



Appeal Decision

Site visit made on 26 September 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th October 2017

Appeal Ref: APP/K2420/W/17/3178033

Land North East of Old White Cottage, 2 Newbold Road, Desford LE9 9GS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Warren of Invicta Universal Ltd. against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 17/00305/FUL, dated 29 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is erection of two detached dwellings, associated access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of development on the character and appearance of the area, including Desford Conservation Area, and the setting of the Grade II listed building known as Old White Cottage.

Reasons

3. Desford is a large village designated as a Key Rural Centre in the Hinckley & Bosworth Core Strategy 2009 ('the Core Strategy'). It appears to have expanded significantly in recent decades in terms of housing and related facilities. Policy 7 of the Core Strategy supports housing within the settlement boundary of Desford. In the countryside beyond settlement boundaries, Policy DM4 of the Hinckley & Bosworth Site Allocations and Development Management Policies Document 2016 (SADM) restricts development and seeks to avoid creating or exacerbating ribbon development.
4. The appeal site is situated just beyond the settlement boundary on the northern edge of the village. It is located on the north-western side of Little Lane, a narrow track that forms part of a public footpath connecting the village to the countryside. Beyond Old White Cottage, built development along the lane is limited and confined to the south-eastern side. The appeal site consists mainly of an area of woodland recently covered by a Tree Preservation Order. The woodland contains a variety of trees of different species and ages. Established hedgerows along the south-eastern and north-eastern boundaries hide much of the site from public view along the lane and footpath. There is a clear transition along Little Lane between the edge of the village and the countryside beyond. As such, the appeal site forms an important part of this

green and largely undeveloped route to and from the settlement, with open countryside beyond.

5. The appeal site straddles the boundary of Desford Conservation Area, with a small part of the site within the conservation area in the form of a section of the rear garden for Old White Cottage. The conservation area incorporates the oldest parts of Desford on the northern side of the village and immediately adjoins the countryside to the north and east. Its character and appearance, as well as its significance, is derived in part from the variety of historic buildings and streets. In addition, the proximity of the countryside, with public footpaths leading to and from the conservation area reinforces the rural origins of the village before significant housing growth. This rural setting makes a positive contribution to the character and appearance of the conservation area as well as its significance.
6. The small section of the appeal site within the conservation area make a limited contribution to the character and appearance of the conservation area as it forms a private garden hidden from public view. However, the vast majority of the site comprises an undeveloped parcel of land incorporating established trees and hedgerows. Overall, the appeal site forms part of the conservation area's rural setting and so contributes positively to its character and appearance as well as its significance.
7. Due to its location on a road junction, Old White Cottage forms as much a part of the street scene of Main Street and Newbold Road as it does Little Lane. Its special interest and significance is based on its architectural and historic interest as a thatched property with a number of attractive details. Much of this can be appreciated from the approaches along the above three roads. The property's rear garden and the adjoining woodland form part of the surroundings within which Old White Cottage is experienced. They provide a pleasant green backdrop, although the line of conifers between the garden and the woodland are somewhat incongruous in this edge of countryside location. Thus, the appeal site in its current state has a generally positive effect on the setting and significance of the listed building.
8. The proposed development would not result in new isolated homes in the countryside given the proximity of housing and services within Desford. The development would seek to retain many of the existing trees within the woodland and introduce new planting. The hedgerows along the south-east and north-east boundaries would largely remain save for two new access points to serve the dwellings. This would provide a degree of screening for the development from the lane and footpath. The design of the dwellings would take advantage of the site's falling topography from the lane to reduce the scale and height of development in the front elevations.
9. However, the development would extend built form along this side of Little Lane beyond the settlement boundary. As there are no buildings along this side of the lane beyond Old White Cottage, the development cannot be described as infill but would instead be a form of ribbon development. The set back and screening from the lane would only partially hide the dwellings and they would be noticeable particularly in front of each access point. There would be an erosion of the protected woodland and the loss of several trees including some of moderate value and reasonable life expectancy.

10. I share the Council's concerns that there could be pressure to alter or remove altogether further established trees to provide additional light and space to the dwellings and their gardens. This is particularly the case for the Plot A dwelling where trees would dominate the garden, but also for the Plot B dwelling which includes large specimens. The effect on existing trees would be offset to some extent through proposed new planting, but the nature of the site would change from undeveloped woodland to residential. The green and rural approach to and from the village would diminish and there would be encroachment into the countryside. The rural setting of the conservation area would also be eroded for similar reasons. Thus, there would be adverse effects on the character and appearance of the area, including Desford Conservation Area.
11. In terms of the listed building at Old White Cottage, its rear garden would reduce in size with the incorporation of the easternmost part into the grounds of the Plot B dwelling. However, much of the garden would remain and so the reduced size would have a limited impact. The existing incongruous conifers would be removed, with new planting along the south-western boundary of the appeal site. The loss of the conifers would mean that the Plot B dwelling is likely to be visible from the listed building and its remaining garden, especially until the new boundary planting has established. However, the dwelling would be sufficiently distant and at an oblique angle to the listed building, and so the impacts would be limited. Therefore, the setting of the listed building would be preserved and its significance safeguarded.
12. In terms of the adverse effects on the character and appearance of the conservation area, this would equate to harm to its significance. The harm would be less than substantial and no more than moderate in magnitude. This is because of the proposed set back and partial screening of the dwellings and the intended retention and enhancement of planting. Nevertheless, in line with paragraph 134 of the National Planning Policy Framework (NPPF), the harm to the significance of the conservation area should be weighed against the public benefits of the development.
13. In terms of public benefits, the provision of two houses would contribute to local housing supply and generate investment in terms of their construction and maintenance. I note that the housing figures for Desford are a minimum and that there appear to be a range of facilities within the settlement. The development would utilise sustainable construction methods and materials, and address a site that it purportedly prone to fly tipping.
14. However, these public benefits are tempered by the small number of houses and so I can only afford them limited weight. Furthermore, it has not been demonstrated that the development is the only way to address fly tipping problems. I do not consider that there would be a net gain in terms of trees and other features of nature conservation to equate to a public benefit, nor would the site become any more accessible to the public or allow better appreciation of the conservation area or remaining green space. Thus, while the harm to the significance of the conservation area would only be moderate in magnitude, the harm would not be outweighed by the public benefits.
15. In conclusion, while the proposed development would preserve the setting of the listed building known as Old White Cottage, it would harm the character and appearance of the area, including Desford Conservation Area. Therefore, it would not accord with Policy 8 of the Core Strategy or Policies DM1, DM4, DM6,

DM10, DM11 and DM12 of the SADM. Policy 8 requires new development to respect the character and appearance of Desford Conservation Area, while Policies DM11 and DM12 seek to conserve and enhance the borough's historic environment including conservation areas. Policy DM4 seeks to safeguard the countryside and avoid the creation of ribbon development. Policy DM6 aims to conserve and enhance features of nature conservation, while Policy DM10 requires development to complement and enhance the character of the surrounding area. Policy DM1 sets out a presumption in favour of sustainable development, which the proposed development would not meet.

16. The development would also not meet the aims of the NPPF as it would fail to sustain the significance of the conservation area where the public benefits would not outweigh the harm. In addition, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. For the reasons set out above, this statutory duty has not been met.

Other Matters

17. The appellant indicates that pre-application discussions with the Council did not focus on issues relating to the site's location but instead dealt with detailed matters. Nevertheless, such discussions do not bind the Council in terms of their decision on the planning application, and likewise do not alter my findings on this appeal.
18. Interested parties have raised concerns with a number of other matters including access and highway safety. However, given my findings on the main issue, it has not been necessary to consider these matters in any detail.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR