

Appeal Decision

Site visit made on 15 February 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/N3020/W/16/3166350

West Lodge, Station Avenue, Newstead, NG15 8GE

- 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 Kevin Gilbert against the decision of Gedling Borough Council.
 - The application Ref 2016/1088, dated 14 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is the erection of a gazebo and bridge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The gazebo and bridge are already in place. The application is therefore retrospective and I have determined the appeal on the same basis.
3. The Council's formal decision notice refers to the effect of the proposal on the setting of "*the Grade I listed building*". However, at the appeal stage the Council has indicated that this is a typographical error, and should refer to the 'Grade II' listed building insofar as it relates to the appeal property.

Main Issues

4. The main issues are:
 - Whether or not the gazebo and bridge are inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the gazebo and bridge on the setting of the Grade II listed West Lodge and the character of the Grade II* listed Newstead Abbey Park Historic Park and Garden; and
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
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Reasons

Whether Inappropriate or Not

5. The appeal relates to a circular gazebo with a diameter of approximately 4.5m. It has been constructed from timber posts which support a conical slate roof with a maximum height of nearly 3.9m. The posts are fixed to the ground with timber rails in between, and are connected to a bridge which crosses a stream and provides access into the adjacent field.
6. Given that the gazebo/bridge is of a permanent construction, has a large tile roof supported by timber posts and a raised timber floor and sides, I consider that it is a 'building' within the curtilage of West Lodge. A similar description was used by the Council in the Planning Officer's report. Paragraph 89 of the National Planning Policy Framework ('the Framework') is therefore relevant. It states that the construction of new buildings should be regarded as inappropriate development in the Green Belt.
7. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original. Policy ENV28(a) of the *Gedling Borough Replacement Local Plan* also allows the limited extension or alteration of a dwelling provided that it does not result in disproportionate additions over and above the size of the original house. The supporting text to Policy ENV28 states that in comparative terms, a 50% increase in the floorspace of an original dwelling is the maximum size permitted for extensions in the Green Belt.
8. The main parties have both considered the appeal scheme as an extension to West Lodge. Evidence provided by the appellant states that when combined with a previous rear extension, the floorspace of the original house has only been enlarged by 41.6%, in accordance with Policy ENV28. However, the gazebo is situated adjacent to the stream which runs along the north-eastern site boundary and defines the edge of the garden. The structure is a curtilage building divorced from the host property, separated by a raised pond and area of hardstanding. By reason of this separation it is not an extension or alteration to West Lodge.
9. The appellant also claims that the final bullet point under paragraph 89 of the Framework applies. This permits limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. In support of this position it is argued that the gazebo and bridge do not extend beyond the curtilage of the original house and cumulatively, the extended lodge, outbuilding and appeal proposal only cover around 15.46% of the plot.
10. However, the gazebo and bridge have a footprint of approximately 16sq.m and the structure is almost 3.9m high. It is therefore substantial in size, and only roughly 0.5m lower than the recently reconstructed outbuilding at the site. By introducing a new building of this size into the curtilage of the host property, where previously there was none, the development has reduced the openness of the Green Belt. Essential characteristics of Green Belts are their openness and their permanence.

11. Furthermore, glimpses of the gazebo and bridge are possible from Station Avenue in between the trees and boundary treatments at the front of West Lodge. Although Station Avenue is a private road, it still provides access to other properties and is used by local residents. From this location the gazebo and bridge are viewed alongside a host of other domestic features including a large pond, water feature and areas of hard landscaping. The extent of these works is evidenced by aerial photographs submitted by the Council and cumulatively, the proposal clearly has a greater impact on the openness of the Green Belt than the previous situation.
12. I note that the supporting text to Local Plan Policy ENV28 indicates that curtilage buildings will be permitted in the Green Belt where they are limited in scale, are well designed and are sited in an unobtrusive location. However, the Framework does not include such provisions. As the most up to date policy regarding the construction of new buildings in the Green Belt I have attached significant weight to the Framework in determining this appeal. Besides, due to the size and siting of the structure in the garden the gazebo and bridge are visible from Station Avenue. For the purposes of Local Plan Policy ENV28 the development does not occupy an unobtrusive location.
13. I therefore conclude that for the purposes of the Framework, the gazebo and bridge are inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Setting of West Lodge and Newstead Abbey Park

