



Appeal Decision

Site visit made on 21 January 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/Y2430/W/24/3351446

The White Cottage, 11 South Street, Scalford, Leicestershire LE14 4DY

- 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 Cooper of FC Measom against the decision of Melton Borough Council.
 - The application Ref is 23/00116/FUL.
 - The development proposed is demolition of existing dwelling and erection of new-build replacement dwelling, and new-build garage/car port.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of new-build replacement dwelling, and new-build garage/car port at The White Cottage, 11 South Street, Scalford, Leicestershire LE14 4DY in accordance with the terms of the application, Ref 23/00116/FUL, subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs has been made by Cooper of FC Measom against Melton Borough Council and is the subject of a separate decision.

Preliminary Matters

3. The site is located within the Scalford Conservation Area and as such I have had regard to my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. The main parties were given the opportunity to comment on the updates to the Framework and where they have been received these comments have been taken into consideration.

Main Issues

5. The main issues relevant to this appeal are whether the proposed development would preserve or enhance the character or appearance of the Scalford Conservation Area (CA), and the effects of the loss of The White Cottage, a non-designated heritage asset (NDHA); and the effect of the proposal upon the character and appearance of the area.

Reasons

Heritage Significance

Scaford Conservation Area

6. The appeal site is located within the southern part of the CA and the Scaford Conservation Appraisal (SCA) states that this area is generally older and the narrow streets around the Church of St Egelwin contain many buildings constructed in local ironstone which are situated close to the road giving the village an intimate and contained feel and hence the built form is typified by buildings clustered around the Church. In general terms the village overall displays a wide mixture of building styles, ages and materials giving visual variety throughout. The varied roofscapes and chimneys are a strong feature as are boundary walls which are widespread throughout Scaford.
7. The majority of the buildings are constructed in local ironstone or traditional red brick. Slate or clay pantiles are the dominant roofing material.
8. The significance of the CA comes from its historic value with records of the village dating back around 430 years. The significance of the CA is also derived from the aesthetic value associated with the dwellings and landmark buildings throughout the CA and the variety of architectural styles which represent a high level of architectural detailing. The siting of buildings close to the road gives the area an intimate and contained feel which is supported by the brick-built boundary walls that are common throughout. The mature trees around the CA are also identified as a strong feature that can act as a visual stop.
9. Whilst not discussed within the SCA, the scale of the buildings within the CA also varies considerably, although most are two storeys tall. There are several buildings which appear to have been converted to residential use and large areas of glazing and timber have been introduced to those buildings and as such large areas of glazing and timber are not necessarily uncommon in parts of the CA.

The White Cottage

10. The appeal property known as 'The White Cottage' is a building that has elements that are estimated to have been built prior to 1847. This older part of the dwelling relates to the narrow ground floor element of the building and there have been various additions to the house over the years. The first floor over the older part of the building has a narrow-gabled roof which itself was a later addition, similar in form to the converted farmstead buildings on the opposite side of South Street and the dwelling to the north of it. This is recorded as being built from red brick rather than ironstone. Attached to the rear of this is a small lean-to extension that was added at a later date. The ground floor of the south facing two storey element of the dwelling was added later and is built from ironstone whilst the first floor was a later addition built from brick. This part of the building is wider with side facing gables, more typical of other buildings in the CA. There is also a small porch in front of this part of the building which is built from ironstone. Due, in part, to the later additions to the house it has a varied roofscape with chimneys.
11. On the opposite side of the road is a part red brick, part white painted cinderblock garage with a part slate and part corrugated metal roof and this building is associated with The White Cottage.

