HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY DUNCAN SMITH PROPERTY AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE ERECTION OF RELOCATED GARAGE BLOCK WITH DUPLEX APARTMNET AT 60 MAIN STREET (RAVENSTONE FARM) HIGHAM ON THE HILL

HBBC REFERENCE 08/01073/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/09/2100663/WF

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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 planning permission 08/01073/FUL for the erection of a relocated garage block with duplex apartment at 60 Main Street Higham on the Hill, Leicestershire.

1.2 For the avoidance of any doubt the site is also known as Ravenstone Farm.

Section 2: Site description and proposal.

2.1 The application sites comprises an area of land south of 60 Main Street, where access is sought from Main Street through the former farm courtyard (60 Main Street) to the proposed resited garage building/duplex apartment to the south. The area of land subject to the siting of the garage building/duplex apartment is predominately undeveloped.

2.2 The site comprises a former farm courtyard and open land to the south. The former farm courtyard and buildings now comprise a series of recently completed separate residential units (See Appendix B).

2.3 The site is located with the Higham on the Hill Conservation Area.

2.4 No.60 Main Street is a Grade II Listed Building and the former outbuildings are considered to be subject to they are curtilage buildings. (See Appendices A and B).

2.5 A public footpath runs along the sites southern boundary and provides clear views into the rear of the application site.

2.6 There are two principle issues in this appeal, the impact the development will have on the setting of the adjacent listed buildings and the impact the proposal will have on the amenities of adjacent occupiers.

Section 3: Site History

3.1 Planning permission was granted for the renovation of the farmhouse and the conversion of the former courtyard farm building to two separate dwellings in 2006 (ref: 06/00822/FUL). This permission was granted as it provided a secure and long-term use for these important listed and conservation area buildings.

Section 4: Government Guidance

4.1 S.38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.2 Planning Policy Guidance Note 15: Planning and the Historic Environment is relevant to this proposal. In particular the content of paragraphs 2.16, 2.17 and 6.19.

Section 5: The Development Plan Policies

5.1 The Development Plan policies referred to for the purposes of the application were those provided by the Hinckley and Bosworth Local Plan (adopted February 2001). All policies referred to have been 'saved'.

5.2 Policy BE1 of the adopted Hinckley and Bosworth Local Plan- Design and Siting of Development- seeks to ensure a high standard of design in order to secure attractive development, to safeguard and enhance the existing environment and to protect the amenities of neighbouring properties. Of particular relevance in this case, is the reference made to the importance of developments not adversely affecting the occupiers of neighbouring properties.

5.3 Policy BE5 of the adopted Hinckley and Bosworth Local Plan –.The Setting of a Listed Building – seeks to ensure that the settings of listed buildings will be preserved and enhanced by appropriate control of the design of new development in the vicinity, having regard to the scale, from siting and design of the proposal in relation to the listed building and its setting.

5.4 Policy BE7 of the adopted Hinckley and Bosworth Local Plan –.Development in Conservation Areas – seeks to ensure that all development preserves or enhances the areas special character, including buildings, related spaces, views, topography and vegetation. Proposals which harm the special character will not be granted.

5.5 Copies of the relevant local plan policies with explanatory text were submitted previously with the Appeal Questionnaire.

Section 6: The Case for the Local Planning Authority

6.1 Ravenstone Farm is a Grade II listed building and it is the opinion of the local planning authority that the proposed dwelling by way of its similar vernacular design style to the farm outbuildings and its siting a significant distance south of the rear of the farm buildings, would have a detrimental impact on the setting of this listed building and the character and appearance of the Higham on the Hill Conservation Area. Historically, the area to the south of the farmstead would have been used for agricultural purposes and little or no built form would have existed here. The proposed dwelling, by replicating the design style of the farm outbuildings will create a damaging form of development that will appear as an unnecessary extension to the built form and the setting of the farmstead. Accordingly the proposal is contrary to the intentions of Policies BE5 and BE7 of the Adopted Hinckley and Bosworth Local Plan and the overarching guidance

contained within Planning Policy Guidance Note 15: Planning and the Historic Environment.

6.2 Historic maps of Higham on the Hill provide vital evidence in understanding the built form evaluation of the village. The historic maps are attached at Appendix A. The maps clearly show that area of land south of the historic farmyard has not ever been subject to built development.

6.3 The LPA supported the earlier application for the farmyard as a way of securing the buildings long-term reuse. As part of this scheme a new build garage building was permitted to the south of the rear elevation of the barn buildings. The garage building brought a distinct advantage to the scheme, as it provided a building that would meet the needs of occupiers for parking vehicles but would also enable vehicle parking provision to be provided outside of the courtyard, to the benefit of visual amenity. This building was permitted in a vernacular design form and close to the existing buildings to replicate the overall design character of the existing farm and courtyard.

