



Appeal Decision

Site visit made on 17 July 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/F2415/D/24/3337927

Cream Cottage, Main Road, Claybrooke Parva, Leicestershire LE17 5AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Graham Hart against the decision of Harborough District Council.
 - The application Ref 23/01246/VAC was refused by notice dated 9 November 2023.
 - The application sought planning permission for "Creation of new site access and erection of carport" without complying with a condition attached to planning permission Ref 20/00515/FUL dated 9 April 2020.
 - The condition in dispute is No.6, which states that: *The development hereby permitted shall be in accordance with approved plans: 4670/GH/18/001; 4670/GH/18/002; 4670/GH/18/003-P1; 14670/GH/18/004-P1 and 4670/GH/18/005-P1.*
 - The reason given for condition 6 is: *For the avoidance of doubt.*
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G Hart against Harborough District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published in December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
4. As the development relates to a listed building located within a conservation area, I have had special regard to section 66(1) and paid special attention to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issue

5. Planning permission 20/00515/FUL was granted in June 2020 for a new site access and erection of a double carport with a dual-pitched roof in the grounds of Cream Cottage, a listed building located within Claybrooke Parva Conservation Area.

6. During the determination of that application the Council considered the initially proposed metal roof to be inappropriate. The appellant amended the plans to show the roof of the carport would be faced with "clay tiles to match main house"¹. Planning permission was granted on that basis and Condition 6 was imposed to list the plans the carport should be built in accordance with.
7. On my visit I saw the carport had been built and was in use to park cars, and the access had been created. The roof of the carport has been constructed of profiled metal sheeting instead of clay tiles. Hence the carport has not been built in accordance with the approved plans listed in Condition 6.
8. The appeal before me relates to the subsequent refusal of planning permission to vary condition 6 to allow the retention of the profiled metal sheeting roof on the carport.
9. The main issues in this appeal are the effect that retaining the metal roof installed on the carport without compliance with Condition 6 has on:
 - i) the setting of the Grade II listed building known as Cream Cottage;
 - ii) the character or appearance of the Claybrooke Parva Conservation Area (the CA); and
 - iii) the settings of nearby listed buildings.

Reasons

Special interest and significance of the heritage assets

10. According to the official list entry² Cream Cottage is a two storey cottage dating from the late-17th or early-18th century, restored in the 20th century. It is timber-framed, clad in red brick and painted white³ and has a plain clay tiled roof. I find that the special interest and significance of the listed building reflects late-17th/early-18th century vernacular domestic architecture in a village setting. Cream Cottage also has group value with other nearby cottages as part of the wider street scene of the village. As defined in the Framework⁴ the significance of a heritage asset is also derived from its setting. In this instance the building's enclosed garden and the wider street scene are the main surroundings in which the asset is experienced and its special interest and significance appreciated. These form the building's immediate and wider setting and contribute in a tangible and positive way to its heritage interests.
11. The Council's records of the CA describe the main cottages of the settlement being along the road. Whilst there is a variety of sizes and rooflines, and with many of the cottages being colour-washed, their location on the bend gives a "sweep" of buildings, which I saw was an attractive and striking feature of the village. The CA also includes the central open space on the opposite side of the road that contains the Grade I Church of St Peter and its churchyard with Grade II listed war memorial, a paddock and Claybrooke House and its grounds. The character and appearance of the CA, and thus its special interest and significance, are in part derived from the architectural variety and spatial

¹ Shown on approved plan 4670/GH/18/004-P1

² National Heritage List for England: List entry number 1209155

³ The property was painted cream/off-white at the time of my visit

⁴ Annex 2 : Glossary

relationship of its historic buildings and open spaces that reflect the evolution of the village, which is set within an agrarian landscape.

