



Appeal Decision

Site visit made on 13 August 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/F2415/W/25/3364234

17 Hallaton Road, Tugby, Leicestershire LE7 9WB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Shirley Malheiro against the decision of Harborough District Council.
 - The application Ref 24/01353/FUL was approved on 31 January 2025 and planning permission was granted subject to conditions.
 - The development permitted is 'First floor front extension over existing ground floor room. External render over brickwork to all elevations (including detached garage) and replacement of windows and external doors'.
 - The conditions in dispute are Nos 3 and 4 which state that:
Condition 3: 'The materials used in the construction of the external surfaces of the extension and gable end feature hereby permitted shall match in type, colour and surface texture those used in the construction of the existing dwelling and shall be retained in this manner in perpetuity.'
Condition 4: 'Prior to their installation, details of the replacement windows (including colour and material) shall be submitted to the Local Planning Authority for approval in writing. The development shall thereafter be carried out and maintained and retained in accordance with the approved details in perpetuity.'
 - The reasons given for the conditions are:
Condition 3: 'To achieve a satisfactory elevational appearance for the development.'
Condition 4: 'In the interests of visual amenity and to protect the character and setting of the designated heritage asset.'
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Decision

1. The appeal is allowed and the planning permission Ref 24/01353/FUL for first floor front extension over existing ground floor room, external render over brickwork to all elevations (including detached garage) and replacement of windows and external doors at 17 Hallaton Road, Tugby, Leicestershire LE7 9WB granted on 31 January 2025 by Harborough District Council, is varied by deleting conditions 3 & 4 and substituting for them the following conditions:

Condition 3: 'The external materials of the extension and gable end feature hereby permitted shall match those used in the existing dwelling.'

Condition 4: 'Prior to their installation, details of the replacement windows (including colour and material) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.'

Main Issue

2. The main issue is the effect that varying conditions 3 & 4 would have on the character and appearance of the area, including the setting of the Tugby Conservation Area (TCA).

Reasons

3. The appeal site relates to a detached, brick-built dwelling, located within a predominantly residential area. The front and rear of the site bound the edge of the TCA. The character of the TCA, particularly the section closest to the appeal site, is largely defined by a mix of buildings of various ages and scale. Their materials are varied and include a mix of brick and render of various shades and textures. This diversity of buildings and their materials contributes positively to the character and appearance of this part of the TCA.
4. The submitted plans indicate that the external brickwork to all elevations of the house would be rendered over. Given the location of the appeal site outside of the TCA, the Planning Officer's report states that rendering the existing dwelling would not require planning permission. However, the render was found unacceptable for the proposed extension.
5. I understand that it is the appellant's intention to match the brickwork of the host dwelling. The issue relates to the requirement of condition 3 to retain the type, colour and surface texture of the existing house in perpetuity, particularly in the context of the existing house not being subject to the planning restrictions of the TCA. The appellant also agrees for details of the windows to be submitted and approved by the Council; the issue relates to the retaining of those windows in perpetuity.
6. I have not been provided with substantive evidence to demonstrate the need to retain the type, colour and surface texture of the existing house and any approved details for the windows in perpetuity. Given the variety of materials within the surrounding area, including various window colours and materials, and the location of the appeal dwelling outside the TCA, I do not find it necessary and reasonable for these conditions to include the requirement to retain those materials and details in perpetuity.
7. Accordingly, the conditions are more prescriptive than they need to be in order to achieve their objective. Therefore, it is appropriate to vary the wording of condition 3 requiring the extension and gable end feature to match those of the host dwelling, without the requirement to be retained in perpetuity, and to vary the wording of condition 4 requiring the details of the replacement windows to be agreed with the Council, without the requirement to be retained and maintained in perpetuity.
8. In conclusion, I find that the wording of conditions 3 and 4 go further than is necessary to protect the character and appearance of the area, including the setting of the TCA. Therefore, revisions to these conditions would provide adequate safeguards to ensure the proposal complies with the aims of Policies GD2, GD8, HC1 of the Harborough Local Plan 2011 to 2031 adopted 2019, Policy H5 of the Tugby & Keythorpe Neighbourhood Plan 2021 – 2031, which collectively require developments to reflect local characteristics, including in areas with high heritage value. The proposal also accords with the aims of Paragraph 135 of the National Planning Policy Framework, which requires, amongst other things, for developments to be sympathetic to local character and history, including the surrounding built environment.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed. I will vary the planning permission by deleting the disputed conditions and substituting them with revised wording.

Andreea Spataru

INSPECTOR