



Appeal Decision

Site visit made on 11 June 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/T2405/D/24/3338650

Hardwick House Portland Road, Kirby Muxloe, Leicestershire, LE9 2EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Rowbotham against the decision of Blaby District Council.
 - The application Ref is 23/0635/HH.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant argues that the same extension could be achieved via a combination of a Section 78 application for a smaller extension and the exercising of permitted development rights in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015. This is not a matter for me to determine in the context of an appeal made under section 78 of the Act. It is open to the appellant to apply to have the matter determined under section 191/192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

3. The main issue is the effect of the development on the character and appearance of Hardwick House and whether it would preserve or enhance the character or appearance of the Kirby Fields Conservation Area.

Reasons

Kirby Fields Conservation Area (the CA)

4. The appeal site is located within the Kirby Fields Conservation Area (CA). I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

The significance of the CA and Hardwick House

5. The CA covers Kirby Fields an area of Kirby Muxloe which used to be part of the Kirby Fields Farm estate. The Kirby Fields site underwent development from 1877. The significance of the CA is derived in part by substantial houses of individual

style set in extensive grounds served by a network of roads unified by a mature landscape.

6. Hardwick House is a non-designated heritage asset (NDHA) and the design is typical of the Arts and Crafts movement. The house dates from 1890 and is listed as one of many which was built in the CA between 1875 and 1925. Due to its design and large plot size Hardwick House contributes to the historical character and appearance of the CA as a whole.

The effect of the development on the significance of the CA and Hardwick House

7. The proposed development would introduce a single storey extension to the rear of Hardwick House.
8. Hardwick House is at a higher level than Portland Road. Although its grounds are heavily landscaped the house is visible above the entrance gates and it has an imposing impact on glimpsed views from the street. As a result of the orientation of the building on the plot, the rear elevation and particularly the conservatory which is to be replaced is visible from Portland Road and when entering site.
9. The existing conservatory which is to be replaced sits between two projecting elements of the building. Whilst it has been improved and altered since its construction, the conservatory maintains its size and scale which is sympathetic to the architectural features of the building.
10. The proposed extension will be significantly larger than the one it replaces. It will not be contained between the two projecting gable features. In fact, as a result of its width and depth, it will obscure the majority of the substantial two storey gable projections. Given its overall scale and size the extension will dominate and appear as an incongruous addition to the rear elevation. The large lantern roof features will further exacerbate this harmful impact.
11. Given the importance of the contribution Hardwick House makes to the CA including in glimpsed views from Portland Road which I have identified, I find that the development would be harmful to the significance of the NDHA and the CA.
12. The appellant refers to extensions which have been made to four other NDHA and to a site where the NDHA has been removed and the site redeveloped. I find that the latter is not comparable with the appeal scheme and it attracts limited weight in favour of allowing the appeal. With respect to the extensions to the other NDHAs, the extension at Portland House Care Home is not sympathetic to the character and appearance of the NDHA. The extension to Uplands is not in such a prominent location and it does not appear to obscure architectural detailing in the same way as the appeal scheme. The extension to Little Gables seems to respect the proportions and detailing of the NDHA. The Lodge appears to have been the subject of extensive alterations and extensions such that most of its architectural detailing has been lost. Thus, I do not find any of the examples of extensions to NDHAs to be directly comparable to the development and they do not weigh in favour of the appeal.
13. I do not find that the extensions which are currently being carried out to other properties in Portland Road to have materially altered the character and appearance of the area. The features of the CA which I have identified are prevalent including the high number of Arts and Crafts style houses of which the appeal site is a good example.

14. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of this development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
15. The construction activities associated with the appeal scheme would provide some economic benefit. However, this would be limited by the scale of the development. This attracts limited weight in favour of the appeal.
16. The benefit afforded to the appellant of replacing the existing conservatory which is in poor condition with a new dining and lounge area is a private benefit.
17. Given the above and in the absence of any defined significant public benefit, I conclude that, on balance, the proposal would result in an incongruous design that is at odds with the original character of Hardwick House and the local distinctiveness of the area. Therefore, as a result the development fails to preserve or enhance the character or appearance of the Kirby Fields Conservation Area. This would fail to satisfy the requirements of the Act, the principles contained within 'Conserving and enhancing the historic environment' and paragraph 206 of the National Planning Policy Framework. It would also conflict with policy CS20 of the Blaby District Local Plan (Core Strategy) 2013 and DM12 of the Blaby District Local Plan (Delivery) DPD 2019. These policies seek, among other things, to ensure that designated and non-designated heritage assets are conserved and enhanced in an appropriate manner whilst positively contributing to their historic environment.
18. Furthermore, the proposed development is contrary to policy CS2 of the Blaby District Local Plan (Core Strategy) 2013 and DM1 of the Blaby District Local Plan (Delivery) DPD 2019. These policies seek to ensure developments are of a high level of design and that they assimilate with the character of the host property and local area. It also fails to accord with the principles of 'Achieving well-designed and beautiful places' in the National Planning Policy Framework.

Other Matters

19. The appellant has drawn my attention to the conduct of the Council during the application process. This is a matter between the parties and not determinative to the outcome of the appeal.

Conclusion

20. 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.
21. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR