

Appeal Decisions

Site visit made on 8 November 2016

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 21st November 2016

Appeal A

Appeal Ref: APP/E2530/W/16/3154937

Waggon and Horses, 57 High Street, Caythorpe, Lincolnshire, NG32 3DR

- 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 L Rann of Tribal Lands against the decision of South Kesteven District Council.
 - The application Ref S16/0535, dated 25 February 2016, was refused by notice dated 29 June 2016.
 - The development proposed is erection of two dwellings in curtilage of listed building and new stone wall.
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Appeal B

Appeal Ref: APP/E2530/Y/16/3154941

Waggon and Horses, 57 High Street, Caythorpe, Lincolnshire, NG32 3DR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs L Rann of Tribal Lands against the decision of South Kesteven District Council.
 - The application Ref S16/0536, dated 25 February 2016, was refused by notice dated 1 July 2016.
 - The works proposed are erection of a 1.8m stone wall.
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Decision

1. Appeal A is allowed and planning permission is granted for erection of two dwellings in the curtilage of the listed building and new stone wall at Waggon and Horses, 57 High Street, Caythorpe, Lincolnshire, NG32 3DR subject to application Ref S16/0535, dated 25 February 2016 and the plans submitted with it and subject to the conditions attached in Schedule 1.
2. Appeal B is allowed and listed building consent is granted for erection of a 1.8m stone wall at Waggon and Horses, 57 High Street, Caythorpe, Lincolnshire, NG32 3DR subject to application Ref S16/0536, dated 25 February 2016 and the plans submitted with it and subject to the conditions attached in Schedule 2.

Procedural Matter

3. The originally submitted application form referred to 3 dwellings. This has since been amended and I have determined the appeal on the basis of the submitted description of development and details on the plans, which show 2 dwellings.
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Main Issue

4. The first 2 main issues for both appeals are the effect of the proposal on the setting of the Grade II Listed Building known as 57 High Street, Caythorpe and the impact of the proposal on the character and appearance of the Caythorpe Conservation Area. The third main issue for Appeal A is the effect of the proposal on the living conditions of future residential occupiers of the dwellings.

Reasons

Impact on the Conservation Area and the Setting of the Listed Building.

5. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed 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 that area. Policy EN1 of the *Local Development Framework for South Kesteven Core Strategy* (CS) seeks to ensure that development is appropriate to the character and historic attributes of the landscape within which it is situated, and contributes to its conservation, enhancement or restoration. The policy reflects the statutory duties defined in the Act.
6. 57 High Street Caythorpe is a Grade II Listed Building which is in use as a public house. The property also lies within the Caythorpe Conservation Area. The listing describes it as a public house dating from around 1800 and it is constructed in brick with a pantile roof. It has been altered to the rear with the addition of a part 2 storey extension and a large single storey flat roofed extension. Its significance as a heritage asset is largely derived in its status as a well preserved example of a commercial building from the period and in the contribution the largely intact frontage makes to the streetscene along the High Street.
7. To the rear the building has a large car park, which is open to the road, and a large grassed garden which provides outdoor seating for the pub, which wraps around the building to the walled frontage on the High Street. The car park is adjoined to the north by a 2 storey residential dwelling, the garage and parking are of which is enclosed with a wall, immediately adjacent to the appeal site.
8. The appeal relates to the construction of 2 dwellings, orientated to face the road, with rear gardens which would back onto a reconfigured parking area for the pub. They would sit some distance from the listed asset but would be visible in shared views from Chapel Lane. The proposed dwellings would be relatively simple in form, and have been designed to reflect the local building style, with uncluttered fenestration, dry eaves and traditional materials. They would be a similar height to adjoining dwellings and would also be positioned close to the road, reflecting the pattern of development in much of the centre of the village.
9. I note that the Council have expressed concerns that Chapel Lane has dwellings that are set further back and I noted on site that this was the case in parts. However, taking into account the close proximity of the site to High Street, where terraces of dwellings sit alongside the footway, I am satisfied that the layout of the proposal reflects the character of the surrounding Conservation Area. Furthermore, taking into account the height of the

proposed dwellings, which would be in proportion with other nearby buildings, I do not consider that due to their scale or mass they would appear unduly prominent, but rather would assimilate comfortably into the streetscene. In this regard the proposed dwellings would preserve the character of the Conservation Area.

10. I take into account that the resulting development would enclose the frontage and sit within a relatively short distance of the listed building. The open car park currently provides space around the listed building and allows views of building's rear elevation. The proposal would prevent long range views of the listed building across the car park from Chapel Lane. However, the rear elevation has undergone significant change with a number of later additions, and it presents a disjointed composition in which much of the building's original form is obscured in views from the rear. I therefore do not consider that a reduction in available views of the asset from this aspect would be harmful to its setting, and would have a broadly neutral effect. I am also advised that the car park did not form part of the buildings original curtilage and so has no historic significance in its own right. I therefore consider the effect of the proposed dwellings on the setting of the listed asset to be minimal.
11. The proposal includes alterations to the garden and parking area to facilitate the creation of the 2 residential plots and to separate the proposed outdoor seating area from the reconfigured car park. This would include the erection of a 1.8m high wall to the rear of the outbuildings, across the garden, and adjacent to the site entrance along Chapel Lane. The wall is proposed in local stone, and the submitted details show coursing and pointing which reflects that on other boundary walls in the village. The walling would provide an appropriate means of enclosing the site as it comprises a traditional boundary treatment which would be in keeping with and be of a similar height to that already employed along the High Street boundary. I also agree with the appellant's view, that it would in part screen some of the service yard to the pub, and so improve views of the listed asset across the car park. I therefore do not accept that the wall would appear incongruous or affect the special interest of the listed building.
12. I therefore conclude that the proposal would not cause harm to the setting of The Waggon and Horses and so would not cause harm to the special interest of the listed building or to its significance. The proposal would also preserve the character of the conservation area. It follows that the proposal would comply with national policy outlined in the Framework. It would also comply with Policy EN1 of the CS which seeks to ensure that new development conserves the historic character of landscapes.

