

PLANNING COMMITTEE – 23rd July 2013

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: APPEALS LODGED AND DETERMINED



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Wards affected – Desford, Carlton Botcheston, Burbage, Stoke Golding, Stanton under Bardon.

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

- 3.1 **Appeal by David Wilson Homes East Midlands** against refusal for the erection of 9 dwellings (part re-plan of permission 12/00154/FUL (plots 40-45 and 47-49) at Land South of 26 to 28 Britannia Road, Burbage. This appeal was missed from last months report but has been linked by the Planning Inspectorate with the appeal against the refusal of 9 new plots that was reported last month

Format: Informal Hearing.

- 3.2 **Appeal by Mr Stephen Thomas** against refusal for one new dwelling and access at Lindridge Wood, Lindridge Lane, Desford.

Format: Written Representations.

- 3.3 **Appeal by Miss Susan Johnson** against refusal for a new agricultural dwelling at 3 Markfield Lane, Botcheston

Format: Informal Hearing

- 3.4 **Appeal by Mrs Sophie Johnson** against refusal for change of use from detached residential garage to beauty salon (retrospective) at 1A Tithe Close, Stoke Golding.

Format: Written Representatives.

- 3.5 **Appeal by Mr Paul Milner** against refusal for the erection of up to 25 dwellings with associated parking, vehicular access and surface water balancing pond (outline – access only) at Land Adjacent Stanton under Bardon Primary School, Main Street, Stanton under Bardon.

Format: Informal Hearing.

Appeals Determined

3.6 **Appeal by Mr and Mrs S Adcock** against refusal of extensions and alterations to dwelling at Barons Park, Leicester Lane, Desford.

The application was recommended for refusal by the officer and subsequently refused by Members at Committee for the following reason:-

“The proposed extension and alterations are considered to result in an unacceptable form of development in terms of scale, design and character and will therefore be harmful to the existing dwelling and appear visually intrusive and harmful to the street scene and the visual amenities of the surrounding landscape contrary to Policy BE1 and NE5 of the Hinckley and Bosworth Local Plan”.

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host property and the wider area.

The Inspector noted that the properties along Leicester Lane vary in age and style and form a linear pattern of development within the countryside. The Inspector considered that the proposal, which would raise the height of the garage roof across the width and depth of the garage up to the ridge height of the main dwelling, likely to result in a bulky and overbearing impact, dominating the proportions of the main dwelling. The position of the proposal, forward of the main building, would appear unduly prominent from the side view and in profile, the large central flat roofed section would appear incongruous in connection with the simple hipped roof of the main dwelling. The Inspector considered that the proposal would be visible from neighbouring properties and views into the site from both directions along Leicester Lane, where it would be intrusive within the wider streetscene.

The Inspector noted the consideration of the appellant’s argument regarding the visual impact of the existing garage roof, to which it was concluded that although it does not currently compliment the dwelling, the removal of the structure would not justify the excessively large addition of the proposal. Consideration was given to the fact that the Council consider the proposal to be acceptable in highway terms and that it would allow removal of asbestos from the site, also the appellant’s need for additional accommodation which would employ sustainable construction methods; however, the Inspector considered that none of the above benefits outweigh the harm to the appearance that the proposal would cause.

Conclusion

The Inspector concluded that the proposal would harm the character and appearance of the dwelling and the wider area, contrary to Policies BE1 and NE5 of the Hinckley and Bosworth Local Plan and paragraph 17 of the National Planning Policy Framework.

APPEAL DISMISSED

3.7 **Appeal by Mr Graham Wragg** against refusal for the change of use of land from agricultural to residential curtilage and extension to existing barn conversion at Barn B, Common Farm, Barton Road, Carlton.

The application was recommended for refusal by the Officer and subsequently refused by Members at Committee for the following reason:-

“The proposed extension by virtue of its mass, scale and siting would be detrimental to the agricultural character and appearance of the barn conversion, and to the character of the surrounding rural landscape, contrary to Policies BE1, NE5 and BE20 of the Hinckley and Bosworth Local Plan”.

The Inspector considered the main issue was the effect of the proposal on the character and appearance of the barn and surrounding rural landscape.

The Inspector noted that the existing site is a complex of buildings comprising mixed commercial and residential uses in the countryside, including the renovated building used for rural business, the main dwelling house and the two residential barn conversions. The complex has been converted as such that the amenity space is provided within the quadrangle of the courtyard arrangement so that the barn conversions look inward. The limited detail on the rear elevation has allowed for the buildings to retain their agricultural appearance and allows them to sit comfortably within their setting in the rural landscape.

In the view of the Inspector, the proposal for a single storey addition to the rear of Barn B which would extend into the open setting for the complex, would appear intrusive and would be a prominent addition to the otherwise uncluttered rear elevation. The Inspector also considered that the addition of the glazed link, centrally placed double door and windows on the end elevation would add domestic detailing, relating poorly to the main building and complex and would appear as an incongruous domestic addition, harmful to the character and appearance of the complex as a whole.

The Inspector considered that the extension would be prominent in long views into the site and would be seen within the open setting of the main farm complex. Also noted was the change of use aspect of the proposal, the Inspector considered that the limited amount of curtilage proposed would likely result in the extension of domestic activity into the surrounding open land, this along with the extension itself would be considered harmful to the landscape and wider views into the site.

Conclusion

The Inspector concluded that the proposal would be harmful to the character and appearance of the host buildings and to the surrounding landscape, contrary to Policies BE1 and NE5 of the Hinckley and Bosworth Local Plan.

APPEAL DISMISSED

4. FINANCIAL IMPLICATIONS [DMe]

None arising directly from this report.

5. LEGAL IMPLICATIONS [MR]

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

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	None	

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This report is for information purposes only to draw member's attention to recent appeals lodged with the Authority and appeal decisions issued by the Planning Inspectorate. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

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 |

Appeal Decision APP/K2420/D/13/2196704 – Barons Park, Leicester Lane, Desford.

Appeal Decision APP/K2420/A/13/2192640 – Barn B, Common Farm, Barton Road, Carlton.

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