



Appeal Decision

Site visit made on 7 January 2025

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/X2410/D/24/3344989

64 New Zealand Lane, Queniborough, Leicester LE7 3FT

- 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 and Mrs A Bennett against the decision of Charnwood Borough Council.
 - The application Ref is P/23/2369/2.
 - The application sought planning permission for Retrospective erection of a two storey side and rear extension and single storey rear extension without complying with a conditions attached to planning permission Ref P/23/0202/2, dated 29 June 2023.
 - The condition in dispute is No 2 which states that:
Notwithstanding the plans hereby approved, the rendering materials on the garage and connecting extension to host dwelling hereby approved by the Local Planning Authority, shall be replaced and shall comprise:
Product Name: Olde Victorian red blend brick slip
Material: Clay Brick
Colour: Red
Product link submitted: <https://brickslips.co.uk/olde-victorian-red-blend-brick-slips/8-olde-victorian-red-blend-brick-slips.html>
The material replacement works shall be carried out within 3 months of the date of this permission.
 - The reasons given for the condition is:
To match as closely as possible those of the existing building and to ensure the appearance of the development is of a good quality in accordance with Policy CS2 of the Core Strategy and DS2 of the Draft Local Plan, Policy Q14 of the Queniborough neighbourhood plan, the design guide and the NPPF.
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Decision

1. The appeal is allowed and planning permission is granted for the Section 73 Removal of Condition 2 (Proposed render material to garage and connection extension) of Planning Application ref: P/23/0202/2 (Retrospective erection of a two storey side and rear extension and single storey rear extension). Removal proposed to enable the retention of existing render to garage and connecting extension at 64 New Zealand Lane, Leicester LE7 3FT in accordance with the terms of the application, Ref P/23/2369/2, subject to the following conditions:
 - 1) The following plans are hereby approved:
 - Application form - Received: 03/02/2023;
 - Drawing No: A1-30-01-2023 - Respective application plans - Received: 03/02/2023
 - 1:500 Block plan and 1:250 location plan - Received: 03/02/2023

Preliminary Matter

2. The Council advise that the emerging Charnwood Local Plan 2021 – 37 Pre-submission Draft July 2021 (the emerging Local Plan) is at an advanced stage. I have no evidence to the contrary that further discussion are planned for design policies, or that there are any unresolved objections. As such the relevant Policy is therefore considered to carry moderate weight.

Main Issue

3. The main issue is the effect of the render on the on the garage and connecting extension on the character and appearance of the host dwelling and area.

Reasons

4. The appeal relates to the removal of a condition which specified materials on a retrospective planning permission granted to erect an extension to a traditional property. The original application specified red clay brick slips to externally clad the development. The development was not completed in accordance with approved materials. This appeal seeks the retention of the render in place of the brick slips.
5. The appeal property is located on a residential street which has a variety of dwelling types. The materials used in the area are predominantly a varied mix of different brick and render. The pattern of development and boundary treatments are not consistent and overall the area successfully accommodates a mix of development with no one style being overly dominant.
6. The appeal property is one of the older dwellings on New Zealand Lane. It has traditional proportions and features and is constructed from red brick. The garage/extension to the side comprises a pitched roof, which is linked and set well back from the host dwelling. The materials on the garage and connecting elements to the host building feature brick and render. The uppermost part, comprising cream render is clearly visible next to the red brick host dwelling. However, the sides of the rear of the property are well screened in the streetscene by existing development.
7. The host dwelling being sited directly on the street edge is clearly the focal building. Although matching materials do ensure a visual and architectural consistency the use of brick and render together is not an unusual arrangement. The varied materials provide a suitable intersection over an existing structure. Although the garage appears large, given the set back the use of render is not sufficiently intrusive or dominant upon the host dwelling. Furthermore given the diversity of style and form in the vicinity in the street scene, this continues the diverse character of New Zealand Lane and it does not appear incongruous or result in harm.
8. I conclude that the proposal does not harm the character or appearance of the host dwelling or area. Deleting the original worded condition would accord with Policy CS2 of the Charnwood Local Plan 2011 to 2028 Core Strategy, adopted November 2015, Core Strategy. The proposal would also accord with saved Policies EV/1 and H/17 of the Charnwood Local Plan 1991 – 2006, adopted 2004. Together these policies require development to be of a design compatible and utilise materials appropriate to the locality. The proposal would also be in

accordance with the Queniborough Neighbourhood Plan 2021, which requires development to be in keeping with the scale, form and character of its surroundings. For similar reasons, the proposal would be in accordance with Policy DS5 of the emerging Local Plan.

Other Matters

9. It is understandable that the retrospective nature of the appeal scheme together with timescale are causes for concern and frustration amongst third parties. The role of this appeal, however, is not a punitive one, and the appeal has been assessed based on the merits of the case.

Conditions

10. The Planning Practice Guidance 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 such the plans condition is necessary in the interests of certainty.

Conclusion

11. For the reasons given above, I conclude that the appeal is in accordance with the development plan and should succeed. I will grant a new planning permission without the disputed condition and restate the undisputed condition.

K Williams

INSPECTOR