



Appeal Decision

Site visit made on 2 September 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/F2415/W/25/3366531

6 The City, Kibworth Harcourt, Leicester, Leicestershire LE8 0NY

- 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 and Mrs Philip and Denise Stonestreet against the decision of Harborough District Council.
 - The application Ref is 24/01423/FUL.
 - The development was originally described as proposed complete demolition/removal of site all debris of former dwelling 6 The City Kibworth Harcourt Leicestershire LE8 0NY and replacement with the erection of a new detached 2 storey dwelling. (Inc basement area + double garage).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area, having regard to the Kibworth Harcourt Conservation Area (CA) and the non-designated heritage asset (The City);
 - The living conditions of the occupiers of 5 The City, Knoll Cottage 8 The City and 14 Carlton Road, with particular reference to outlook, sunlight and daylight; and
 - Ecology and protected species.

Reasons

Character and appearance

3. The appeal site comprises a dwelling set back from the highway. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The CA is characterised by attractive rendered and red brick dwellings with slate and pantile roofs. Mature trees and open spaces are also a key part of the CA. When looking at the CA as a whole, dwellings vary in scale, size and age. It includes terraced cottages, elegant houses and former farmhouses. This part of the CA has a more rural character and setting due to the adjacent fields.
5. The appeal site is also adjacent to a non-designated heritage asset; The City which is identified in the Kibworth Villages' Neighbourhood Development Plan 2017 – 2031 (2022 review) (NDP). Policy ENV9 of the NDP sets out that the

identified non-designated local heritage assets are important for their contribution to the layout and characteristic mix of architectural styles in the village, and their features and settings should be protected wherever practicable. The City is a small cluster of dwellings which make a positive contribution to local character and provide a sense of place. The terraced cottages are accessed from Albert Street along a narrow footpath and back onto Carlton Road.

6. Features such as the round window have been incorporated into the design to reflect the historic character of the area. Furthermore, the proposed materials would be in keeping with the area. As the site is set back from Carlton Road it is not prominent. Nonetheless, glimpsed views of the dwelling would be visible from the surrounding area between gaps of development.
7. The replacement dwelling would be larger than the existing dwelling. The modest form of the existing cottage respects the adjacent non-designated heritage asset and CA. Whilst there would be adequate external space, the replacement dwelling would notably increase the extent of built development in proximity to the non-designated heritage asset.
8. Due to the siting and scale of the replacement dwelling, the proposal would have a highly closing in effect at the end of the terrace (The City) and would limit the ability to perceive the terrace as a whole and to appreciate and enjoy its historic significance. The replacement dwelling has not been sensitively designed considering the adjacent non-designated heritage asset, the history of the site, the existing cottage's siting and scale as well as its location in the CA. Consequently, the proposed development would adversely affect the character of this valued part of the village.
9. For the reasons set out above, I find that the proposal would not respect the character of the surroundings. It would fail to respect or enhance the character or appearance of the CA and would cause harm to the non-designated heritage asset. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. Paragraph 216 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. Considering the existing non-sympathetic extensions and given the site is not prominent in the CA, I find the harm to be less than substantial in this instance. Within the less than substantial categorisation, the amount of harm would be at the lower end of the spectrum. Nonetheless, mindful of my statutory duties, this is a matter to which I attach considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

12. The appellants have not clearly outlined public benefits of the proposal, but I acknowledge that there would be some limited public benefits of the scheme. However, the public benefits are not sufficient to outweigh the harm that I have identified.
13. Given the above, I conclude that, on balance, the proposal would fail to preserve or enhance the character or appearance of the CA, would cause harm to the significance of the non-designated heritage asset and would cause harm to the character and appearance of the local area. This would fail to satisfy the requirements of the Act, paragraph 215 of the Framework and conflict with Policies GD8 and HC1 of the Harborough Local Plan 2011 to 2031 (2019) (LP) and Policies H2(3), H6(3) and ENV9 of the NDP. These seek to conserve or enhance heritage assets, and less than substantial harm will be weighed against the public benefits of the proposal. Furthermore, development should respect the context and characteristics of the individual site, street scene and the wider local environment to ensure that it is integrated as far as possible into the existing built form.