12. Cream Cottage and its associated driveway and garden occupy a prominent position on the bend in the road and form part of the “sweep” of buildings. As a result Cream Cottage is an important component of the street scene and, together with its heritage merit and aesthetic charm, positively contributes to the character and appearance of the CA as a whole and thereby to the significance of the CA as a designated heritage asset.
13. The Council refers to a number of other listed buildings in the vicinity of the site whose settings it considers are harmed by the metal roof on the carport. The Grade I listed Church of St Peter⁵ lies to the southwest beyond the open space opposite the appeal site. The church has possible 12th century remains with a 14th century nave and tower and built largely of random rubble stone with ashlar dressings. There is also a Grade II listed war memorial⁶ within the churchyard located beside the path leading to the entrance door to the church. The war memorial is circa 1920, designed by Leicester practice Fosbrooke and Bedingfield, and is described in the official listing as being thoughtfully-designed and well-proportioned. It commemorates the sacrifice of parishioners who lost their lives in the First World War, with later additions for the Second World War. It also has group value with the church.
14. Insofar as it is pertinent to the appeal, the special architectural and historic interests and significance of these two listed buildings also stem, in part, from the well-defined and enclosed immediate setting of the churchyard. In addition, the church is also experienced from the wider village setting and from the road near the appeal site and other cottages where there are views across the open space towards the church and its tower. These immediate and wider settings positively contribute to the heritage interests of both listed buildings.
15. According to the list description, Claybrooke Hall⁷ is an early 19th century two storey house with hipped slate roof and various decorative and architectural detailing. Its special interest and significance largely stem from its architectural and historic interests as an example of a higher status dwelling as part of the evolution of the village. In terms of setting, insofar as it is relevant to this appeal, the building is mainly experienced from its spacious grounds, enclosed behind high boundary walls and decorative gates. Whilst set back from the road, it is also experienced in the wider street scene. These form the building’s immediate and wider setting that contribute to its heritage interests.

Appeal proposal and effects

16. The carport is large and is located in close proximity to the road, a short distance from the low boundary wall that runs along the back edge of the pavement. Due to its orientation, one slope of the dual-pitched carport roof faces towards the road. There are a number of trees along the roadside boundary, but with their high crowns there is little immediate vegetative screening. As a result, the cottage and carport are prominent in the street scene, especially when walking along the pavement at close quarters. When

⁵ National Heritage List for England: List entry number 1209153

⁶ National Heritage List for England: List entry number 1466299

⁷ National Heritage List for England: List entry number 1209154

- driving through the village, even as the angle of view changes as one negotiates the bend in the road, the carport and its roof are still visible.
17. The carport also forms part of a small group of domestic buildings within the curtilage of Cream Cottage. The small brick and tile Bath House building sits closer to the cottage. The roofs of Cream Cottage, the Bath House, the 'sweep' of nearby cottages and the adjacent Coventry House are clad in traditional plain clay tiles of a red/brown hue.
 18. The roof of the carport is formed of profiled metal sheeting, with a corrosion and climatic protective polyester paint coating. With the carport's proximity to the road, the 'slate blue' grey paint coating is visually at odds with the prevailing brown/red hues of the nearby Cream Cottage, its Bath House building and the other nearby buildings. Furthermore, the plastic coating gives the metal roof a sheen, which is unnatural and out of character with the traditional matt and weathered effect of the nearby natural roof materials. The upstanding box profile creates ridges down the roof from ridge to eaves that do not reflect the prevailing flat profile or form of the traditional plain tile roofs nearby. The box profile ridges also cast shadows on the roof, creating an effect not found on the smooth profiles of tile or slate roofs.
 19. These factors create a roof that fails to reflect the use of surrounding traditional roofing in terms of materials, colour, texture and profile. As a result, the metal roof is a wholly incongruous and visually discordant feature that sits uncomfortably in its surroundings and fails to harmonise with them.
 20. The Council's SPD⁸ offers some design advice. Whilst I accept that the guidance cannot deal with every scenario, and the context and locations of buildings differ, it provides sufficient basic guidance against which to appropriately design new development. It states that development should respect, amongst other things, traditional building materials in order to fit comfortably with existing built form, and that in conservation areas natural materials are best and real slate or clay tiles are encouraged to be used for roofs, as any natural materials will continue to look good with time whilst artificial materials will visually deteriorate. The metal roof fails to use a natural material and fails to take its design cues from the closest surrounding buildings in whose setting it will be experienced. For the reasons described above, the metal roof goes against the SPD advice.
 21. The appellant refers to examples of metal sheet roofing used on agricultural buildings and stables within the village and wider surrounding countryside, indicative of Claybrooke Parva's role as a rural settlement. However, the carport is not an agricultural building or stable block. It is an ancillary domestic structure within a residential curtilage located close to the road that runs through the middle of the village and CA. Hence the cited agricultural and stable examples are not comparable to the appeal before me. Furthermore, corrugated metal sheeting used on agricultural buildings tend to rust or age over time and develop a patina. The submitted technical specification of the polyester paint-coating boasts "excellent corrosion resistance and climatic protection" intended reduce maintenance and ensure the appearance of the coating is retained.