14. West Lodge is one of a series of original gatehouses that mark the entrances to the Newstead Abbey estate. Originally the building would have been used to control access, provide an imposing entrance at the edge of the estate and house estate workers and their families. In addition to its architectural detailing and design, a fundamental part of the significance of the building is therefore its relationship to, and setting within, the historic park and garden.
15. When viewed in isolation the gazebo and bridge are subservient to West Lodge. Situated towards the rear of the garden close to the north-eastern boundary the structure does not detract from the traditional front elevation of the host property either, which is one of its defining characteristics. Its siting against the backdrop of mature trees, use of materials and open design further limit its visual impact, and when approaching from the south-west the structure is hidden from view.
16. Nevertheless, the gazebo is a substantial structure supporting a large conical roof. As identified above, substantial works have also been carried out in the garden already, including a large pond, circular water feature, a raised area of garden, gates, fences and areas of hardstanding. When viewed alongside this proliferation of domestic features, I agree with Historic England that the gazebo and bridge have resulted in a cluttered garden space which undermines and erodes the historic and architectural relationship between the property and the wider estate, which is an important part of its heritage significance. The cumulative impact of the gazebo and bridge is harmful to the setting of West Lodge, and in turn, to the character of the Newstead Abbey Registered Park and Garden, of which it forms part. Although the harm is less than substantial as defined by the Framework, it is still material.

17. In reaching this view I have taken into account that the appellant has carefully restored West Lodge, which was previously in a state of disrepair and had been vacant for around 20 years. It is accepted by the Council that the restoration work carried out by the appellant has been good. This was evident from my site inspection. Due to the limited size of the house, the gazebo and bridge also provide additional, much needed useable outdoor space which has improved the standard of living accommodation. Securing the long-term residential future of West Lodge has benefits for the appeal property and the wider estate. However, based on the evidence provided this is not dependent upon the provision of a gazebo and bridge. As such, the public benefits of the proposal do not outweigh the harm identified to the significance of the appeal property.
18. I therefore conclude that by reason of its size and siting, and when viewed alongside the other domestic features which dominate the garden, the gazebo and bridge have resulted in a cluttered appearance that fails to preserve the setting of the Grade II listed West Lodge and is harmful to the character of the Grade II* listed Newstead Abbey Park Historic Park and Garden. It therefore conflicts with *Gedling Borough Replacement Local Plan* Policy ENV25 which states that planning permission will not be granted for development which would lead to the loss of, or cause harm to, the historic character, or setting of any part of a Registered Historic Park or Garden. It is also contrary to Policy 11 of the *Gedling Borough Aligned Core Strategy* which, amongst other things, states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. By failing to conserve heritage assets in a manner appropriate to their significance the development is also contrary to one of the Framework's Core Planning Principles.

Other Considerations

19. In support of the proposal the appellant refers to several other examples of development which either exist or have been granted planning permission by the Council in and around the Newstead Abbey estate, including other gazebos. However, I am required to consider the appeal proposal on its own, specific merits. Furthermore, not all of the details of each case have been provided to enable any meaningful or direct comparison with the circumstances in this appeal. I have therefore not given any significant weight to the approval of planning permission for other forms of development elsewhere.
20. Similarly, reference has been made to an existing octagonal outbuilding at Oak View Lodge, which the appellant confirms has been in place 'for some time'. But, with the exception of an aerial photograph, no specific details have been provided. It is therefore not possible to ascertain how it came to be there, or whether the circumstances are directly comparable.
21. It is also appreciated that outbuildings can be erected in the Green Belt under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) (as amended). Given the size of the plot at West Lodge an outbuilding constructed under the GPDO could be larger than the gazebo and bridge and potentially have a greater impact on the openness of the Green Belt. Nonetheless, because the appeal site relates to the curtilage of a Grade II listed building the provisions of the GPDO do not apply in this regard. As such, I have not given this any significant weight in reaching my decision either.

22. Finally, in support of the proposal the appellant states that the development has been carried out on previously developed land and forms part of a long established, enclosed residential curtilage. It will also contribute to the long-term residential use of an important Grade II listed building within the Newstead Abbey estate, which was redundant for many years. These are all benefits that weigh in favour of the scheme.

Conclusions

23. The gazebo and bridge are inappropriate development in the Green Belt. The Framework states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm. The development is also harmful to the openness of the Green Belt, to the setting of the Grade II listed West Lodge and in turn, to the character of the Grade II* listed Newstead Abbey Park Historic Park and Garden.
24. On the other hand it is appreciated that the appellant has carefully restored West Lodge to a very high standard. All of the works carried out have used high quality materials, and due to the limited size of the property the gazebo and bridge provide the appellant with additional useable outdoor space. This will help ensure the continued future use of West Lodge to the benefit of the wider estate. The requirements of the GPDO also allow for the erection of outbuildings in the Green Belt, which could be much larger than the appeal proposal. Moreover, I note that other lodges within the estate have been extended and altered, and that the Council has approved planning permission for larger buildings nearby. Due to the siting of the gazebo and bridge it does not have any impact on the living conditions of neighbouring residents either.
25. Nevertheless, these factors do not clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, and to the significance of designated heritage assets. As a result, the very special circumstances necessary to justify granting planning permission do not exist.
26. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR