



Appeal Decision

Site visit made on 25 September 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/F2415/W/23/3332810

Wood Close, Rolleston Road, Skeffington, Leicestershire, LE7 9YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Amrit Gill against the decision of Harborough District Council.
 - The application Ref is 23/01005/VAC.
 - The application sought planning permission for the demolition of the existing dwelling and erection of replacement detached dwelling and garage without complying with a condition attached to planning permission Ref 23/00224/FUL, dated 31 May 2023.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: 1653-P-10B Proposed Site Plan; 1653-P-20D Proposed Plans and Elevations; 1653-P-30B Garage Plans and Elevations; 1653-F-40A Proposed Entrance Gate; and Tree Protection Plan 01.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing dwelling and the erection of a replacement detached dwelling and garage at Wood Close, Rolleston Road, Skeffington, Leicestershire LE7 9YD in accordance with the terms of the application, Ref 23/01005/VAC, subject to the conditions in the attached schedule.

Background and Preliminary Matters

2. Planning permission (Council Ref. 23/00224/FUL) was granted on the 31 May 2023 for the erection of a replacement dwelling and detached double garage. The appellant has submitted application 23/01005/VAC as he is seeking to amend the scheme by changing the drawings approved under Condition 2 of the original permission. If this is granted, then the appellant would have the choice of implementing the 2023 permission or the revised scheme. The process is further explained in the Planning Practice Guide¹.
3. The appellant originally sought to amend the design of the house and garage. However, due to the passage of time the appellant has constructed the dwelling as already approved. He has confirmed in writing that he no longer wishes to amend the dwelling. However, he would like a determination as to the amendments proposed to the size and design of the garage, albeit with a red brick finish instead of the buff brick shown on the plans.

¹ See Paragraph: 013 Reference ID: 17a-013-20230726

Reasons

4. The main issues in this appeal are the effect of the proposal, with the approved drawings amended, on the significance of:
- Stables to the rear of Skeffington Hall (Skeffington House), which is Grade II listed and Skeffington Hall, which is Grade II* listed; and
 - The Skiffington Conservation Area (CA).

The effect on the setting and significance of the listed buildings

5. In defining the significance of the aforementioned listed buildings, the Council have not referred to any written comments from a Conservation Officer and Historic England have not provided substantive comments.
6. Notwithstanding this, it is apparent that the Stables date from around 1870. They are finished in coursed ironstone, which is typical of the area, and are of an overt grandeur given the function as an ancillary structure to Skeffington Hall. It is possible that the main entrance to the stables was from the north. Skeffington Hall is located to the east of the Stables and probably has origins in the mid-15th Century with later alterations. By way of example, the main ironstone frontage dates from the 17th Century and there are other 19th Century additions. As a result, the listed buildings have considerable architectural and historic value, both individually and collectively, as a repository of past building techniques and lifestyles. They also have aesthetic value as attractive period buildings in a pleasant semi-rural setting.
7. To the rear of the Stables is a collection of outbuildings and a boundary wall forming a yard. They are constructed from red brick with the roofs of the buildings finished in slate. They are simple structures with limited ornamentation on account of their ancillary function. They are subservient features of notably less value and significance than the Stables and Skeffington Hall. That said, they are nevertheless important in understanding and experiencing the grandeur and workings of a historic country estate/home. They also provide some screening between the appeal site and the principal listed buildings.
8. The appeal scheme would result in a new garage located alongside the existing boundary wall and close to the red brick outbuildings. The proposed garage as amended would be taller than the wall but so are other nearby buildings, including the new house, which is arranged somewhat uncharacteristically over three floors. The garage would also be broadly similar in height to the nearest outbuilding behind the Stables and would therefore not appear out of place. The span of the gables would be quite wide, resulting in greater overall massing, but the proportions would be more balanced than those of the approved garage, which would appear quite squat and awkwardly shaped. Importantly, the new garage would be of a subservient scale and siting to the Stables and functional in appearance, thereby echoing the other red brick buildings nearby.
9. In terms of detailing, the dormers would be in proportion with the roof plane, with the flat roof configuration reducing the sense of bulk and echoing those found on the newly constructed house. They would also be on the reverse slope and therefore invisible from the listed buildings. Indeed, the red brick finish and slate roof would blend in with the surroundings. The garage doors

would be more attractive than those approved, being designed in the style of traditional side hung doors. For these reasons, the garage would not appear as a strident intrusion into the setting of the listed buildings.

10. There would also be sufficient breathing space between the garage and principal listed buildings, especially the Stables, to allow an appreciation of their architectural interest to be unimpeded. When looking out from the courtyard, the garage would be visible but it would not appear overpowering or incongruous given the materials, form and position behind the boundary wall and existing building.
11. Thus, when considering the legal duty in Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990, the proposed garage as amended would preserve the setting of the listed buildings.

