
Appeal Decision

Site visit made on 12 June 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 30 June 2017

Appeal Ref: APP/E2530/W/17/3171267

Eaton Mews, 47 Pond Street, Great Gonerby NG31 8LJ

- 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 Ms E Gasper against the decision of South Kesteven District Council.
 - The application Ref S16/2304, dated 10 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is '*erection of 2no. detached dwellings*'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2no. detached dwellings at Eaton Mews, 47 Pond Street, Great Gonerby NG31 8LJ in accordance with the terms of the application, Ref S16/2304, dated 10 October 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development provided by the application form has been updated in subsequent documents. The description of development provided by the Council's decision notice is precise and provides certainty in terms of the proposal before me. I adopt it accordingly.

Main Issue

3. The main issue is the effect on the character and appearance of the area, including whether the development would preserve or enhance the setting of Great Gonerby Conservation Area and the setting of Elm Farmhouse, a Grade II listed building.

Reasons

4. The site lies outside of Great Gonerby Conservation Area, the boundary of which is located to the opposite side of the junction of Pond Street and Spring End. The Conservation Area is focussed around Green Street further to the north and High Street further to the east. The character and significance of the Conservation Area is defined by its mix of buildings of historic interest, including the landmark Church of St Sebastian on High Street, a Grade I listed building that lies within a spacious and verdant setting. The density of development along High Street intensifies towards the junctions with Pond Street and continues along Green Street where sections of development are tightly packed and boundary treatments are low stone walls. A taller stone wall complements those boundary treatments along the adjoining section on Pond
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Street on the western side of the road up to the Conservation Area boundary and in doing so makes a positive contribution to its character and significance and the setting of Sutton House, a Grade II listed building.

5. The stone boundary wall of the appeal site facing Pond Street, although generally lower and with sections including railings, is similar to the wall on the western side of Pond Street within the Conservation Area and the lower walls opposite which enclose modern semi-detached properties. Consequently, the existing boundary wall facing Pond Street provides a complementary visual link towards the entrance to the Conservation Area and makes a positive contribution to its character and significance. The western boundary of the site which faces Belvoir Gardens has a contrasting predominantly red brick wall with piers, railings and lantern detailing up to the access to Elm Farmhouse.
6. Elm Farmhouse is a three storey Grade II listed building, which lies within a comparatively spacious and verdant plot compared with the groups of modern dwellings in its immediate surroundings. The main façade of the building is east facing onto an enclosed garden with a collection of windows and a porch. The southern gable end contains similar windows with vertical emphasis to each floor. In contrast, the western elevation facing toward Belvoir Gardens is largely blank with only a single window at first floor level and therefore, is a secondary elevation with limited architectural detailing. The upper part of the northern elevation is only visible where it is taller than the adjoining Eaton Mews, 47 Pond Street (No 47). The historic significance and architectural interest of the building is derived from its original form, stature and visual coherence afforded by materials, together with the detailing and fenestration on its eastern and northern elevations, which are reflective of its previous agricultural use and rural location at the edge of the Great Gonerby settlement.
7. No 47 is a single dwelling of modern appearance that appears to have previously been converted from two dwellings (the second dwelling previously addressed as No 49). No 47 is accessed from Pond Street, but sited perpendicular to it and adjoins the northern side of Elm Farmhouse, which is accessed separately from Belvoir Gardens. The appeal site consists of the former rear garden of No 47, which at the time of my visit had been subdivided from the curtilage of that property by a boundary fence.
8. Development over time, including No 47, has enclosed Elm Farmhouse and eroded its previously open and spacious surroundings. The associated presence of dense planting within its curtilage and along most of its boundaries, together with the presence of other surrounding buildings, boundary walls and intervening trees, allow only glimpses of the upper parts of Elm Farmhouse from public vantage points. Those views include the upper part of the northern elevation visible above No 47 and the upper part of the western elevation of the building when viewed from Pond Street and Belvoir Gardens above boundary walls. However, some viewpoints are heavily filtered at present due to denser intervening landscaping along the boundary of the site facing Belvoir Gardens and around the junction with Pond Street. Nevertheless, the available views of Elm Farmhouse, particularly the more open views from Pond Street across the rear garden of No 47 and part of the site above complementary stone walls, make a positive contribution to the setting and significance of the listed building despite the unsympathetic modern appearance of No 47 and other boundary treatments within those viewpoints.