12. The older parts of the dwelling appear to have been built from ironstone and red brick, but the building has been covered by white render which hides this positive feature of the NDHA. Furthermore, later additions such as UPVC windows and guttering have been inserted into the property which are identified as negative factors in the CA in the SCA. The building has been built up against the road and this, alongside the garage on the opposite side of the road retains the narrow intimate and contained feel that is prevalent in the CA, despite being located towards the edge of the CA close to the open countryside.
13. The ironstone and red brick used in its construction, as well as the varied roofscape and chimneys and the narrow intimate and contained feel of the dwelling and the associated garage are features that positively contribute towards the significance of the CA. While the stonework may be evident below the white render when close to the building, from further afield, the building is a white rendered dwelling which contrasts with the prevalent materials used in the CA. This and other later additions to the dwelling, such as the UPVC windows and guttering are not reflective of features that positively contribute towards the significance of the CA.
14. The Historic Building Recording Survey identified that the house was originally two dwellings owned by The Duke of Rutland but was never lived in by them or anyone of historic significance. The dwelling is said to form part of what was the Belvoir Estate related to Belvoir Castle which is a Grade I listed building¹. However, the castle is located a significant distance away from the appeal site and other than a historic connection with what must have been a considerably sized estate and the use of ironstone, there is little visual or physical relationship between the appeal building and the castle.
15. Whilst parts of the building are of a considerable age, the Principles of Selection for Listed Buildings guidance from the Department for Culture, Media and Sport does acknowledge even in buildings of such an age that some selection is necessary. Importantly the dwelling is not a listed building.
16. Taking all of this into consideration, the NDHA has a modest level of heritage significance. Whilst the dwelling is located on an approach into the village, it is partly on an unadopted highway. Furthermore, given the location of the building towards the edge of the CA and the limited visibility of it within the wider CA, the positive contribution the dwelling makes to the character and appearance of the CA as a whole, is limited.

The effect of the proposed development

17. The proposed dwelling would have a similar plan layout as The White Cottage, with a narrow gable addition to the rear and a two-storey side gabled frontage. The house would also be built up against the roadside and a garage/car port would be built to replace the existing garage on the opposite side of the road. The building is proposed to be built using exposed ironstone and Swithland Slate roof tiles. There would be a timber external staircase on the front of the building leading to a balcony which would have a glazed balustrade. This elevation would also have a large area of glazing facing out towards the countryside.

¹ List Entry Number: 1360870

18. The glass balustrade and south facing elevation would introduce a modern choice of material, however, the large areas of glazing would be on one elevation facing out from the CA. The solid to void ratio across the dwelling would ensure the ironstone and slate roof would be the prominent materials. The choice of materials would overall reflect the common materials used in the CA and thus be sympathetic towards this feature that forms part of the significance of the CA. The use of timber around this large area of glazing would also soften the modern appearance of it.
19. The dormer window proposed in the south facing elevation would be modest in scale and would sit comfortably within the roof slope, alongside the larger rear gable. This would break up the massing of this elevation thus limiting the appreciated scale of the house.
20. The use of exposed ironstone and slate roof tiles would complement other dwellings in the area, and based on the submitted evidence it is evident that the proposal would represent high quality architectural detailing which forms part of the significance of the CA.
21. The plan layout of the house would be larger than the existing dwelling, however, when compared to the surrounding dwellings the house would generally be smaller than them. Whilst taller than what would be replaced, the proposed house and garage/car port would be two-storey buildings consistent with other buildings in the CA. The garage/car port would be smaller than the proposed dwelling, as well as other buildings in the area and this, alongside the similar materials, would ensure it would appear subservient to the house. The two buildings would share a visual and physical connection and be viewed as part of a single development.
22. Furthermore, the narrow gable addition to the rear would be similar in scale and appearance to the nearby converted farmstead and the dwelling to the north. The two-storey side gabled element of the house would reflect the existing dwelling and would not be substantially wider than it. The plan layout of the house would be similar to other houses in the CA and given the variety in the design of houses locally, the overall layout of the dwelling would complement the visual variety that is evident throughout the CA. The varied roofscape across the dwelling would also be consistent with other houses in the area. The siting of the house, the garage/car port and the low-level red brick-built boundary wall would also retain the narrow, intimate and contained feel of the CA.
23. The proposed covered car port and garage would also be built from ironstone with a slate hipped roof. Whilst the garage/car port would be larger than the existing garage, its form with a varied roofscape and siting next to the road alongside the materials proposed would reflect features that positively contribute towards the significance of the CA.
24. Whilst two trees would be removed as part of this scheme, they were identified in the Tree Survey as being of low quality. The proposal has been designed to retain the other trees in and around the site which would preserve this strong feature of the area.
25. While the proposed dwelling and garage/car port would be larger than the buildings they would replace they would be sited in mostly the same location. The scale of the development would be comparable or smaller than development around it which would be appropriate in this edge of village location. As such, the

views into and out of the CA would generally be retained around and between the buildings. The retention of the trees around the site would also soften the appearance of the development when seen from outside of the CA.

