The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 10th November 2016

Appeal Ref: APP/Y2430/W/16/3150247
Land between Nos 12 and 23 Old Manor Gardens, Wymondham, Leicestershire, LE14 2AN

- 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 Mr Andrew Girvan of Campbell Buchanan against the decision of Melton Borough Council.
- The application Ref 15/00696/FUL, dated 19 August 2015, was refused by notice dated 20 November 2015.
- The development proposed is erection of a two storey, 2 bedroom detached dwelling, car parking, landscaping, fencing and associated works.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andrew Girvan of Campbell Buchanan against Melton Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The site lies in the Wymondham Conservation Area, close to St Peters Church, which is a Grade I listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.

Main Issue

4. Accordingly, the main issue for the appeal is whether the proposal would preserve or enhance the character or appearance of the Wymondham Conservation Area and preserve the setting of the nearby Grade I listed St Peters Church.

Reasons

5. The *Melton Local Plan* was adopted in 1999. The plan contains no policies which relate specifically to heritage assets. However, Policy BE1 seeks to ensure the visual impact of new development is acceptable by ensuring that new buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing. Policy OS1 seeks to guide the form of new development to ensure that it is in keeping with the character of the locality and amongst other things, does not adversely affect the historic built environment. Although these policies are not specific to development affecting heritage assets, insofar as they seek to ensure that new development respects the character of its surroundings they are also broadly consistent with the statutory duties in the Act and with guidance in the *National Planning Policy Framework* (the Framework) which seeks to conserve heritage assets, including their setting, in a manner appropriate to their significance.

The effect on Heritage Assets

6. The Wymondham Conservation Area extends to cover almost all of the settlement. Buildings within it therefore vary in their size and scale and in the distribution of the space around them, reflecting how the village has evolved over time. The appeal site lies within a recent residential development which at the time of the Conservation Area's designation was an industrial site. It includes an area of open space, which lies on the edge of the development, in an elevated position above Nurses Lane and opposite St Peters Church.

7. The part of the conservation area around the site is loosely knit, with open areas, such as the allotments on Nurses Lane, the Churchyard and fields opposite and the open verges at the entrance to Old Manor Gardens. These provide a spacious setting for the groups of buildings within them. The appeal site comprises a large proportion of one of these open areas, and provides views from the recent development to St Peters Church. As a large undeveloped area it provides openness within the immediately adjoining residential development and contributes to the spaciousness which forms part of the character of the conservation area.

8. St Peters Church is a Grade I Listed Building. It is an attractive example of a building of its type and its significance lies in its status as a well preserved example of ecclesiastical architecture of its period. A number of its most striking features, namely the chancel, nave and stained glass window on the eastern end are prominent in views across the appeal site and as a result of this intervisibility I consider that the site forms part of the wider setting of the Listed Building. These views also make an important contribution to the character of the Conservation Area.

9. The proposal comprises the erection of a 3 bedroom dwelling, with the upper floor providing bedrooms within the roofslope. The dwelling is relatively modest in scale, and its appearance includes design elements evident on other dwellings on the residential estate, such as the window style dormers and porch. The appearance of the dwelling would therefore not in itself detract from the character of the existing development. Nevertheless, in that the residential curtilage proposed is relatively large and would reduce the extent of the open space within the development it would impact upon the established spacious character of the conservation area.

10. I note that the proposal would leave more than half of the open space undeveloped. The appellant has argued that a reduction in the extent of the open space would frame views of the church and I note that a channelled view of the listed building would be available through the junction on Old Manor Gardens. Nevertheless, the reduction in space would also restrict available views of the church and diminish the contribution it makes to the spacious character of this part of the Conservation Area.

11. The submitted plan shows the adjoining area, which falls within the appellant's control, being subject to planting along the boundary with Nurses Lane. Whilst I accept that if this matter was subject to a condition it could reduce the visual impact of the development when viewed from the east, I am less convinced that a condition restricting permitted development rights and means of enclosure for the proposed property, would reduce the visual impact of the property's large curtilage. The property would be in a partly elevated position above Nurses Lane, and the householder would have a reasonable expectation of having a fence to maintain privacy to the side and rear of the property. I therefore do not consider that such a condition would be reasonable.

12. I take into account that the existing view across the open space to the church is only one attribute of the church's setting, and that other development within the church's setting, such as the recent residential extension referred to by the appellant, has altered existing views of the asset. Nevertheless, in that there are relatively limited close range views available of the church's eastern end, and the proposal would diminish the quality of that view, it follows that the proposal would lead to some harm to the setting of the listed building.

13. The *National Planning Policy Framework* (the Framework) advises that the significance of a heritage asset can be harmed as a result of development within its setting. Having regard to the extent of harm identified above, the proposal would not preserve the special interest or setting of St Peters Church, and would conflict with guidance within the Framework which seeks to conserve heritage assets in a manner appropriate to their significance. The reduction in openness, and the reduction in the quality of a key view within the conservation area would also harm the character and appearance of the Wymondham Conservation Area. As it would affect only limited views of the Church, and would impact upon only part of the conservation area, the harm identified would amount to "less than substantial harm" which the Framework advises must be weighed against the public benefits of the scheme.

14. The appellant has advised that as part of the proposal a contribution could be made towards the restoration of stained glass within the church and that the footpath adjacent to the site could be designated as a public right of way. Although these could be considered to be a public benefit, I have been provided with no means to secure them and so cannot attribute any weight to these matters. Some limited economic benefits would arise during construction and occupation and accordingly I attribute this limited weight.

15. The proposal would also provide a single dwelling for a small household in a relatively accessible location. I am advised that the Council is currently unable to demonstrate a 5 year housing land supply and that the borough has an identified need for smaller dwellings. It follows that the provision of housing must carry substantial weight. Nevertheless, the contribution a single dwelling would make to even a large deficit in housing supply would be very limited, and

this reduces the weight I attribute to it as a public benefit. Furthermore, heritage assets are an irreplaceable resource and the Framework is also clear that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. Consequently I conclude that the small contribution the proposal would make to housing supply and the limited economic benefits of the proposal, would be insufficient to outweigh the harm the proposal would cause to both the setting of the listed building, and its significance as a heritage asset and to the character and appearance of the conservation area. I therefore conclude the proposal would fail to comply with national policy outlined in the Framework.

16. The Framework advises that where a 5 year housing land supply cannot be demonstrated planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework, including those relating to designated heritage assets, indicate that development should be restricted. Therefore, as I have found that the proposal would conflict with policies in the Framework aimed at conserving heritage assets so that they can be enjoyed for their contribution to the quality of life of this and future generations, I find no conflict with the presumption in favour of sustainable development.

Conclusion

17. The proposal fails to comply with national policy outlined in the Framework and with policies BE1 and OS1 of the Local Plan insofar as they seek to ensure that new development does not adversely affect its surroundings, including the historic environment. No identified benefits would outweigh this harm. Therefore, for the reasons set out above, and having regard to all other matters raised, I dismiss the appeal.

Anne Jordan

INSPECTOR