9. 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.
10. The site formed part of land subject to a previous appeal¹ that related to an outline application which included details of access, layout and scale, for part demolition of No 47 and ancillary buildings to erect four detached two storey dwellings. The previous Inspector considered that such a development would have failed to preserve the character or appearance of the Great Gonerby Conservation Area and would be harmful to the setting of Elm Farmhouse. In reaching that view, the Inspector expressed concerns relating to alterations to the existing boundary wall on the Pond Street frontage, the loss of views from Pond Street and loss of openness at the junction of Pond Street with Belvoir Gardens due to the siting of one of the two storey dwellings in close proximity and the effect of loss of trees upon the semi-rural character of the site.
11. At the time of my visit, it was apparent that a number of trees within the site, which based on the evidence, were not subject to statutory protection, have been removed since the previous appeal decision. Consequently, more open views of Elm Farmhouse are available along the Pond Street frontage than from Belvoir Gardens where more dense vegetation remains. In seeking to address the concerns of the previous Inspector, the appeal proposal now consists of two single storey dwellings with Plot 1 having its main garden adjacent to the junction of Pond Street and Belvoir Gardens to reduce the sense of enclosure, density of built form and create space to retain some views towards Elm Farmhouse. The stone wall along the boundary with Pond Street would be retained, with the current brick wall and railings along Belvoir Gardens removed and new stone walling provided close to the junction of those roads.
12. The siting and design of the dwellings would result in a pattern of development and scale, bulk and massing of built form that would be complementary to the mixed character of dwellings along Pond Street, Spring End and Belvoir Gardens, including existing bungalows opposite. The dwellings would be a corresponding addition to the street scene and when taken together with the addition of a boundary wall that would be more compatible with those on Pond Street, the development would provide an enhancement to the setting of the Great Gonerby Conservation Area and the Grade II listed Sutton House.
13. The siting, scale and form of the dwellings would provide partial screening of the incompatible interrelationship of No 47 and Elm Farmhouse from Pond Street and at its junction with Belvoir Gardens. A perception of openness from built form would remain from those public vantage points due to the position

¹ APP/E2530/A/11/2151489 – Dismissed - 25 August 2011

and alignment of Plot 1 with the taller part of the listed building remaining visible above the subservient height of the single storey dwelling and from other vantage points along Pond Street. Furthermore, the removal of existing vegetation along the frontage of Belvoir Gardens to facilitate the development would create some open viewpoints where the listed building would be a more visible feature above and between Plots 1 and 2. When taking those factors into account, the benefits to the setting of Elm Farmhouse arising from the complementary and coherent siting, scale and form of the dwellings and the enhancement of some existing views would mitigate the presence of built form within a currently undeveloped site. The proposal would, therefore, preserve the setting and significance of Elm Farmhouse.

14. In reaching the above findings, I have taken into account that due to the position of the existing rear garden of Plot 1, it is likely that supplementary landscaping taller than the boundary wall will be necessary to provide privacy for its occupiers. The density and height of such landscaping could reduce the openness of the site towards the junction of Pond Street and Belvoir Gardens and obscure views of Elm Farmhouse from that perspective. However, based on the evidence before me, it is clear that those views are a contemporary feature following the recent removal of trees and hedging along the boundary and within the site as part of garden maintenance. Views of Elm Farmhouse from Pond Street across the remaining garden of No 47 would be unaffected.
15. With regard to the above, the development would provide an opportunity to control the type, height and position of soft landscaping within the site by condition. The site is not previously developed land, but is now subdivided from the garden curtilage of No 47 and therefore, consists of a small infill site within the built up area for the purposes of Policy SAP H1 of the Local Plan for South Kesteven Site Allocations and Development Plan Policies (SA&DPP), adopted April 2014. In its current circumstances, there is a realistic prospect that the vacant site could become overgrown and partially screen the listed building in any case. Consequently, no harm would arise from the addition of soft landscaping around the junction of Pond Street and Belvoir Gardens, subject to agreement of details by condition.
16. I conclude that the development would not harm the character and appearance of the area, would enhance the setting of Great Gonerby Conservation Area and would preserve the setting and significance of Elm Farmhouse, a Grade II listed building. The development would not, therefore, conflict with Policy SAP H1 of the SA&DPP and Policy EN1 of the Local Development Framework for South Kesteven Core Strategy, adopted July 2010. When taken together those policies seek to ensure that the development of small infill sites does not compromise the nature and character of the settlement, including local distinctiveness, sense of place and the conservation or enhancement of, amongst other things, historic assets with statutory designations including listed buildings and conservation areas. The policies are consistent with the Framework to which there would also be no conflict.