26. Overall, the proposed development would reflect the materials and built form present throughout the CA. The close siting of the dwelling and the garage/car port next to the road would reflect the intimate pattern of development locally. Furthermore, the low-level brick-built boundary wall would complement others in the area and contribute towards the intimate and contained character of the CA in this location. I therefore conclude that the proposed development would make a positive contribution towards the significance of the CA.

Consideration of Heritage Impacts

27. I have undertaken a net internal balancing of heritage harms against benefits to determine whether there is any 'net' harm which would trigger the need for the balancing of wider public benefits, as required by paragraphs 214 and 215 of the Framework.
28. The proposed development would result in the loss of the NDHA and the Framework states that such assets are an irreplaceable resource, to be conserved in a manner appropriate to their significance. For the reasons given above, the NDHA replicates some of the design elements identified in the SCA that contribute towards the dwelling's significance, although this is negated partly by the modern additions. The significance of the building also makes a limited positive contribution towards the character and appearance of the CA, given its size and location. The demolition of the NDHA would evidently result in the total loss of this modest level of significance derived from the building. There would also be harm to the CA, although given the building's limited contribution this would equate to less than substantial harm.
29. Counter to this, the proposed development would reflect and retain many of the distinctive elements identified in the SCA as making a positive contribution towards the significance of the CA. The proposed development would be of a high-quality design, utilising high quality materials reflective of those used elsewhere in the CA. The siting of the dwelling and garage/car port would also retain the intimate and contained feel that the NDHA contributes towards the character of the CA. Taking into consideration the considerable importance and weight that should be given to any harm to heritage assets, I conclude that the overall balance in heritage terms would mean the effect of the proposed development would be neutral. The development would result in the loss of the NDHA, but the overall effect of the proposed development would preserve the character or appearance of the CA, as a whole.
30. For the reasons given above, there would not be any net harm and thus the need to balance the public benefits is not triggered.
31. Consequently, the proposed development would accord with Policy EN13 of the Melton Borough Local Plan 2011-2036 (LP). This seeks, amongst other matters, to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting as well as ensuring that new developments in conservation areas are consistent with the identified special character of those areas.

Character and Appearance

32. The character and appearance of the CA has been discussed above and this incorporates most of Scaford to the north of the appeal site. To the south of the appeal site is open countryside and there is a nearby Public Right of Way that extends into the countryside beyond the village. Given that the appeal site is located at the edge of the village the area has a semi-rural character, although there is an intimate pattern of development prevalent throughout the village.
33. As concluded above, the design of the dwelling and garage/car port would be appropriate within the context of the CA which forms much of the character and appearance of the area. The scale of the development would be consistent with other buildings in the CA, although the dwelling would generally be smaller than the buildings closest to it.
34. Whilst some of the neighbouring properties are linear in form, this is not reflective of the houses throughout the area and indeed the Grade II listed Nether Hall Farmhouse² which is located close to the appeal site has a similar plan form to the proposed dwelling. This dwelling as well as other similarly designed houses in the village, including The White Cottage, form part of the character and appearance of the area, although given the variety in the design of houses in the village, the value of these comes more from the high-quality architectural detailing and the materials used. Despite this, the rear addition to the proposed dwelling would be relatively narrow and linear to reflect the form of nearby linear properties.
35. Given that the plan layout of the dwelling and garage/car port would be similar to others in the village and because the proposed development would use high quality architectural detailing and materials that reflect those used throughout the area, the development would reinforce local distinctiveness.
36. Given the variety in the design of the dwellings in the area, there is scope to accommodate features such as a glass balustrade and the glazed gabled end without causing significant harm to the character and appearance of the area. Especially given the complementary form and materials proposed as well as the high-quality architectural detailing that would be incorporated throughout the development. The modest scale of the south facing gable would also break up the massing of this elevation thus limiting the appreciated scale of the house when approached from this direction.
37. Furthermore, whilst the buildings would be larger than those they would replace, the modest scale of the proposed buildings would not be disproportionate compared to the dwellings nearby. The siting of the buildings would also retain views of the village to the rear when approaching from the countryside and vice versa. Whilst the buildings would be sited next to either side of the road, for the reasons given above, this is a positive feature of the area and is appropriate in this context. Consequently, the design, scale and siting of the scheme would be appropriate in this context when appreciated from the nearby Public Right of Way and Important View 4 identified in the Scaford Parish Neighbourhood Plan 2019-2036 (NP). Furthermore, these buildings would be seen with the backdrop of the village behind it and the view of the proposed dwelling and garage/car port in this location would be appropriate in this semi-rural context.

