

Appeal Decision

Site visit made on 20 December 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 January 2017

Appeal Ref: APP/D2510/D/16/3159867

Linwold, Church Road, Old Bolingbroke, Spilsby, Lincs PE23 4HG

- 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 C Tagg against the decision of East Lindsey District Council.
 - The application Ref S/018/00979/16, dated 3 May 2016, was refused by notice dated 29 June 2016.
 - The development proposed is an extension to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to a dwelling at Linwold, Church Road, Old Bolingbroke, Spilsby, Lincs PE23 4HG in accordance with the terms of the application, Ref S/018/00979/16, dated 3 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8001-4-16 and 8002-4-16.
 - 3) Notwithstanding condition 2, no development shall take place until details of the window frames and external doors have been submitted to and approved in writing by the local planning authority. The details of window frames shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening. Development shall be carried out in accordance with the approved details.
 - 4) No development shall commence until details (and samples if required) of the materials to be used in the construction of the external surfaces of the extension 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.
 - 5) The development shall be undertaken in accordance with the precautionary measures and considerations specified in the 'Great crested newt survey and assessment' dated 12 September 2016, and in particular:
 - i) All stored building materials shall be stored on pallets to deter amphibians taking shelter underneath them;

- ii) All site operatives will stay vigilant for the presence of great crested newts during the works;
- iii) If great crested newts are found at any point, the works will be suspended and an ecologist will be consulted;
- iv) Development should commence outside of the bird nesting season (i.e. to avoid the period between April and late August) or that a nest check is undertaken prior to any development commencing; and,
- v) Any active nests must be left undisturbed until the young birds have fledged.

Procedural matter

2. The appellant has submitted a revised rear elevation which was used as a basis for discussions with the Council subsequent to their decision. The revised elevation is materially different from the plans submitted with the planning application in that it includes, among other things, amendments to the design of the roof of the extension. I am mindful that the Council has not undertaken consultation on the amended plans. In my view, in the interests of fairness, this appeal must be determined on the basis of the plans that were submitted with the planning application and which have been subject to consultation and not the subsequent revision. To do otherwise could prejudice unacceptably the interests of interested parties who would not have been consulted on the amended proposals and who may have observations to make.

Main Issues

3. The main issues of this appeal are:
- The effect of the proposal on the character and appearance of the host dwelling and surrounding area, with particular regard to its location within the Old Bolingbroke Conservation Area; and,
 - The effect of the proposal on protected species.

Reasons

Character and Appearance

4. The appeal site is one of a pair of semi-detached dwellings which are of a traditional and attractive appearance. However, the properties have been extended to the rear in a relatively unsympathetic manner, including 2-storey flat roofed extensions with modern fenestration, a modern conservatory on the adjoining dwelling and a further lean-to extension on the appeal dwelling. The site is located in the Old Bolingbroke Conservation Area (CA) which includes the historic core of the village and Old Bolingbroke Castle which contribute to the area's significance as a designated heritage asset.
5. The Council has expressed concern about the rear projecting gable and a roof line which it considers sits at odds with the existing dwelling. However, there is an existing store to the side of the property with a lean-to roof and the proposal would replicate this in views of the front and side elevations, although I acknowledge that the extension would be slightly higher and extend further to the rear of the dwelling. The rear of the extension would incorporate a pitched gable roof of a different alignment to the main roof of the dwelling. However, I

saw at my site visit that there are buildings in the immediate vicinity which have roofs of a similar design and alignment to the proposal, including an outbuilding to the rear of the property and a single storey dwelling to the west. Within this context, the gable roof would not appear as an incongruous addition to the dwelling and would not detract from the character of the host dwelling or the wider CA.

6. The extension to the rear also includes a flat roofed element which would be of a relatively utilitarian appearance. However, this element would be modest in scale and screened in views from the public realm by the gabled element of the extension. This part of the extension would also be seen within the context of the existing flat roofed two storey extensions on the host and adjoining dwelling, as well as the modern upvc conservatory on the adjoining property. The proposal would also replace an existing extension with a shallow lean-to roof to the rear, which is also of a utilitarian appearance. Within this context, I consider that the flat roofed element of the proposal would also not detract from the character of the host dwelling or the wider CA.
7. I am mindful that the site is near to the Grade II* listed church of St Peter and St Paul and the Scheduled Ancient Monument of Old Bolingbroke Castle. The Council state that the proposal would not affect the setting of these designated heritage assets, and based on the evidence before me and my observations on site, I agree with the Council's conclusions.
8. I have had regard to the prominence of the site within the CA. However, the effect of the proposal on views of the more prominent front and side elevations of the dwelling would be very limited due to the design of the extension which reflects the existing store to the side and the set back from the highway. I also viewed the property from the footpath to the east, and in the very limited views of the site provided by this path, the extension would not appear as an incongruous or unsympathetic addition due to the context established by existing extensions and buildings in the vicinity.
9. As such, I conclude that the development would not harm the character and appearance of the host dwelling, and would preserve the character and appearance of the CA. I find no material conflict with policies C1 and A5 of the East Lindsey Local Plan Alteration 1999 which seek to promote the quality and design of development and preserve or enhance the special character of conservation areas. The development would also comply with the provisions of the National Planning Policy Framework (the Framework) in relation to conserving and enhancing the historic environment.

Protected Species

10. The site is located within 500m of Old Bolingbroke Castle which has a well-established great crested newt population. The Council state that an ecological report should be submitted prior to determination of the proposal to assess the impact of the proposal on protected species and ecology.
11. In response, the appellant has provided a great crested newt survey and assessment which has been undertaken by a suitably qualified person. The report concludes that the site has very limited potential to support great crested newts. The report also states that given the areas affected, the distances involved and the nature of surrounding habitats, it is considered that the proposed work could commence subject to precautionary measures without

the risk of a breach in the legislation protecting great crested newts. I see no reason to disagree.

12. I consider that the submitted assessment satisfactorily addresses the concerns raised in relation to the potential harm to great crested newts as well as other protected species. The development can therefore proceed subject to a condition requiring the precautionary measures specified in the report and other protected species considerations. The proposal would therefore comply with paragraph 118 of the Framework which aims to conserve and enhance biodiversity.

Conditions

13. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of them for clarity.
14. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. Conditions in relation to the submission of details of materials, windows and external doors prior to the commencement of development are required in the interests of character and appearance. A condition requiring precautions in relation to protected species is required in the interests of biodiversity.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cross

INSPECTOR