Living conditions

14. 5 The City has a high-level, ground floor side elevation window which provides light to the rear section of the living room and faces towards the appeal site. Compared to the existing arrangement, the proposed dwelling would be close to this window. Thus, considering the topography of the area, proximity of No 5's living room windows to the proposed dwelling and the existing relationship between the dwellings, the proposal would have an overbearing impact and overshadowing impact.
15. The Council has raised concern in relation to No 5's rear garden area. However, given No 5's extension and the existing fencing, based on the evidence submitted, the proposed development would not have an unacceptable effect on No 5's rear garden area.
16. 14 Carlton Road is a bungalow which sits on higher ground than the appeal site. There would be a small gap between the proposed dwelling and the boundary shared with No 14. Thus, the extent of built development would greatly increase towards this boundary. Furthermore, the replacement dwelling would be higher than the existing dwelling. There would be a small gap between the proposed side elevation and No 14's private amenity space and conservatory. Taking into account the siting and scale of the proposed dwelling, the proposal would appear overbearing from No 14's conservatory and garden. Additionally, for these reasons and considering the orientation of the sun, the replacement dwelling would result in a loss of daylight and overshadowing, particularly later in the day.
17. 8 The City has ground floor windows facing towards the appeal site which I understand serve a shower room, WC Cloakroom and the high level window serves a Study. Currently, there is low level boundary treatment which does not impact these windows. The replacement dwelling would increase bulk and massing compared to the existing dwelling close to these windows due to its siting and height. Taking into account the use of these windows and their characteristics, as well as the topography of the area and existing arrangement, I am satisfied that the proposed development would have an acceptable effect on the living conditions of the occupiers of No 8.

18. The appellants set out that the proposed development would not result in the loss of privacy or overlooking, and in this regard have suggested conditions. The Council did not raise concerns regarding privacy and overlooking, and I see no reason to disagree. The appellants also highlight that the neighbouring occupiers did not object to the proposal in relation to matters raised in this reason for refusal, and a party wall notice/ agreement could be signed to address the neighbour's concern. These considerations do not outweigh the harm I have found.
19. For these reasons, the proposed development would have an acceptable effect on the living conditions of the occupiers of 8 The City but would have an unacceptable effect on the living conditions of the occupiers of 5 The City and 14 Carlton Road, with particular reference to outlook, sunlight and daylight. Consequently, it would conflict with Policy GD8 of the LP and Policy H2(7) of the NDP. These seek to ensure development is designed to minimise its impact on the amenity of existing and future residents by not having a significant adverse effect on the living conditions of existing and new residents through overshadowing and overbearing impacts.

Ecology and protected species

20. A Phase 1 Bat and Nesting Bird Survey has been undertaken. This found that there was no evidence of bats or nesting birds within the property, and the house was considered to be of low bat roosting potential. The report sets out recommendations and mitigation which include installing bat boxes, and could be secured through a condition.
21. For these reasons, it has been adequately demonstrated that the proposal would have an acceptable impact on ecology and protected species. Therefore, it would comply with Policy GI5 of the LP which seeks to ensure there would be no adverse impacts on priority species.

Other matters

22. The current dwelling is in poor condition and would not meet most people's expectations for modern living in terms of its layout and headroom. The proposed dwelling aims to create a habitable home that is suitable for modern times and includes renewable energy and low carbon measures to ensure its sustainability for future occupiers. The demolition and replacement of the existing dwelling is acceptable in principle. Nonetheless, the other matters set out would not outweigh the harm I have identified.
23. The appellants set out that as this is a self-build dwelling, the scheme is exempt from Biodiversity Net Gain (BNG) and does not need to demonstrate a 10% net gain in biodiversity on the site. To qualify for this exemption, an appeal involving a self-build scheme should be accompanied by a planning obligation that secures the dwelling for this purpose, since securing it via a condition would fail to satisfy the tests in the Framework.
24. I have been provided with copies of emails which relate to a Unilateral Undertaking (UU). The Council advised the appellants not to proceed with completing the UU given their concerns and I have not been provided with a completed copy. Thus, as no such obligation has been provided and therefore the exemption is not secured with any degree of certainty. Given my findings above, I have not gone back to the parties on this matter as it would not change the appeal outcome.

Planning balance and conclusion

25. The Council is unable to demonstrate a 5 year supply of housing land. As the proposed development is for a replacement dwelling it would not contribute to a net gain in housing numbers. Subject to a completed planning obligation, the proposed development would contribute to the District's supply of self and custom build housing. Furthermore, the development would also provide economic benefits. Nonetheless, the benefits of the scheme would not outweigh the conflict found.
26. For the reasons given above, to conclude, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR