

Delegated Report

Planning Ref: 23/00314/HOU
Applicant: Miss Sukhvinda Kullar
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 4 Old Hall Barns Markfield Road Groby Leicestershire

Proposal: Chimney stack to west side elevation

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This householder application seeks planning permission for the construction of a brick chimney stack to the west side elevation of a dwelling, 4 Old Hall Barns, Markfield Road, Groby.
- 2.2. The chimney stack is intended to house a metal flue associated with the installation of a log burner. It would extend to a height of 7.2 metres above the adjacent ground level, 1 metre above the existing roof ridge. It would be 1.8 metres wide at its base, narrowing at an angle to 0.6 metres at 1.6 metres above ground level and would extend 0.5 metres from the west side elevation. It is proposed to be constructed of reclaimed facing bricks to match those of the existing converted barn and with matching mortar. A separate listed building consent application (reference: 23/00189/LBC) has been submitted and is pending consideration.
- 2.3. The proposal is a re-submission of an approved identical scheme (planning permission reference: 19/00125/HOU) which expired on 5 April 2022. Listed building consent was previously granted for the same proposal (reference 18/01021/LBC).

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Groby and within the Groby Conservation Area. It is a 1½ storey detached dwelling formerly an agricultural building of Groby Old Hall, which was converted into residential use along with three other buildings (under planning permission reference: 10/00266/FUL). Due to its location within the curtilage of this Grade II* listed building, the application dwelling is also treated as part of the listing. The property is constructed of red rustic facing bricks to the front elevation and feature stone walls to either side elevation with red brick detailing to openings, grey slate roof and green windows. It is set back from Markfield Road, accessed via a long driveway. Landscaping to the front of the property is encompassed by a low brick wall, with an open paddock to the rear of the property.
- 3.2. The other neighbouring former agricultural buildings converted to residential use are of similar design. Groby Old Hall bears its own special architectural and historical interest.

4. Relevant planning history

10/00266/FUL

- Conversion of outbuildings to Groby Old Hall to provide four residential properties and associated works

- Permitted
- 21.06.2010

10/00267/LBC

- Conversion of outbuildings to Groby Old Hall to provide four residential properties and associated works
- Listed building consent
- 21.06.2010

18/01021/LBC

- Chimney to west elevation of property
- Listed building consent
- 08.01.2019

19/00125/HOU

- Chimney to west elevation of property
- Permitted
- 05.04.2019

5. Publicity

- 5.1. The application has been publicised by a site notice posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No responses have been received as a result of public consultation.

6. Consultation

- 6.1. Groby Parish Council raise no objection to the application but ask that neighbours be considered and consulted.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 7.3. National Planning Policies and Guidance
 - Planning (Listed Buildings and Conservation Areas) Act 1990
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Extensions and alterations to existing domestic properties within settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:

- Design and impact upon the character of the Groby Conservation Area and setting of the listed building

Design and impact upon the character of the Groby Conservation Area and setting of the listed building

- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-202 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.5 Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally.
- 8.6 Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the Groby Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 8.7 The application dwelling is a former agricultural building to Groby Old Hall (a Grade II* listed building) and due to its location within the curtilage of the Hall it is to be treated as part of the listed building. The building has been converted to residential use in a sympathetic and appropriate manner which has ensured that its special architectural and historic interest has been retained. The dwelling is also located within the Groby Conservation Area and it makes a positive contribution to its character and appearance and thus significance.
- 8.8 The building is constructed of materials that are traditional and characteristic of the local area, comprising stone with red brick dressings around openings on the side elevation, and predominantly red brick to the front elevation. The roof is covered in a local slate. The proposed chimney is to be located on the west side elevation of

the dwelling which faces the Old Hall and is intended to house a metal flue to serve a log burner that would otherwise be likely to result in a harmful visual impact on the external appearance of the building. It is proposed that the bricks used in the construction of the chimney would be reclaimed to match and be in keeping with the brick used elsewhere on the building, as would be the colour of the mortar. The use of a red brick and appropriate mortar which matches the existing building would be acceptable but as no specific materials have been submitted to confirm an appropriate match, a condition to require the submission of the bricks and mortar for prior approval would be reasonable and necessary in this case and site context to ensure a satisfactory external appearance.

- 8.9 The chimney stack would extend to a height of 7.2 metres above the adjacent ground level, 1 metre above the existing roof ridge. It would extend to a height of 7.2 metres above the adjacent ground level, just 1 metre above the existing roof ridge. It would be 1.8 metres wide at its base, narrowing at an angle to 0.6 metres at 1.6 metres above ground level to avoid an existing timber door retained as part of the residential conversion, and would extend just 0.5 metres from the west side elevation. Although chimneys are not a feature of the complex of former agricultural buildings associated with the Old Hall, the erection of a chimney on 4 Old Hall Barns would not appear as an uncharacteristic feature.
- 8.10 By virtue of its siting, scale, design/form and subject to the proposed use of matching external materials and the very limited internal works required for the installation of the associated flue, the construction of a chimney on the west side elevation of 4 Old Hall Barns would respect the scale, character and appearance of the building, would be compatible with the special interest and significance of this grade II* curtilage listed building and would preserve the significance of the Groby Conservation Area. Therefore, the proposal would be in accordance with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Section 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal relates to an alteration to an existing dwelling located within the settlement boundary of Groby where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. By virtue of its siting, scale, design/form and subject to the proposed use of matching external materials and the very limited internal works required for the installation of the associated flue, the construction of a chimney on the west side elevation of 4 Old Hall Barns would respect the scale, character and appearance of the building, would be compatible with the special interest and significance of the grade II* curtilage listed building and would preserve the significance of the Groby Conservation Area. By virtue of the small scale nature of the proposal and separation distances to all neighbouring dwellings, it would not result in any significant adverse impacts on the residential amenity of the occupiers of any neighbouring properties. The proposal would therefore be in accordance with Policies DM10, DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Section 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location Plan, Site Plan, Proposed Elevations and Roof Plan Drawing Nos. A3-09-05-2018 Sheets 1 and 2 received by the local planning authority on 30 March 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above ground level shall take place until further details/representative samples of the materials and mortar mix to be used on the external elevations of the chimney hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials details.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.