HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 73

Hinckley & Bosworth Borough Council

APPEAL BY MRS P TAYLOR AGAINST THE REFUSAL OF CONSERVATION AREA CONSENT FOR THE DEMOLITION OF AN EXISTING DWELLING AT 4 PIPE LANE, ORTON ON THE HILL.

HBBC REFERENCE: 11/00603/CON

THE PLANNING INSPECTORATE REFERENCE: APP/K2420/E/12/2169799/NWF

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1.0 Section 1: Introduction

1.1 This statement is to be read in conjunction with the previously submitted Appeal Questionnaire papers, in full support of the decision of Hinckley and Bosworth Borough Council to refuse Conservation Area Consent for the demolition of the existing dwelling at 4 Pipe Lane, Orton on the Hill.

2.0 Section 2: Site Description and Proposal

2.1 This application is for Conservation Area Consent to demolish a single storey four bedroomed detached dwelling with integral garage.

2.2 The site measuring approximately 0.51 hectares in size is bound to the south by Pipe Lane, to the north and west by residential dwellings and to the south by additional paddock land, under the ownership of the applicant.

2.3 The site is currently occupied by No. 4 Pipe Lane, a single storey four bedroomed detached dwelling, with the remainder of the site comprising paddock land, containing a horse chestnut tree, covered by a Tree Preservation Order (ref: 0801/23c/06). The paddock is bound on all sides with mature hedgerows.

2.4 The site is located within the settlement boundary of Orton on the Hill and within Orton on the Hill Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

3.0 Section 3: Site History

3.1 An application for the erection of 9 no. dwellings and associated access was returned, and not determined in 2009. Permission was approved for the bungalow in 1979 (ref:79/002000/4).

4.0 Section 4: Government Guidance

4.1 Section72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "…special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts.

4.2 At the time of determination the Conservation Area Consent was considered in light of Planning Policy Statement 5: 'Planning for the Historic Environment' which set out the Government's objectives on the conservation of the historic environment. It stated that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

4.3 The National Planning Policy Framework was issued on 27 March 2012 and as such the previous national policy PPS5 has been superseded. Paragraph 129 states that Local planning authorities should identify and assess the particular significant of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset).

5.0 Section 5: The Development Plan Policies

5.1 The Development Plan policies referred to for the purposes of the application were:

5.2 Hinckley and Bosworth Local Plan (adopted February 2001) with all policies referred to within the Local Plan have been 'saved';

5.3 Saved Policy BE8: 'Demolition in Conservation Areas' of the adopted Hinckley and Bosworth Plan states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

5.4 Copies of the relevant policies and guidance with explanatory text were submitted previously with the Appeal Questionnaire.

6.0 Section 6: Government Guidance and The Development Plan Policies

6.1 The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 In addition, a requirement of the NPPF is to assess all pre 2004 development plan policies for consistency with the NPPF and give weight accordingly. In this case this means assessing the Saved Policies of the Adopted Hinckley and Bosworth Borough Council Local Plan, against the requirements of the NPPF. The following is an appraisal of the effect of the NPPF on the proposed development:-

6.3 Saved Policy BE8: 'Demolition in Conservation Areas' is considered to be both consistent with both the overarching intention of the NPPF and statutory requirements within Section72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 to preserve or enhance the character or appearance of that area.

7.0 Section 7: The Case for the Local Planning Authority

7.1 On the basis of the reasons set out below, the Council asserts that this Conservation Area Consent application should be refused.

7.2 <u>Reason for Refusal 1: Impact upon the Streetscene</u>

7.3 In the opinion of the Local Planning Authority in the absence of an approved, acceptable scheme of re-development, the demolition of the dwelling in the Orton on the Hill would create an unsightly gap in the street frontage contrary to Saved Policy BE8 of the adopted Hinckley and Bosworth Local Plan.

7.4 Saved Policy BE8 is considered to be consistent with the NPPF and therefore the Council's contends that the application remains contrary to Saved Policy BE8 of the adopted Hinckley and Bosworth Local Plan and the overarching intentions of the NPPF.

7.5 There are no acceptable proposals in place for a replacement development which would preserve or enhance the character and appearance of the Orton on the Hill Conservation Area. If Conservation Area Consent was granted without a replacement scheme being approved then the dwelling would be removed and thereby opening up the site and

creating an unsightly gap in the street frontage, to the detriment of the character and appearance of the Conservation Area.

8.0 Section 8: Comments on Appellant's Grounds of Appeal

8.1 The appellant contends that the proposed development represents an acceptable scheme of redevelopment which will procure a significant enhancement to the character and appearance of the Orton on the Hill Conservation Area and is consistent with Local Plan Policy BE8.

8.2 It is considered that the Local Authority's position has been outlined within sections 7.2 – 7.5 of this report.

9.0 Section 9: Conclusions & Conditions

9.1 With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed. However, if the Inspector is minded not to do so, the Local Planning Authority requests the inclusion of the following conditions:

9.2 No demolition hereby permitted shall be undertaken unless and until full planning permission has been obtained for the redevelopment of the site and a binding contract for carrying out of the works of re-development of the site in accordance with that planning permission has been entered into. *REASON: To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.*

9.3 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works. *REASON: To protect the character and appearance of the conservation area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.*

9.4 The demolition hereby permitted shall not be carried out otherwise than in complete accordance with the details: OS Sitemap (Scale 1:2500) and plan entitled survey, drawing no. 010 A received on 29 September 2011 *REASON: For the avoidance of doubt and in the interests of proper planning.*

Appendix 1 - Site Photographs