Living Conditions

13. The side elevation and rear gardens of the proposed dwellings would adjoin the access and parking area for the public house. The Council have expressed concerns that as a result, future occupiers would be subjected to noise and disturbance which would harm their living conditions. I agree that the layout would result in cars passing within a short distance of the proposed dwellings. However, having regard to the size of the parking area, I consider it unlikely that its use would generate such high levels of vehicular movements that it would represent a significant source of disturbance to residents. Neither do I

consider the position of the pub or its proposed beer garden to represent a significant source of intrusion for residents.

14. I therefore find that the proposal would provide adequate living conditions for future residents and I find no conflict with Policy EN1 of the CS which requires the effects of noise to be assessed in all new developments. I also find no conflict with guidance in the Framework which seeks to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. A number of local residents have expressed concerns in relation to the effects of the proposal on highway safety. I note that the Council's Highway's Officer did not consider that the proposal would lead to any adverse highways impacts and that it provided adequate visibility splays and highway width. I also consider that a condition would be an appropriate means of ensuring that the proposed footway is provided to an acceptable standard. The reconfigured car park would not lead to a significant loss of parking for the pub and so I see no reason why overflow parking would occur on adjoining streets. Furthermore, whilst the use of the existing space as a drop off and pick up point in the village would no longer be possible, I note that the site is private land, and such use was therefore informal. I therefore have no substantive evidence to conclude that the proposal would be harmful to highway safety.
16. Some residents have expressed concerns that the proposal will impact upon the viability of the pub. I do not consider that this should be the case. The beer garden would be reduced in size but would still provide an adequate outdoor space for the pub, and parking provision would not be significantly reduced.
17. I also note the concerns of residents in relation to the impact on 61 High Street and Mulberry House. Taking into account the orientation of windows and the separation distance to these dwellings, I am satisfied that the proposal would not lead to significant levels of overlooking or loss of privacy, and so would not materially affect the living conditions of those residents.

Conclusion

18. The proposal would not harm the living conditions of future occupiers and would preserve the character of the Conservation Area. It would also not impact on the setting of the grade II listed Waggon and Horses and the proposed wall would preserve the special interest of the listed building. Therefore having regard to all other matters raised including the views of local residents and the Parish Council, I conclude that the appeal be allowed.
19. in addition to conditions relating to the period of implementation and compliance with the approved plans, it is reasonable and necessary to require details of materials, including joinery and rainwater goods, and details of boundary treatments throughout the development, to ensure the finished development has an acceptable appearance. As the site is relatively flat, I do not consider it necessary to seek details of levels on site or floor levels.
20. In order to ensure that the proposal does not impact on highway safety it is necessary to require details of the proposed footway and to require that the parking and turning area are provided and external surfaces are completed prior to occupation.

21. Lastly, the external amenity areas to the dwellings are relatively modest and the provision of extensions or outbuildings within these areas has the potential to impact upon the appearance of the dwellings and so the setting of the heritage asset. I therefore consider it reasonable to require that such works require the approval of the Local Planning Authority.

A Jordan

INSPECTOR

Schedule 1 – Conditions relating to Appeal Ref: APP/E2530/W/16/3154937

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No WH476 - A100 Site Location Plan, WH 476 – A112 Rev P9 (Proposed Site and Block Plan), Drawing No BSA84 – A084 (Floor and Elevation Plans).
3. Development shall not begin until details of the footway fronting the site have been submitted and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until that footway has been constructed in accordance with the approved details.
4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including details of rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. Before the works to provide the boundary treatments to the dwellings hereby permitted are commenced, a plan indicating the heights, positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved details.
6. Before the commencement of the development hereby approved, full details of all proposed joinery works including 1:20 sample elevations and 1:1 joinery profiles shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved joinery details.
7. Before any part of the development hereby permitted is occupied/brought into use, the external surfaces shall have been completed in accordance with the approved details.
8. Before any of the dwellings hereby permitted is occupied/brought into use, the parking and turning area accompanying each dwelling shall have been constructed in accordance with the approved details and shall be retained as such and for no other purpose thereafter.
9. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no building, enclosure, swimming or other pool or container used for domestic heating purposes shall be constructed within the curtilage of the dwellinghouses hereby permitted without Planning Permission first having been granted by the Local Planning Authority.
10. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings hereby

permitted shall be carried out without Planning Permission first having been granted by the Local Planning Authority.

Schedule 2 – Conditions relating to Appeal Ref: APP/E2530/Y/16/3154941

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No WH476 - A100 Site Location Plan, Drawing No. WH 476-A112 Rev P9 and Drawing No BSA 84- A084.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.