
Appeal Decision

Site visit made on 22 May 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 1 June 2017

Appeal Ref: APP/P3040/W/17/3169170

The Old Hall, 10 Kneeton Road, East Bridgford NG13 8PG

- 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 Robert Shaw against the decision of Rushcliffe Borough Council.
 - The application Ref 16/01817/FUL, dated 27 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is a new dwelling within the grounds of The Old Hall following removal of swimming pool.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character and appearance of East Bridgford Conservation Area and the setting of Grade II listed buildings.

Reasons

3. East Bridgford Conservation Area consists of the historic core of the village. The area is characterised by community services and facilities located along Main Street and its residential fringe, including properties along Kneeton Road. A range of buildings and features contribute to the significance of the Conservation Area, including St Peter's Church, a mix of cottages and larger dwellings, expanses of walls, and the verdant setting of gardens and trees. The important buildings include The Old Hall and its adjacent Stables and Outbuildings, which are Grade II listed buildings that adjoin Kneeton Road.
 4. The Old Hall is an early 18th century country house with some later additions. The detached stable block was built at a similar time, with the subsequent outbuildings having created a courtyard. The listed buildings are set within substantial landscaped grounds enclosed by a long boundary wall facing Kneeton Road which is also listed, together with supplementary trees and hedging. The front and rear grounds of The Old Hall are visually separate and their size has reduced over time, including through a development on Cuttle Hill Gardens that is mostly screened from the grounds by a substantial tree line. Nevertheless, the existing grounds assist the appreciation of and draw attention to the historic prominence, style, detail, layout, form and scale of the listed buildings and, therefore, make a positive contribution to the setting and significance of The Old Hall and the East Bridgford Conservation Area.
-

5. The appeal site consists of a raised area within the landscaped grounds at the front of The Old Hall. The site is currently part occupied by an outdoor swimming pool with a polytunnel style covering structure and lies adjacent to a former tennis court that has an extant planning permission for a dwelling. The raised area is enclosed by tall and dense hedging to its sides and rear which screens the former tennis court. Lower and sparser hedging faces the landscaped grounds, above which the upper section of the polytunnel structure is visible as part of the setting of The Old Hall. The structure is also partly visible from Kneeton Road at distance above the boundary wall in breaks between boundary landscaping. At the time of my visit, the pool covering despite having been in place for a considerable period of time appeared to be a light weight and impermanent structure with some sections in poor condition.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires special attention to be paid to the desirability of preserving listed buildings and their settings. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
7. The dwelling would be of a modest height with a contemporary design intended to be a modern interpretation of a Georgian garden pavilion reflected as a single storey structure above ground with a basement level. However, the layout and footprint of the proposal would result in a building of a more considerable width and massing than the temporary structure it would replace. When taken together with its distinctive glazed frontage and juxtaposition relative to the listed buildings, attention would be drawn to its presence by its siting, design and proportions. The building would be particularly evident when approaching the frontage of The Old Hall from its driveway.
8. From those perspectives, the dwelling would be highly visible in the landscaped grounds due to its raised position with different scale and a contrasting form when viewed with The Old Hall and its neighbouring listed buildings. Consequently, the proposed dwelling would be viewed as a prominent and insubordinate feature within the setting of the listed buildings despite a degree of physical separation. The detrimental effect of the scale and position of the dwelling would be worsened by the proposed design and materials, which would appear overtly modern and discordant relative to the traditional architectural styles, form and detailing of the listed buildings. The resultant visual effect would be harmful to the setting of The Old Hall and the stables and outbuildings which are visible beyond nearby boundary fencing and trees.
9. The dwelling would not have an adverse impact upon the listed boundary wall due to the separation distance from it, with its set back position also reducing its prominence from Kneeton Road. Nevertheless, the proposal due to its elevated position would be visible, particularly from the opposite footway, above the boundary wall in sections where landscaping is sparse. From those

public vantage points, the dwelling would not be viewed against the listed buildings. However, its position within landscaped grounds together with its contemporary design, scale and proportions would appear incongruous in a Conservation Area characterised by more traditional architectural styles, form and detailing. Whilst I consider the proposed building is of merited design, and one which could be easily accommodated elsewhere and appropriate in other circumstances, in this particular context it would appear harmfully out of place.

