



Appeal Decision

Site visit made on 14 September 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/F2415/W/24/3345398

Land at the New Coach House Main Street Tugby Leicestershire LE7 9WD

- 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 Derrick Hicks against the decision of Harborough District Council.
 - The application Ref is 23/01653/FUL.
 - The development proposed is erection of four new-build dwellings: 2no. 2-bed dwellings (semi-detached), 1no. 3-bed dwelling (detached), and 1no. 4-bed dwelling (detached) with ten parking spaces, and the refurbishment and extension of the existing barn to create a new 2-bed dwelling
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four new-build dwellings: 2no. 2-bed dwellings (semi-detached), 1no. 3-bed dwelling (detached), and 1no. 4-bed dwelling (detached) with ten parking spaces, and the refurbishment and extension of the existing barn to create a new 2-bed dwelling at land at the New Coach House Main Street Tugby Leicestershire LE7 9WD in accordance with the terms of the application Ref: 23/01653/FUL dated 2021 and the plans submitted with it, subject to the conditions attached to this decision letter.

Preliminary Matters

2. The description of the development appearing on the appeal form and decision letter differs from that on the application form which is the appropriate description that I have used in considering this appeal. At the time of my site visit it seemed development previously approved within part of the appeal site (Ref: 20/00732/FUL) the barn conversion and extension, had been substantially completed. I have addressed this within my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character or appearance of the area including the conservation area and on the setting of nearby listed buildings, and
 - living conditions for occupiers of the development.

Reasons

Character and appearance

4. The main part of the site¹, which includes the access, parking and built form of the proposed new dwellings is an area of undeveloped green space reported variously as a 'paddock' or 'spinney', set within the Tugby Conservation Area (TCA) and provided with an existing access opposite Orchard House, a listed traditional dwelling. This part of Tugby features dwellings of various ages employing a range of materials, brick, render, stone slate, and in the case of Orchard House, thatch. Whilst Main Street to the north of the site has a broadly aligned frontage and enclosure (at least on one side), this opens up to a loose development pattern around the area of the site such that the new dwellings would not obtrusively conflict with the surrounding pattern of development. It is noted that the site has a planning history which includes a permission for a pair of semi-detached dwellings (Ref 20/00726/FUL) in a broadly similar location to the four new dwellings.
5. The proposed location for the new dwellings is set lower than the existing² point of access from Main Street. A number of mature trees at the far (east side) of the site provide a backdrop to current views from Main Street and partially screen development beyond³. The proposal also incorporates (at 'Plot A') the conversion and extension of an existing building to create a single dwelling which is similar to (Ref: 20/00732/FUL) with a larger extension. Due to its discrete positioning at the rear of a frontage dwelling 'Trelawney', this part of the proposal would be largely screened from public view and have no impact upon the street scene or the character and appearance of TCA.
6. The four proposed new dwellings would sit at a significant distance from, and below the level of, the access point from Main Street such that, notwithstanding the greater height of the proposed dwellings due to their deep floor plate, they would broadly align with what surrounds. Although the proposal would introduce some 10 parking spaces in front of the new dwellings, these would lie back around 25m from the road at slightly lower levels. I note that the appellant proposes to minimise the extent of hard or impermeable paved areas, which could be ensured through conditions.
7. The appellant has submitted an Arborecultural Impact Assessment (AIA) which confirms the proposal would require the removal of two 'retention category B' trees within the TCA; identified as T1 and T2, a sycamore and hybrid poplar, together with some other incursions into the canopy of the tree group at the rear of the site. Although these works would reduce the existing canopy and tree density at the rear of the site, the AIA suggests compensatory and protection measures. The proposals show planting, including trees, to the north side of the access adjacent to the single storey dwelling 'Foxcote'. Moreover a small group of established trees adjacent (on the south side) to the access lie within the grounds of 'Whiteacres' which is a large two-storey house in a large plot. Whilst not within the control of the appellant, nevertheless these would augment an overall scheme of planting within the appeal site including around the parking areas and at the frontage. Taken

¹ Meaning the part of the appeal site that lies outwith the approval Ref: 20/00732/FUL

² And proposed point of access for the development

³ Such as the late twentieth-century estate of 'Wellfield Close' immediately to the east of the appeal site and outwith the TCA perimeter

together there would be a significant opportunity to frame the access and partially screen the new dwellings, significantly reducing the visual impact of the proposal.

8. Given the intended disposition of such planting as I have identified, which would necessarily include trees of substantial size, the proposed new dwellings would appear framed by the relatively narrow frontage, partially screened and sitting within the depth of the site against, notwithstanding the tree work proposed, the existing tree'd backdrop. Subject to suitable conditions to implement planting including replacement and other trees, there would be a medium to long-term improvement in both amenity value and canopy cover.
9. In the context of the various built typologies, appearance and layout in the vicinity of the site and the retention (or replacement by suitable) boundary treatments as currently found on site such as the field gate and post-rail fencing, the proposal would retain elements of rural character such that the development would be neither unduly incongruous or intrusive and thereby preserve the character and appearance of this part of the TCA.

