

Delegated Report

Planning Ref: 24/01047/LBC

Applicant: Mr and Mrs Smith

Ward: Cadeby, Carlton, Market Bosworth & Shackerstone

Site: The Dower House, 39 Main Street, Market Bosworth



Hinckley & Bosworth
Borough Council

Proposal: Demolition of brick wall and replacement timber gate to front elevation. Alterations to wall, replacement of double doors and blocked up windows to be reinstated in the garage.

1. Recommendations

1.1. Grant listed building consent subject to:

- Planning conditions outlined at the end of this report

2. Listed building consent application description

- 2.1. This application seeks planning permission for the demolition of an existing section of brick wall at the frontage of The Dower House and replacement with timber gates to replace the existing, smaller timber gates. It also seeks planning permission for the demolition and relocation of an existing wall, replacement of double doors, and reinstatement of blocked up windows to the existing garage.
- 2.2. The proposed relocation of the existing garage wall involves the demolition of the existing odd-angled western and south-western garage walls and reconstruction of the wall in a straight line to create a rectangular garage structure. The removal of the existing double doors is required to facilitate the relocation of the wall, and the proposal includes their replacement with new timber garage doors.
- 2.3. The proposed reinstatement of existing blocked windows involves removal of existing brick and installation of replacement timber windows, to match the existing windows on the main dwelling. There are two windows to be reinstated, one on the southern elevation facing toward the internal driveway and another on the northern elevation within the roof gable.
- 2.4. The proposal involves the demolition of an existing brick wall along the site frontage, between the eastern wall of the garage and the existing timber entrance gates. The demolition of the brick wall is to allow for the widening of the vehicle entrance and replacement of the existing gates with new, wider timber gates.
- 2.5. A related householder planning application for the same development (reference 24/01046/HOU) has also been submitted and is pending consideration.

3. Description of the site and surrounding area

- 3.1. The development site contains The Dower House, a Grade II* Listed dwelling located on the western side of Main Street in Market Bosworth, and within the Market Bosworth Conservation Area. The Dower House is located north of the town centre of Market Bosworth and is within the settlement boundary.
- 3.2. The Dower House is a notable feature in the streetscene and contributes positively to the heritage value of the locality. The listed building contains outbuildings and walls within its curtilage, including the garage and entrance gates and wall to which this proposal relates.
- 3.3. The Dower House is a three-storey building of 18th Century construction. It is of brick construction with a plain tiled roof. These material finishes are replicated on

the detached garage. A brick pier and iron rail fence fronts Main Street forward of the Dower House itself and attaches to black timber gate to the north, with brick wall both freestanding and part of the garage wall extending the remainder of the site frontage.

- 3.4. The existing garage on site is detached from the dwelling and of irregular shape. It is located directly on the front boundary on its eastern elevation and on the site's side boundary to the north. It is bounded by the existing driveway on site to the south and west, which separates the building from the Dower House.

- 3.5. To the north of the site is a free church and beyond that a nursery school. The rest of the immediate surrounds are predominantly residential, with a row of two storey terraced dwellings to the south and detached or semi-detached dwellings to the east along Church Street.

4. Relevant planning history

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also 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. No comment has been received from Historic England.
- 6.2. The Market Bosworth Society have commented that they would seek to see the streetscene be retained and thus that it be ensure the replacement gates are of a similar style and sympathetic materials to the existing gates, and that they not be contemporary.
- 6.3. The comments received from HHBC's Conservation Officer are addressed in the appraisal section below.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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) (2024)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues:

Impact upon the special historic fabric and significance of the Grade II* listed building and its setting

- 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.
- 8.3 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 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 including listed buildings and national and locally important heritage assets. The policies seek to ensure that development within the setting of a listed building shall only be permitted where it is demonstrated that it is compatible with the significance of the building to ensure that the significance of a listed building and its setting is preserved and enhanced.
- 8.6 The Dower House is an important Grade II* listed building of special architectural and historic interest. The listed building entry (National Heritage List England (NHLE) ref 1361288) identifies the building as "*House. Early C18. Raised in the late C18 when the doorcase was probably also added. Brick with plain tiles roof.*" And further that "*Boundary wall to street has brick piers with stone copings and ball finials, and wrought iron railings above with spearheads*".
- 8.7 HBBC's Conservation Officer was consulted on the proposal and commented that: "The loss of the section of brick wall is considered to result in a loss of a feature of low level heritage interest and no more than a negligible impact [on] the significance of the conservation area. The replacement gates, although wider than the existing, would be of traditional material and finished in black as the existing, thus maintaining the traditional aesthetic and sense of enclosure along the front boundary." Furthermore: "It is considered that these works [to the garage] are appropriately designed and specified as to respect its status as a curtilage listed building and its overall character and appearance, ensuring that its positive contribution to the character and appearance of the area is not reduced."
- 8.8 The comments from HBBC's Conservation Officer conclude that the proposal would have a neutral impact on the curtilage listed building.
- 8.9 The proposal involves reconstruction of the elevation of the existing garage that faces away from Main Street and therefore the visuality of the building from the street scene will be maintained. The reintroduction of the currently covered windows revive a historic element of the building and are not considered detrimental to its character given they will match those used on the main building.
- 8.10 The removal of the brick wall along the site frontage does not impact the legibility of the site as viewed from Main Street as the remainder of this boundary forward of the Dower House has pier and railing fencing, rather than solid brick. The replacement gate, being of identical materials and paint finish to the existing, maintains the established character at the vehicle entrance to the site.

- 8.11 The use of reclaimed brick, timber windows painted white and timber gates painted black, would complement the original construction materials of the listed building and maintain the importance of its setting.
- 8.12 The proposed development would not result in the loss of any significant or special historic fabric of architectural interest of the listed building. It is considered that the siting, scale and design of the proposal would be compatible with and would preserve the significance of the Grade II* listed building, The Dower House, and its setting. The proposal is therefore considered to be in accordance with Policies DM1, DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of Section 66 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. It is considered that the proposed development would not result in the loss of any significant or special historic fabric or architectural interest of the listed building. The siting, scale and design would be compatible with and would preserve the significance of the Grade II* listed building, The Dower House, and its setting. The proposal is considered to be in accordance with DM1, DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and therefore is recommended for listed building consent subject to conditions.

11. Recommendation

- 11.1 **Grant listed building consent** 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 conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of 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: Proposed Site Plan 2403P111_110, Design and Access Statement, Existing and Proposed Ground Floor Plan 2403P111_120 and Proposed Elevations 2403P111_130 received by the local planning authority on 18 November 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 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 building.control@blaby.gov.uk or call 0116 272 7533.