⁸ Development Management Supplementary Planning Document – December 2021

22. Drawing the above points together, the use of a metal roof, its colour, texture and profile adversely detracts from Cream Cottage. It also undermines the authenticity of how the listed building is experienced from within its own grounds and from within the village street scene and thus diminishes the ability to appreciate the building's heritage merit. In doing so, the metal roof notably lessens the positive contribution that the immediate and wider setting of Cream Cottage make to its significance.
23. Given the building's prominent location in the street scene within the CA, it follows that the identified harmful effects to the significance of Cream Cottage from this development within its setting also diminishes the positive contribution that Cream Cottage makes to the street scene and CA. Hence the metal roof neither preserves or enhances the character or appearance of the CA as a whole.
24. I saw that the roof of the carport can be glimpsed through the trees of the churchyard and from near the war memorial, although views would be more apparent in winter months when there is less leaf cover. However, the carport is some distance away and is read with other buildings as part of the wider village setting. It also sits beyond the well-defined boundary of the churchyard and the surrounding open space. As a result, the setting of the Grade I listed church and Grade II listed war memorial are preserved and their significance is not harmed.
25. Claybrooke Hall is located some distance to the west of the appeal site. Given the nature and extent of the carport roof, its geographical relationship to the Hall, the straighter alignment of the road and the intervening development, namely Coventry House and its grounds, I consider that the setting of Claybrooke Hall is preserved and its heritage significance is not harmed.
26. The Council has no objection to the timber-framed carport per se as it approved it, albeit with a roof in plain clay tiles to match the main house. This demonstrates that new development and change can be managed in a conservation area and within the grounds of a listed building when appropriately designed and detailed.

Public benefits and heritage balance

27. Paragraph 205 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. With reference to paragraphs 207 and 208, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the development I find the harm to the significance of Cream Cottage and the CA would be 'less than substantial'. Nonetheless these harms still carry considerable importance and weight. Under such circumstances, paragraph 208 requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
28. There may be some benefits to the appellant from the resilient, long performance and durability of the metal sheeting which might not require the same level of ongoing maintenance. However, it is an established fact that a well-maintained traditional tiled roof can have substantial longevity, as is evidenced from the traditional roofs on many old buildings and the continued use of plain clay tiles on modern buildings. The installation of the metal roof is

therefore more for the personal preference of the appellant than for any wider public benefit. Furthermore, it has not been demonstrated that the retention of the metal roof on the carport is required to secure the residential use of Cream Cottage.

29. The weight I ascribe to the very limited public benefits above are not sufficient to outweigh the considerable importance and weight I attach to the harm that would occur to the setting of Cream Cottage and the CA as designated heritage assets. Accordingly, the metal roof installed on the carport fails to preserve the setting of the Grade II listed building, known as Cream Cottage. It also fails to preserve or enhance the character and appearance of the CA. Thus the metal roof fails to satisfy the requirements of the Act and the provisions of the Framework.
30. It also conflicts with Policies HC1 and GD8 of the Harborough District Local Plan⁹. Collectively these seek, amongst other things, to ensure development protects, conserves or enhances the significance, character, appearance and setting of a heritage asset, and includes local design and materials reflecting and respecting the context of individual sites, street scene and wider local environment. It is also contrary to the advice in the SPD.

Conclusion

31. The variation of condition 6 to allow the retention of the metal roof that has already been installed on the carport causes harm to heritage assets and conflicts with the development plan when taken as a whole. There are no material considerations or public benefits that outweigh this conflict. Therefore, for the reasons above the appeal should be dismissed.

K. Stephens
INSPECTOR

⁹ Adopted April 2019