Living conditions

10. The Council suggest the proposal represents 'over development' of the site which would lead to overlooking, pointing to the conservatory at the rear of Foxcote. However although a section of this would appear to be within the Council's preferred separation distance from one of the new dwellings, the infringement is quite small and unlikely to have significant impacts upon privacy as the overlooking would be from upper floor rooms and not main living rooms. In addition there are opportunities to enhance the existing planting or boundary treatment which currently intervenes if necessary. Further, whilst the development would be in the setting of a number of mature trees, albeit reduced in number⁴ and canopy extent by the works set out in the AIA, that does not necessarily invoke a presumption that further reduction would be sought by residents as such situations are not uncommon and those taking up occupation will be aware that such trees are protected by their Conservation Area/TPO status.
11. The proposal intends enlargement of the barn conversion/extension from that approved and implemented (Plot A) which would reduce the amenity space available to that unit and, further, a two storey gable wall would be introduced on the south side. It is apparent that due to the relative disposition and separation of the new houses, the area mainly affected will be the parking area and space outside the additional bedroom. Notwithstanding these changes, plot A is already a small unit with a 'courtyard' amenity space which would still have acceptable access to daylight and sunlight, and I conclude there would not be an unacceptable impact on the living conditions of users of that dwelling from the works proposed.

Other Matters

12. Since the submission of the appeal the Council issued a provisional Tree Preservation Order⁵ on a group of trees which would be affected by the development. My decision has taken account of this, including the need for a condition as to a scheme of planting to include suitable replacement and additional trees.

⁴ Although overall there would be an increase in tree coverage for the site

⁵ Dated 17 July 2024

13. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty at Sections 66 (1) that decision-makers should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and at Section 72, a similar duty with regard to Conservation Areas. My observations direct that the changes proposed in both respects harm neither the setting of Orchard House nor, in the case of the TCA, its character and appearance.

Conclusions and Conditions

14. I have concluded that measures within the proposal as to tree replacement and additional planting will adequately mitigate the visual impact of what is proposed but also enhance the visual amenity of the site such that the character and appearance of the TCA would be preserved. I have concluded that conflict with the objectives of the Harborough Local Plan (HLP) with regard to design and layout of the proposal is minor and should attract little weight. Further with regard to living conditions for future occupiers I find little evidence of harm arising. I therefore find little conflict with policies GD2, GD8 of the HLP or with Policies H3, H5 and ENV6 of the Tugby and Keythorpe Neighbourhood Plan (TKNP) which, taken together, seek a high standard of design that respects existing development patterns and allow the development of windfall sites whilst increasing tree coverage by integrating them into the design of the development.
15. Consequently, for the reasons given and taking all matters raised into account, the appeal succeeds. Conditions are necessary, in addition to usual timing and plans conditions, to ensure the development accords with the basis of this determination including a planting scheme including tree replacement, also details of boundary treatment and a tree protection scheme. The Council have indicated a requirement to ensure arrangements for access and parking are implemented and retained in an approved form and that according to consultee suggestions there should be a watching brief in relation to archaeology and provision for EV charging. I consider such conditions would meet the tests set out in the NPPF as to necessity and reasonableness given the location of the site.

Andrew Boughton

INSPECTOR

SCHEDULE OF CONDITIONS ATTACHED

- 1) The development hereby permitted must be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following drawings:
 - 5399/DWH/22/100 Rev No P9 Proposed Site Plan
 - 5399/DWH/22/101 Rev No P1 Proposed Barn Floor Plans and Elevations
 - 5399/DWH/22/103 Rev No P7 Plots 1 to 4 Proposed Elevations
 - 5399/DWH/22/102 Rev No P5 Plots 1 to 4 Proposed Floor Plans
 - 5399/DWH/22/106 Rev No P1 Proposed Site Plan with visibility splay.
- 3) No development shall commence until details of both hard and soft landscape and other related works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - scheme of landscaping including replacement trees and other trees;
 - a tree protection scheme according with the recommendation of the Arborecultural Impact Assessment submitted by the appellant;
 - vehicle parking layouts and access driveway and pedestrian access and circulation areas;
 - boundary treatments to be retained or changed.
 - hard surfacing materials;
 - refuse storage arrangements;
 - electric vehicle charging arrangements.
- 4) Before the development is first occupied a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. All landscaping shall be managed in accordance with the approved landscape management plan.
- 5) Development shall not commence above ground level until details, including colours where required, of the materials used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall then be constructed in accordance with the approved details.
- 6) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.