² List Entry Number: 1360954

38. Therefore, the proposed development would not harm the character and appearance of the area. Consequently, it would accord with Policy D1 and EN1 of the LP and NP Policy H6. These expect developments, amongst other matter, to be of high-quality design that enhances and reinforces local distinctiveness whilst respecting existing landscape character and features.

Other Matters

39. I am aware that the Grade II listed Nether Hall Farmhouse and the boundary wall of said property³ are located near to the site. Mindful of the statutory duty set out in Section 66(1) of the Act, I have had special regard to the desirability of preserving its setting. The significance of the building and the wall is derived from its age and the intactness of its built fabric which contributes towards its historical and architectural interest. There is also a group value between the two assets. The heritage assets are located within Salford and there are several houses near to the site and these are generally sited close to each other as is common in the CA. Given the modest distance between the heritage assets and the proposed development it would be sited within their setting.
40. However, for the reasons given earlier in this decision the design of the proposed development would preserve the character and appearance of the CA and thus would be consistent with the development within the setting of the heritage assets. Furthermore, the buildings would be sited in the same general location as the existing house and garage/car port and thus would not be sited significantly closer to the heritage assets. As a result of this and the intervening buildings, the proposal would preserve the setting of the heritage assets and the significance of which would not be harmed. I note the Council had no concerns in this regard either.
41. Further from the site are several other listed buildings and I have had special regard to the desirability of preserving those buildings setting⁴. The significance of these buildings generally comes from their architectural detailing whilst the setting of these buildings incorporates the intimate and contained pattern of development in Salford. The appeal site is located a considerable distance from these heritage assets with intervening buildings and vegetation. The scheme would generally replicate the factors that contribute towards the significance of the CA and thus the setting of these buildings, and as such the proposed development would preserve the setting of these heritage assets and the significance of which would not be harmed. The Council also had no concern in this regard either.
42. The proposed garage/car port would be sited along the shared boundary with a neighbouring property. Whilst it would be taller than the existing garage, the neighbouring property would be a considerable distance from the proposed garage/car port. The distance from the neighbouring property would ensure the garage/car port would not significantly overshadow or harmfully enclose the outlook of that property. As a result, the living conditions of neighbouring occupiers would not be harmed, in this regard, by the development. I note the Council did not refuse the application on this basis.

³ List Entry Number: 1074982

⁴ List Entry Numbers: 1075018; 1074978; 1074979; 1074981; 1074983; 1075019; 1188640; 1360952; 1360953; 1360955; 1464968; and 1017492.

43. The proposed dwelling, garage/car port and boundary wall would be sited close to the road and for the reasons given above this would be appropriate insofar as it relates to the character and appearance of the area. The road leads towards the countryside beyond Scaford and it is noted by interested parties that large vehicles may need to pass along this road which would be constrained by the siting of the proposal. However, the existing house and garage are already sited very close to the road and the development would not make the road significantly more enclosed than it already is. Furthermore, the siting of the proposed parking space would allow for vehicles to pass any parked vehicles. The Local Highway Authority did not object to the application, subject to conditions, and based on the information before me I find no reason to conclude otherwise.
44. A Tree Survey was submitted with the application which identified the trees around the appeal site, including those outside of it. The proposal would require two trees which have been identified in the survey as being of low quality to be removed but the scheme has been designed to ensure the development would not harm the other trees around and outside of the appeal site. The Leicester County Council Forestry and Arboricultural Officer did not object to the application, subject to a condition to ensure protective fencing is erected prior to works starting. Taking into consideration the evidence before me I find no reason to come to a different conclusion on this matter.
45. Whilst disruption may be caused during construction, this would only be for a limited period of time. This would ensure the living conditions of nearby occupiers would not be harmed by this.
46. If the development would lead to damage to a property during construction this would be a matter to be considered outside the remit of this appeal. Similarly matters relating to the party wall act and access for maintenance are also outside of the remit of this appeal.
47. I note that the building was said to be occupied approximately 9 years ago, and consideration was given to the retention and modification of the building by the appellant but nonetheless, given my conclusion that the proposal would preserve the character or appearance of the CA, it is not necessary to consider this matter in greater detail.
48. I also note comments from interested parties concerning whether the site notice was put up. However, based on the information before me public consultation was undertaken for this application which is evident by the number of comments that were received during the determination of the application and this appeal.

Conditions

49. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those conditions I consider meet the relevant tests, subject to minor amendments to ensure precision and brevity without changing their overall intent. With regard to Section 100ZA (5) of the Town and Country Planning Act 1990, the appellant has given their written agreement to the pre-commencement conditions attached to this decision.
50. Further to the standard commencement condition [1], a condition requiring the development is carried out in accordance with the approved plans is necessary in the interest of certainty [2].

51. Condition 3 is necessary to ensure the trees that are to be retained in and around the site which could be affected by works on the site are protected during construction. It is necessary for this to be pre-commencement to ensure works which could affect trees are not undertaken until the protection measures are in place.
52. Condition 4 is necessary to ensure the appropriate disposal of surface water and foul sewage is secured to ensure the development does not increase the risk of flooding elsewhere. It is necessary for this to be pre-commencement to ensure works which could affect the implementation of said drainage is not undertaken before the details are approved.
53. Conditions 5, 6, 7 and 8 are necessary in the interest of preserving the character and appearance of the CA and ecology. Condition 6 would also ensure an appropriate slate roofing material would be secured for the development.
54. Condition 9 is necessary given the close siting of the buildings to the road to ensure open windows do not hinder the free flow of traffic in the interest of highway safety.
55. Given that there would be space for a vehicle to wait clear of the highway whilst the garage door was opened it would not be necessary in the interest of highway safety to include a condition that controlled where garage doors could be installed.

Conclusion

56. The proposal accords with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 20.197.S01.01; 20.197.S03.01-B; 20.197.S03.02-E; 20.197.S03.03-E; 20.197.S03.04-B; and 20.197.05-B.
- 3) The development hereby permitted shall not take place until the tree protection measures, including the protective fencing, as set out in '4.2 General Recommendations' of the submitted Tree Survey, dated 28 July 2020, have been implemented in accordance with those approved details. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall take place within the protected area(s).
- 4) The development hereby permitted shall not take place until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be

implemented in accordance with the approved details prior to the first occupation of the dwelling.

- 5) The development hereby permitted shall not take place above slab level until details of an integrated bird box and bat box to be installed in the new buildings has been submitted to and approved in writing by the local planning authority. Details shall include the type of boxes and box positioning. Any boxes need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved details prior to the occupation of the dwelling and shall be retained as such thereafter.
- 6) Notwithstanding the details shown on the approved plans and documents, the development shall not take place above slab level until details and samples of the materials to be used in the construction of the external surfaces, including windows and doors, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
- 7) Details of a landscape scheme, shall be submitted to and approved in writing by the local planning authority before that part of the development is commenced. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The approved hard and soft landscaping scheme shall be carried out prior to the occupation of the dwelling and shall be retained as such thereafter.
- 8) If, within a period of 5 years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.
- 9) Notwithstanding the submitted plans, any new or replacement windows and/or doors within 1 metre of the ground floor of the South Street facing elevation of the buildings hereby approved shall not open so to overhang the public highway and shall be retained as such thereafter.

End of Schedule