6.4 The vernacular design styling of the proposed development in this historically undeveloped location and some distance further south, would not be a true reflection of the historic evolution of the village and would therefore by its presence in the vernacular form be harmful extension to the setting of the listed farm buildings.

6.5 It is the opinion of the local planning authority that the increased vehicular, pedestrian and service vehicle traffic associated with the proposed dwelling will result in a material detriment to the occupiers of the residential units located either side of the vehicular access from the farmstead courtyard. In this respect the proposal is contrary to the intentions of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Guidance on New Residential Development.

6.6 The access from within the former farmyard to the proposed development is via a vehicular access passage of 2.3metres in width between the existing residential conversions (See Appendix B). Whilst the previously approved garage building was proposed to provide garaging via this access, this garaging was for the adjacent residential units either side of the access rather than for any third party. Accordingly, it was accepted that by virtue of occupiers gaining access to their own garages, a minor degree of disturbance to neighbours would be incurred though the confined movement of vehicles within the passage.

6.7 The proposal now seeks to provide access through this passage for the proposed garage/duplex unit, therefore introducing the access to a third residential unit. It is the introduction of this third residential dwelling's access requirements that is considered will have a material detriment of the existing/proposed occupiers of the conversion units.

Section 7: Comments on Appellant's Grounds of Appeal

7.1 The appellant claim that that through the introduction of dormers, the building clearly differentiates from the converted farm buildings is not supported. The introduction of dormers does result in a roof detail that is somewhat different to the adjacent farm buildings, however the remaining built form, principally the steep roof pitch, large glazed arched openings, simple eaves detailing and arch header details all replicate the design of the existing farmhouse and outbuildings. The building proposed is simple in its design style in the same way as the former outbuildings are.

7.2 The LPA has not implied that a bland utilitarian building is the appropriate form of development of this site. The LPA has only confirmed that a design similar to the existing former outbuildings is not the correct approach.

7.3 The fact that the appellant has confirmed that the building is more than 50 metres away from the farmhouse supports the LPA's case that the development, through its similar design style, unnecessarily extends the built form of the former farm building into the predominately undeveloped land to the south, to the detriment of the setting of the listed building and to the character and appearance of the conservation area.

7.4 The proposed development being some 50 metres away from the farmhouse and therefore not being visible from Main Street may be a matter of fact. However, the development site and the proposed garage/duplex apartment will be clearly visible from the footpath, which runs along the sites southern boundary.

7.5 The LPA agrees that the listing description only refers to the former farmhouse. However, the former outbuildings are considered to be buildings within the curtilage of the listed building (for which the LPA is responsible for defining) and by virtue of Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, "Listed Building means…all of the buildings any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948". Being historical additions and extensions to the farmhouse, they are considered to be listed by way of the listing of the principal building. On this basis, the development is within 25metres clear sight of the listed outbuildings and therefore can and does have an impact on its setting. (See Appendix B).

Section 8: Conclusions & Conditions

8.1 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:

8.2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials. REASON: To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8.3 Notwithstanding the details shown on the approved plan, no development shall commence until a landscaping scheme including written specifications, schedules of plants, noting species, plant sizes and proposed numbers/densities has been submitted to and agreed in writing by the local planning authority. REASON: To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8.4 The approved scheme shall be implemented within the first seeding and planting season following the completion of the development. The landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority. REASON: To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8.5 No development shall commence until a plan showing the proposed treatment to the dwellings boundaries has been submitted to and agreed in writing by the local planning authority. REASON: To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property.

8.6 The approved boundary treatments shall be implemented before the first occupation of the dwelling hereby permitted and maintained thereafter. REASON: To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties, in accordance with the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8.7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Part 1 Classes A-E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority. REASON: To ensure the development does not result in material harm to the setting of the adjacent listed building or result in a detriment to residential amenity of the occupiers of neighbouring residential properties, in accordance with the requirements of policies BE1, BE5 and BE7 of the adopted Hinckley and Bosworth Local Plan.

8.8 All doors and windows to be used in the construction of the dwelling hereby approved shall be constructed of timber, unless otherwise agreed in writing by the local planning authority. The approved timer doors and windows shall be retained thereafter REASON: To ensure the development preserves the character and appearance of the Higham on the Hill conservation area and is not harmful to the setting of the adjacent listed building, in accordance with the requirements of Policies BE5 and BE7 of the Adopted Hinckley and Bosworth Local Plan.