Other Matters

17. The appellant has identified a number of public benefits of the development such as the contribution to housing land supply in the context of the Framework's objective seeking to boost the supply of housing, economic benefits to the local construction industry, support for local services and revenue from Council tax and New Homes Bonus. The public benefits weigh in

favour of the proposal. However, based on the limited scale of the development proposed and the absence of harm identified with respect to the main issue they are not decisive factors upon the outcome of this appeal.

18. The access and car parking arrangements would not have a detrimental impact on highway and pedestrian safety, subject to a condition to secure pedestrian visibility splays from the driveway access. There is no evidence before me that the parking demand or traffic generation associated with the two dwellings would have a significant effect upon local highway conditions. The position of the driveways serving each dwelling are sufficiently distant from the junctions of Belvoir Gardens with Pond Street and Elms View respectively to avoid any detrimental impact upon highway safety.

Conditions

19. The Council provided a suggested list of conditions. Where appropriate, the conditions have been consolidated and the wording has been slightly amended to accord with paragraph 206 of the Framework. In the interest of certainty in terms of the planning permission, conditions indicating the time limit for the development to commence and to ensure that the development is carried out in accordance with the approved plans are necessary. Notwithstanding the approved plans, samples of the materials and details of boundary treatments and soft landscaping shall be agreed before any above ground development takes place and the development shall be carried out in accordance with the approved details. Those conditions are necessary in the interest of the character and appearance of the area and the setting of Elm Farmhouse.
20. Conditions requiring agreement and implementation of details for surface water and foul water drainage are an appropriate requirement of the development to reduce the risk of flooding and to provide a satisfactory means of drainage. As previously mentioned, a condition is also required to secure pedestrian visibility splays from the driveways which would serve the dwelling. Such a condition would include a restriction on planting to no higher than 0.6m within 2m by 2m visibility splays, which is necessary and more precise than the wording of the condition suggested by the Council.
21. Based on the evidence before me, observations during my visit and taking account of Planning Practice Guidance², removal of permitted development rights under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 is not necessary or justified by exceptional circumstances. The living conditions of occupiers of neighbouring properties would not suffer unacceptable impact should extensions under those permitted development rights be implemented.

Conclusion

22. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted as set out in the formal decision, subject to conditions in the attached schedule.

Gareth Wildgoose

INSPECTOR

² Use of planning conditions Paragraph: 017 Reference ID: 21a-017-20140306 Revision date: 06 03 2014

SCHEDULE

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: A(90)-01; A(90)-02; A(90)-03; A(90)-04; A(00)-01 Rev A; A(00)-02 Rev A.
- 3) Notwithstanding condition 2, before any above ground development hereby permitted takes place, samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) Notwithstanding condition 2, before any above ground development hereby permitted takes place, details of the height, position, design, materials and type of boundary treatments and soft landscaping shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings and retained thereafter.
- 5) The dwellings hereby permitted shall not be occupied until surface water drainage works, based on sustainable urban drainage principles, and works for the disposal of foul water have been provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The surface water and foul water drainage works shall be retained and maintained in accordance with the approved details thereafter.
- 6) The new driveways shall not be brought into use until 2m x 2m pedestrian visibility splays have been provided on both sides of each access measured from the back of the footway. The pedestrian visibility splays shall be retained thereafter and maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.