The Planning Inspectorate

Appeal Decisions

Site visit made on 8 August 2012

by Susan Holland MA DipTP MRTPI

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

Decision date: 22 August 2012

Appeal Ref: APP/K2420/A/12/2169798
4 Pipe Lane, Orton-on-the-Hill, Atherstone CV9 3NF

- 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 Mrs P Taylor against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 11/00602/FUL, dated 19 July 2011, was refused by notice dated 23 November 2011.
- The development proposed is the demolition of existing bungalow and erection of 6 no. dwellings, improvements to existing access and associated works.

Appeal Ref: APP/K2420/E/12/2169799
4 Pipe Lane, Orton-on-the-Hill, Atherstone CV9 3NF

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mrs P Taylor against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 11/00603/CON, dated 19 July 2011, was refused by notice dated 24 November 2011.
- The demolition proposed is that of the existing bungalow.

Decisions

1. I dismiss the appeals.

Preliminary Matters

2. I shall refer to appeal A/12/2169798 (against the refusal of planning permission) as Appeal A; and to appeal E/12/2169799 (against the refusal of conservation area consent for demolition) as Appeal B. I shall deal first with Appeal A.

Appeal A: Main Issues

3. The main issues in Appeal A are (a) whether the proposed development would preserve or enhance the character or appearance of the Orton-on-the-Hill Conservation Area; and (b) the effect of the appeal proposal upon the safety of pedestrians on Pipe Lane.

Appeal A: Reasons

4. **Issue (a):** - The appeal site is located on open land which rises to the west and north-west away from the crossroads junction of Pipe Lane/Main Street with The Green/Sheepy Lane. The site is based upon the residential plot

containing the vacant bungalow at No.4 Pipe Lane, but also includes grassland beyond the garden of the existing bungalow, and an extended frontage to Pipe Lane as far as the side boundary of the residential plot at No.10. (The site does not include the area of grassland to the east, with frontages to Pipe Lane and to The Green, which is also in the ownership of the Appellant).

5. The appeal proposal is to erect 6 houses each of 1½ storeys, with steeply-pitched roofs and dormers enabling first-floor accommodation: 3-bedrooms/2-bathrooms in Units 2-6, and 4 bedrooms/2 bathrooms in Unit 1. The houses would be arranged around the north and east sides of a new vehicular access and parking area. All would be in terraced form except for the detached Unit 1, which would stand closer to the lane, with its own driveway and garage, and its own separate pedestrian path and entrance onto Pipe Lane. A large, spreading horse-chestnut tree adjoins the west side of the proposed car park. Parts of the access and car park would be developed using no-dig technology, in order to avoid disturbing the root-spread of this tree.

6. The need to avoid as far as possible the tree and its root-span whilst developing as many as 6 dwellings would result in the positioning of the terraced group, and in particular Units 4-6, far back from the lane and on the upper part of the site. In this elevated position the effect of the proposed dwelling height, maintained over the length of each entire terrace (the ridge level reduces above the corner element which links them), would be to dominate the open land and dwellings in the immediate surroundings. The combined mass of building on the site, all of it visible from Pipe Lane, would exceed that of any residential group in the immediate area. With the exception of the modern, 2-storey Honeysuckle House at No.11, the neighbouring dwellings visible in Pipe Lane are predominantly of low profile, including No.10 Pipe Lane which is set down against the higher-level ground of the appeal site behind it. At Lower Farm and Peggs Farm, these low-profile dwellings include converted former outbuildings.

7. The appeal scheme, with its long buildings and separate, individual house standing closer to the lane, is itself apparently intended to resemble a farmstead group: and to some extent this is evident in the proposed design. The Orton-on-the-Hill Conservation Area Appraisal itself makes reference to *farm clusters* which *themselves follow the traditional pattern of attached buildings along the sides of a yard with the house being sited close to the road*. However, the overall length, height and mass of the proposed terraces, the evenness and consistency of their elevations including their repeated gabled dormer detail, the regularity in the layout of the car park and the long front gardens to the houses, together with the visual dominance as seen from Pipe Lane (and probably also from The Green) would in combination be strongly suggestive of a modern residential housing estate rather than the conversion of a traditional farmstead group around a working farmyard.

8. The effect would be emphasised by the central position and visibility of the proposed car park. Since the car park would serve as both domestic and visitor space for 5 of the 6 dwellings (only the detached house at Unit 1 possessing a garage and driveway), it is likely that at any one time a considerable number of cars and other vehicles (such as delivery vehicles) would occupy the parking area, further detracting from the desired 'farmstead' impression.

9. Within the wider Conservation Area there is a quite varied mix of dwellings. These include large individual houses in generous grounds or gardens; smaller dwellings both modern and traditional, some representing conversions of earlier working buildings and, as in nearby Main Street, effectively amalgamated into a non-uniform terrace; and the occasional pair of cottages. Not all dwellings are visible from the public highway. The appeal scheme would not fit easily into any of these categories typical of the Conservation Area, however: and the pronounced visual dominance of the terraced Units 4-6 in their prominent and elevated position would emphasise the mismatch.

