.
19. The Council consider that there is conflict with Policy GD8 of the LP. As this policy is related to design, which is a reserved matter, this policy has not been determinative in my decision-making.

Other Matter

20. The appellant asserts that during discussions with the Council, the Council had referenced a refused application which the Council considered similar to the appeal proposal. I have very limited information about this case which appears to be from some time ago and before the adoption of the current local plan. It therefore has had no bearing on my decision.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR