

PLANNING COMMITTEE – 25 September 2012

**REPORT OF THE DEPUTY CHIEF EXECUTIVE
(COMMUNITY DIRECTION)**

RE: APPEALS LODGED AND DETERMINED



WARDS AFFECTED: RATBY BAGWORTH AND THORNTON WARD; GROBY WARD; BURBAGE ST CATHERINES AND LASH HILL WARD; TWYXCROSS WITHERLEY AND SHEEPY WARD

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 Bloor Homes East Ltd against the erection of 91 dwellings with garages, parking spaces, open space, landscaping and associated infrastructure on Land East of Groby Village Cemetery, Groby Road, Ratby (12/00250/FUL) *Public Inquiry*.

Appeals Determined

Appeal by Adept Care Ltd against the refusal to grant express consent for a banner sign (advertisement) at the Moat House Retirement Home, New Road, Burbage (12/00114/ADV). The main issue was the effect of the advertisement sign upon visual amenity with particular reference to the Burbage Conservation Area.

The Inspector firstly commented on its size, content and the materials of construction. In terms of its siting, the banner, which had already been installed, had been erected on elevated ground to the south of Pughes Close some distance away from the entrance to the site and had no obvious visual connection to the site.

Within the context of the Conservation Area, the Inspector noted that the advert would be seen from all views sited against the backdrop of the war memorial which stands in a raised formal garden surrounded by low hedges, and occurs at a focal point of the Conservation Area with traditional buildings of interest occupying two frontages and a third frontage containing an attractive mix of woodland and lawns. In this enclosed setting with its composition of traditional dwellings and shops and landscaped open space, the war memorial forms an important civic feature.

The disputed advertisement, with its over-large, brightly coloured and artificially staged representations of a site itself unrelated to the immediate surroundings was considered by the Inspector to be a visually intrusive element in the street. The intrusion is considered to be emphasised even

more by the poor visual condition of both the banner and the wooden board on which it is mounted.

The Inspector concluded that the retention of the disputed advertisement would have a materially harmful effect upon visual amenity and would neither preserve nor enhance the character or appearance of the Burbage Conservation Area. The advert is contrary to Local Plan Policy BE1 with regards to its scale, layout, mass and design and does not make a positive contribution to the character of the Conservation Area nor is it traditionally styled and carefully detailed to be in compliance with Local Plan Policy BE11.

Inspector's Decision

Appeal dismissed (committee decision)

Appeal by Mrs P Taylor against the refusal to grant full planning permission including conservation area consent for the demolition of the existing bungalow and the erection of six dwellings, improvements to existing access and associated works on land at 4 Pipe Lane, Orton-on-the-Hill (11/00602/FUL and 11/00603/CON).

There were two main issues in this appeal, the first issue was whether the proposed development would preserve or enhance the character or appearance of the Orton-on-the-Hill Conservation Area and the second issue was the effect of the proposal upon the safety of pedestrians on Pipe Lane.

The Inspector noted the arrangement of the dwellings in a terrace form with the exception of one detached dwelling and that the site contains a large spreading horse chestnut tree. In order to avoid the tree and its root span whilst developing as many as 6 dwellings, this results in the positioning of the terraced group far back from the lane and on the upper part of the site. This will elevate its position to the extent that the height of the proposed dwellings, in particular units 4-6, will dominate the open land and dwellings. The combined mass of building on the site, all visible from Pipe Lane would exceed that of any residential group in the immediate area.

The scheme is intended to be laid out to resemble a farmstead group. However, the overall length, height and mass of the proposed terraces, the consistency of their elevations with repeated gabled dormer detail, their 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 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. The effect would be emphasised by the central position and visibility of the proposed car park which would further detract from the desired farmstead impression.

Within the wider conservation area the proposal would not fit easily with surrounding houses characterised by large individual houses in generous surrounds and smaller dwellings both modern and traditional, some representing conversions of earlier working buildings amalgamated into a non-uniform terrace. The mismatch in relation to surrounding properties would be emphasised by its prominence and elevated position. The Inspector concluded that the appeal proposal would neither preserve nor enhance the

character or appearance of the Orton-on-the-Hill Conservation Area contrary to Local Plan Policies BE1 and BE7.

With regards to the second issue on pedestrian safety, the appeal proposal would add significantly to the number of vehicles using Pipe Lane. This relatively narrow carriageway is without any footways and given the family size / affordable housing units on site, the appeal scheme is likely to accommodate a number of small children and parents with pushchairs or prams. In the absence of a footway or similar provision, pedestrians would have to walk within the carriageway of Pipe Lane which will make them vulnerable to vehicular movements. The proposal includes no improvement to cater for pedestrians. As a result the proposal would bring about a material harm to the safety of pedestrians and would not comply with LP Policy T9.

Other matters included the classification of the settlement to accommodate for housing and the type of housing provision required as stated in the Core Strategy. The Inspector noted that the proposal included two affordable housing units within a rural hamlet (sustainable location) where housing development is supported within settlement boundaries. The Inspector considered that the proposal complies with the Core Strategy policies for housing provision and type in the settlement of Orton on the Hill.

In relation to demolition, the Inspector noted that the existing building on the appeal site is not considered to be of any architectural quality. The Inspector referred to the Conservation Area Appraisal map, which refers to the site as a weak area / building. Although the bungalow has no historical or architectural merit, it is at least compatible in its low profile form with the immediately surrounding buildings and its demolition would leave a gap. Whilst the absence of the bungalow would not in itself harm the Conservation Area, its demolition is not warranted in the absence of an acceptable scheme for its replacement. In these circumstances the demolition proposed would neither preserve nor enhance the character or appearance of the Orton on the Hill Conservation Area.

Inspector's Decision

Appeal dismissed (committee decision)

4. FINANCIAL IMPLICATIONS [PE]

There are sufficient funds within existing budgets to cover the appeals noted above.

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:

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| - 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

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