10. In conclusion, for the above reasons the appeal proposal would neither preserve nor enhance the character or appearance of the Orton-on-the-Hill Conservation Area, but in visual terms would be materially harmful to it. The proposal would conflict with saved statutory Policy BE7 of the Hinckley and Bosworth Local Plan which requires, in Conservation Areas, the *preservation or enhancement of their special character (including buildings, related spaces, views in and out of the area, topography …) or appearance*; and with LP Policy BE1 which requires that *the development … complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features*.

11. **Issue (b):** - The appeal proposal would add significantly to the number of vehicles using the stretch of Pipe Lane between the crossroads junction and the site entrance. The new access would offer improved visibility at the main site entrance itself. However, Pipe Lane, though wider at its eastern end outside the site, is a relatively narrow carriageway without footways: and the stretch of lane between the site and the crossroads is bounded by a raised bank and hedge which offers little or no pedestrian refuge. Given the family (3-4 bedroom) size of the proposed dwellings, and the provision of affordable housing, it is likely that the appeal scheme would generate a number of small children, and parents with pushchairs or prams.

12. In the absence of a footway or similar provision for segregation from the vehicular route, pedestrians would have to walk within the carriageway of Pipe Lane and to stand and wait within the carriageway, at the junction, in order to cross Sheepy Lane towards Main Street (where there is a footway). Pedestrians would thus be vulnerable to vehicular movements on Pipe Lane and at the junction. The appeal proposal includes no improvements to cater for pedestrians on the relevant stretch of Pipe Lane. In these circumstances, the proposal would be likely to bring about material harm to the safety of pedestrians and would not comply with LP Policy T9 – *Facilities for Cyclists and Pedestrians*, which requires development proposals to *have regard to … encouraging walking …as [a] safe and convenient means of transport*.

Other Matters: Appeal A

13. Orton-on-the-Hill is classified in both the Local Plan and in the Hinckley and Bosworth Core Strategy (CS), adopted in 2009, as a Rural Hamlet within which CS Policy 13 *support[s] h*ousing development *within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16*. Under CS Policy 16, developments of 4 dwellings or more in Rural Areas are required to provide affordable housing. The appeal proposal includes 2 affordable dwellings, and is supported by a S106 Unilateral Undertaking to ensure that these would be provided. The Council does not

suggest that the scheme would conflict with CS Policy 15 (or with CS Policy 16 on housing density).

14. The question whether the site would occupy an 'unsustainable' location has been resolved for the time being by the retention of Orton-on-the-Hill in the Core Strategy (following its similar designation in the Local Plan) as a Rural Hamlet in policy terms, in which housing development is envisaged as a matter of planning principle. The indication of the appeal site on the Conservation Area Map as a *potential development area* is consistent with such policy, including CS Policy 13.

15. The appeal scheme would leave untouched the area of open land to the east, which is shown on the Conservation Area Map as a *Key Space*. The site itself does not act as a visual break between buildings, being partly occupied by the existing bungalow, with an open field beyond, and woodland to the east of The Green. Nor is the site apparently designated under LP Policy BE19 as an *open space and area of special character within [the] settlement*. Conservation area designation generates an equivalent requirement in policy terms.

Overall Conclusion on Appeal A

16. The conclusions on both main planning issues are that the appeal proposal would bring about material harm. There are no material considerations sufficient to outweigh these conclusions. Accordingly, the overall conclusion is that Appeal A should be dismissed.

Appeal B: Main Issue

17. The main issue in Appeal B is whether the proposed demolition would (or would not) preserve or enhance the character or appearance of the Orton-on-the-Hill Conservation Area.

Appeal B: Reasons

18. The existing building on the appeal site is not of the architectural quality evident in many of the buildings within the Conservation Area. The existing bungalow and its plot are identified on the Conservation Area Map as a *weak area/building*. However, this notation applies only to the bungalow and plot, and not to the appeal site as a whole. The bungalow has no historical or architectural merit, but is at least compatible in its low-profile form with the immediately surrounding buildings. Its demolition would leave the site with no indication of any reference point - in terms of relationships between buildings and buildings, or between buildings and topography, or between buildings and trees to be retained - from which any future scheme for development might proceed. Whilst the absence of the bungalow would not in itself harm the Conservation Area therefore, its demolition is not warranted in the absence of an acceptable scheme for its replacement.

Overall Conclusion on Appeal B

19. In these circumstances, the demolition proposed in Appeal B would neither preserve nor enhance the character or appearance of the Orton-on-the-Hill Conservation Area. The overall conclusion is therefore that Appeal B should be dismissed.

S Holland INSPECTOR