The effect on the significance of the CA

12. The CA is focussed on the Skeffington Hall and the village core, which the Conservation Area Statement explains is characterised by attractive period properties intermingled with mature landscaping. Some of this landscaping has origins as parkland. The CA tells us much about bygone rural lifestyles and society more generally. It is therefore of historic interest. Furthermore, the rich mix of period buildings results in architectural and aesthetic value.
13. The proposed garage would be set back from the road by some way and tucked behind mature landscaping. As a result, it would not be prominent or adversely affect the verdant appearance of the CA. The Council have recommended conditions to safeguard existing planting and have not raised concerns about the proposal's impact on existing trees. Where glimpsed, the garage would be seen as an ancillary outbuilding with a gabled form. This is a typical feature of the CA. Indeed, the appellant has pointed to another example of a large domestic outbuilding at Beeches and the Council has not questioned its relevance. In this respect, the massing would not be out of place with this nearby building or the size of the appeal site more generally.
14. It is also of note that the Council has permitted a very large house at the appeal site, which is arranged over three floors, includes dormer windows and does not really reflect the traditional historic architecture found in the CA, being based on a barn albeit with overt domestic features. In this local context, the proposed outbuilding would not be out of place or lack an adequate degree of subservience. Nor would it appear cramped. The dormer windows would be hard to see, and I have already explained that they would be in proportion with the roof plane in any event.
15. When having regard to the legal duty in Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990, the proposed garage as amended would preserve the character and appearance of the CA. In this instance, it follows that the local character, context and distinctiveness of the area would not be harmed either.

Conclusions

16. In conclusion, the proposal would not harm the significance of the Stables to the rear of Skeffington Hall, Skeffington Hall or the CA. As a result, there would be no conflict with Policies HC1 and GD8 of the Harborough Local Plan, as supported by Sections 2, 4 and 6 of the Development Management

Supplementary Planning Document, which seeks to secure development that would preserve the significance of designated heritage assets and the local character of the area more generally. These objectives are consistent with the National Planning Policy Framework.

Other Matters

17. There are other listed buildings nearby, including Thomas a Becket Church and Rose Cottage. However, the intervening distance is such that the proposal would not harm the setting and significance of these buildings.

Conditions

18. The drawings show the garage finished in a buff brick. This is no longer the appellant's intention and therefore I have amended the conditions to reflect this. I have not imposed an implementation condition as development has commenced. Due to the proximity of the Stables, it is necessary to secure details of an appropriate mortar mix and brick bond (probably a Flemish bond on such like with a mortar mix to echo lime mortar) so that the building responds to this historic context.
19. Otherwise, the guidance in the Planning Practice Guidance² makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. If some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

20. In conclusion, the proposed development with the approved drawings amended as proposed, would adhere to the development plan. There are no material considerations which outweigh this finding. Accordingly, the appeal succeeds.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. Subject to the other imposed conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 1653-P-10B (in respect of the house) and 1653-P-10C (in respect of the garage) Proposed Site Plan; 1653-P-20D Proposed Plans and Elevations; 1653-F-30C Garage Plans and Elevations; 1653-F-40A Proposed Entrance Gate; and Tree Protection Plan 01
2. Notwithstanding the material finish shown on the approved plans listed above, prior to construction of any external walls, details of all external materials (including the mortar mix and brick bond) to be used in the construction of the

² Paragraph: 015 Reference ID: 17a-015-20140306

garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority, and the garage shall only be constructed in accordance with the approved details.

3. Notwithstanding the details shown on plan no. 1653-F-40A, the new gates hereby permitted shall be timber, unless the full details (including a sample) of any other gate material or finish has first been submitted to and approved in writing by the Local Planning Authority.
4. The trees on the site shall be protected by fencing (and ground protection where necessary) in accordance with the details shown on Tree Protection Plan 01, and complying in full with "BS5837:2012 Trees in relation to design, demolition & construction - Recommendations". The fencing (and ground protection) shall be installed before any equipment, machinery or materials are brought onto the site for the purposes of the demolition or development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, unless the Local Planning Authority gives written approval.
5. No demolition or development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development: a) the parking of vehicles of site operatives and visitors; b) loading/unloading and storage of construction materials c) measures to control the emission of dust and noise during construction; d) hours of construction work, site opening times, hours of deliveries and removal of materials; e) location of temporary buildings and associated generators, compounds, structures and enclosures f) Contact details for site manager, including how these details will be displayed on site.
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, Classes A-H inclusive of that Order, shall be erected or undertaken.
7. The roof area of the single storey rear element hereby permitted shall not be used as a balcony, roof garden or similar amenity area and, furthermore, no balustrades, railings or other means of enclosure or means of permanent access shall be erected on this area.

End of schedule