

## PLANNING COMMITTEE – 1 May 2012

### REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) RE: APPEALS LODGED AND DETERMINED

---

#### 1. PURPOSE OF REPORT

To inform Members of appeals lodged and determined since the last report.

#### 2. RECOMMENDATION

That the report be noted.

#### 3. BACKGROUND TO THE REPORT

##### Appeals Lodged

**Appeal by Mr Neil Chapman** against the enforcement notice issued for a large static caravan on site and being lived in despite Planning Permission being refused (11/00035/UNAUTH) on land at Dagleys Farm, Potters Marston Lane, Earl Shilton (*Informal Hearing*)

##### Appeals Determined

**Appeal by Mr Sean Lyall** against a refusal to grant full planning permission and conservation area consent for partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one dwelling 11/00764/FUL and 11/00765/CON at 128 Main Street, Markfield.

The Planning Inspector considered the main issue is the effect of the detached dwelling on living conditions at 116-118 Main Street and in particular whether it would have an adverse overbearing impact. The Planning Inspector considered the size and siting of the proposed dwelling in relation to the pair of traditional cottages. As a result of the proposed dwellings overall length, height, and proximity to the southern boundary wall, the Planning Inspector believed that it would have a significant overbearing effect on the occupiers of no. 116-118 and is therefore contrary to Policy BE1 of the Local Plan (2001).

The Planning Inspector then compared the scheme with a previous consent given for the demolition of the existing meeting hall and the erection of a terrace of 3 townhouses which is now extant (09/00945/FUL). Although a row of 3 townhouses would be taller than the proposed new dwelling, the nearest dwelling in that scheme would have been further set back into the site and away from the sites side and southern boundary and would not have the same impact. No other neighbouring properties would be affected to a material degree. The

Planning Inspector was of the opinion that the proposed dwelling would have a materially greater adverse effect on living conditions at no. 116-118 as a result its overbearing effect.

Turning to other matters, the Planning Inspector considers that there would be sufficient off-street parking and visibility at the entrance to the site would be acceptable. It was noted that a tree survey was submitted that shows the trees within and adjacent to the site would be retained and protected during construction. Despite meeting the requirements for developer contributions this does not outweigh the harm to living conditions.

The conservation area consent would also fail because in the absence of an acceptable scheme for the whole site demolition would result in the site appearing open and untidy and as such would be harmful to the character and appearance of the Markfield Conservation Area and conflict with Local Plan Policy BE8.

The Planning Inspector concluded that the harm caused by the proposal on no. 116-118 Main Street outweighs the submitted unilateral undertaking and the lack of harm to other matters and therefore on this basis both appeals should be dismissed.

### Inspector's Decision

Appeal dismissed (Committee decision)

**Appeal by Mr David Newman** against a refusal to grant full planning permission and listed building consent for extensions and alterations 11/00606/FUL and 11/00630/LBC at Church Farm, The Green, Orton-on-the-Hill.

The Planning Inspector considered the main issue is the effect of the proposed works on the special architectural and historic interest of the listed building.

The Planning Inspector notes that the special interest and significance of the listed building derives from its simple linear form relating back to its mediaeval origins and its historic courtyard form of development. Previous extensions to the older part of the farm building have been sympathetic in retaining the simple linear form and historic courtyard formation of the buildings. It was considered that the proposed extension would result in a sizeable projection some 4.8 metres from the side wall of the southern wing, disrupting its linear, rectangular form and be an incongruous addition to it.

With regards to its design and appearance the Planning Inspector notes that the reclaimed brick and tile would be similar to, and in keeping with, the materials used on the re-constructed southern wing. Although the window details would be in keeping with the southern

wing they differ from those of the older wing and when juxtaposed with the front elevation of the main house it would be seen as incongruent with it. In addition the proposed bargeboard on the gable to the extension would be an alien feature out of keeping with the other gables on the dwelling, which are without such additions.

The Planning Inspector then refers to the two outbuildings on site; a refurbished farm building in keeping with the older wing and a new garage block significantly set back on the site with tall hedging and other vegetation intervening in views from the front of the dwelling. Therefore these outbuildings are separate from, and preserve the setting of the listed building. In contrast The Planning Inspector notes that the proposed extension would be attached to the building and seen in views from the front of the site across lower hedges.

Overall it was considered by the Planning Inspector that the proposed works would harm the architectural form and significance of the listed building contrary to policies BE4 and BE5 of the Local Plan (2001), which seeks to ensure that alterations to listed buildings preserve their architectural and historic interest and preserve their setting. Notwithstanding the dwelling is relatively well screened and the proposal set back on the site, Church Farm as a historic building that forms an intrinsic element of the character of the conservation area, which would be harmed by the proposal and as such fails to preserve the character of the Orton-on-the-Hill Conservation Area contrary to policy BE7 of the Local Plan. Based on the reasons given above the Planning Inspector considered the appeal should be dismissed.

#### Inspector's Decision

Appeal dismissed (Delegated decision)

#### **4. FINANCIAL IMPLICATIONS [CB]**

None arising directly from this report.

#### **5. LEGAL IMPLICATIONS [EP]**

There are no legal implications arising from this report as the report is for noting only.

#### **6. CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 3 of the Corporate Plan

- Safer and Healthier Borough.

#### **7. CONSULTATION**

None

**8. RISK IMPLICATIONS**

None

**9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

None

**10. CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- |                                 |                              |
|---------------------------------|------------------------------|
| - Community Safety implications | None relating to this report |
| - Environmental implications    | None relating to this report |
| - ICT implications              | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications  | None relating to this report |
| - Voluntary Sector              | None relating to this report |

---

Background papers: Appeal Decisions

Contact Officer: Kevin Roeton Planning Officer ext. 5919