10. I have considered whether the imposition of conditions could overcome the harm identified. However, I am not satisfied that the extent of additional landscaping necessary to fully screen the dwelling would ensure a satisfactory living environment for future residents. Furthermore, subdivision of the site from the curtilage of The Old Hall would further erode the perceived scale of the landscaped grounds with a detrimental impact on its setting.
11. The appellant has drawn to my attention a number of examples of existing Georgian garden pavilions within the grounds of other listed buildings. However, based on the evidence before me, the design and relationship of those pavilions to their host buildings are different to that of the proposal before me and do not replicate the harm I have identified. I necessarily determine this appeal based on its individual merits.
12. An arboricultural method statement indicates that part of the hedge surrounding the existing swimming pool would be removed, together with removal of 2 trees designated as 'C' or 'U' category and crown raising of 2 trees designated as 'B' category in accordance with BS 5837: 2012. The works would be necessary to provide a new driveway. The driveway would include an engineering solution within the root protection area of a further 6 trees to enable their retention and maintain the appearance of a lawn area. The Council has offered no contrary opinion to the tree classifications, their condition or the suitability of tree removals and mitigation proposed. Based on the evidence before me, together with my observations when visiting the site, I have no reason to take a different view. The removal of the hedging and trees, together with the proposed driveway, would not of itself have a harmful effect on the landscaped grounds given the extent of trees, hedging and fencing that would remain along the boundary with Cuttle Hill Gardens. However, the absence of concern in that respect is a neutral factor.
13. Having regard to all of the above, the proposal would result in harm to the setting of the listed buildings. However, the harm would be less than substantial to the significance of the Grade II listed buildings, given the degree of physical separation and relative positions within the landscaped grounds. The harm to the significance of East Bridgford Conservation Area would also be less than substantial, given the limited public vantage points from Kneeton Road and the proposal's reduced prominence due to its distance from the road. In these circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
14. The existing polytunnel structure above the swimming pool has an incongruous appearance which is worsened by its poor condition. As such its presence does have an adverse impact on the setting of the Grade II listed buildings and the character of the Conservation Area. Consequently, there would be public benefits associated with its removal. However, the public benefits associated

with the removal of a temporary structure do not justify the harm arising from the permanent building proposed.

15. There would be further public benefits of the development in terms of the contribution to housing supply of a single dwelling in circumstances where the Council accepts it cannot demonstrate a 5-year supply of deliverable housing sites. There are also associated benefits in terms of providing an accessible lifetime home for the appellant, the ability of the appellant to continue to maintain the grounds of The Old Hall, the energy efficiency of the dwelling and the economic benefits to the local area both during construction and once occupied. However, the extent of those benefits based upon the scale of the development proposed, taken individually or in cumulative, do not outweigh the great weight given to the conservation of Grade II listed buildings, including their setting, the conservation of East Bridgford Conservation Area and the less than substantial harm to their significance which I have identified.
16. The appellant has questioned the need for the Council to review the East Bridgford Conservation Area. Nevertheless, the evidence submitted to this appeal leads me to conclude that the designation, and the site's inclusion, was made in accordance with Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The representations of the main parties and interested parties, including statutory consultees and relevant guidance have been taken into account in reaching my findings.
17. I conclude that the development would have a harmful effect upon and, therefore, fail to preserve or enhance the character and appearance of the East Bridgford Conservation Area and the setting of the Grade II listed buildings. The development would, therefore, conflict with Policies 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy (CS), adopted December 2014. When considered together these policies seek to ensure new development is of an appropriate design and reinforces valued local characteristics, whilst conserving or enhancing the significance of heritage assets and their setting, including listed buildings and conservation areas. The policies in the CS are consistent with the Framework.
18. The proposal is also contrary to Policies EN2 and EN4 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NS-LP), adopted December 2006, for the reasons given above and those policies are also broadly consistent with the Framework. However, the NS-LP does not form part of the development plan and is afforded less weight than the conflict with the CS.

Other Matters

19. Based on the evidence before me and my observations of the site and its surroundings, suitable living conditions for future residents and occupiers of neighbouring properties in terms of privacy and outlook could be achieved if appropriate boundary treatments were provided. However, the absence of concern in those respects is a neutral factor. The approach taken by the Council in making its decision, including pre-application advice offered, are not determinative matters upon this appeal.

Planning Balance

20. The site is in an accessible location in a village where a range of facilities and services are available and where the principle of residential development is not

a matter of dispute between the parties. The Council has indicated that it cannot demonstrate a 5-year supply of deliverable housing sites. Taking account of paragraph 49 of the Framework, the relevant policies for the supply of housing are not up-to-date and paragraph 14 of the Framework is engaged.

21. In such circumstances, where the development plan is absent, silent or relevant policies are out of date, permission should be granted, unless there any adverse impacts of doing so which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or, specific policies in the Framework indicate development should be restricted. The latter criterion is supported by a footnote which, amongst other things, specifies that such policies incorporate those relating to designated heritage assets which includes listed buildings and conservation areas. In that respect, Policies 10 and 11 of the CS, to which a conflict has been identified, are not relevant policies for the supply of housing and are up-to-date.
22. I have considered the public benefits of the development, including those associated with the contribution to housing supply. When taken together the public benefits are significantly and demonstrably outweighed by the great weight given to the conservation of the Grade II listed buildings, including their setting, the conservation of the East Bridgford Conservation Area and the less than substantial harm to the significance of each which I have identified. The development, therefore, conflicts with the development plan and the Framework, including the specific policies which indicate development should be restricted in the context of the decision taking approach set out at paragraph 14 of the Framework. Consequently, the proposal is not sustainable development as defined by the Framework when it is taken as a whole.

Conclusion

23. For the above reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR