
Appeal Decision

Site visit made on 19 June 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 04 July 2017

Appeal Ref: APP/H2835/W/16/3166082

Land adjacent and to the rear of Tithe Barn, 75A High Street, Irchester, Wellingborough NN29 7AA

- 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 Dean Gaskell (Gaskell Build Ltd) against the decision of the Borough Council of Wellingborough.
 - The application Ref WP/16/00524/FUL, dated 24 August 2016, was refused by notice dated 14 December 2016.
 - The development proposed is 2 three bedroom semi-detached dwellings with associated parking.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal form cites the appellant as Mr Sean Taylor. That is inconsistent with the application form. As the right to appeal resides only with the original applicant, and in accordance with a letter dated 26 January 2017 from Mr Dean Gaskell, I have taken the appellant's details from the application form.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and the setting of nearby listed buildings;
 - the living conditions of nearby residential occupiers; and
 - the safety and convenience of highway users.

Reasons

Character and appearance, and the setting of listed buildings

4. The appeal site comprises an overgrown parcel of land, accessed via a narrow, private track which rises up from High Street. The Tithe Barn, which abuts the track about half way up on its left, is a Grade II listed building, and therefore a designated heritage asset as defined by the National Planning Policy Framework ('Framework'). At its eastern end it is a fairly tall and imposing structure. The ridge on its steeply pitched roof runs parallel to the track, and the building

steps down in height to a single storey section to the west. Like many historic buildings in the area, its walls are finished largely with natural stone. It has planning permission for conversion to two dwellings.

5. Beyond here, and on the opposite side of the track, the stone buildings are typically subordinate in scale, having broadly single storey, or one and half storey, proportions; although no. 75A has dormers in its roof. At the junction with High Street there are large historic dwellings on the northern side of the track, with the Grade I listed St. Katherine's Church beyond, and modern dwellings opposite.
6. The proposed building's style would broadly take on the appearance of a barn conversion, with stone walls, sections of timber, openings of varied size, and a steeply pitched roof.
7. The Council's Design and Conservation Officer states that a slate roof may be more appropriate than pan tiles. The appellant is content to amend that detail, and, in my view, the building's general style would reflect its surroundings. However, as shown on drawing no. 160628/AR/AP/902 Rev P00, its ridge line would broadly match the ridge on the highest part of the Tithe Barn, and it would therefore not appear subordinate to that building. As a result, whilst beyond the first section of the Tithe Barn the scale and height of the buildings in this small cohesive group currently becomes more modest, that relationship would change.
8. The appellant has provided limited information regarding the scheme's impact on the significance and setting of heritage assets. However, from the information available, and the evidence of my visit, it seems apparent that the proposed development would be within the farmyard setting of the Tithe Barn, which would comprise the principal farm building. Any other buildings within this group would typically be lower in height with shallower roof pitches to reflect their different uses.
9. The proposed dwellings would be sited a little distance from the Tithe Barn and set back from the track. However, given the building's scale, roof height and pitch, and its proximity to the Tithe Barn, the scheme would compete for attention and thus have an awkward relationship with that building, and would harm its setting. In reaching that conclusion I have had regard to the advice in Historic England's publication '*The Setting of Heritage Assets*', and to the Planning Practice Guidance which states that the contribution a setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting.
10. Turning to the scheme's impact on the wider area, given the site's rearward siting, there would be limited views of it from public places. However, it may be glimpsed between or above some of the generally lower-lying buildings on High Street and School Hill. Nevertheless, given that the buildings there are very varied in terms of their style, age and proportions, I am not persuaded that the scheme would appear out of keeping. As the Church is some distance away, with intervening buildings, its setting would not be harmed.
11. However, the scheme would harm the immediate area, most particularly due to its substantial scale relative to the other buildings to the rear of the Tithe Barn, and due to the adverse impact that scale would have on the Tithe Barn's setting and on the appearance of this small group in an historic part of the

village. Having had special regard to the desirability of preserving listed buildings or their settings, the scheme would fail that statutory test.

12. Amongst other things, policy 2 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (2016) ('JCS') sets out that proposals should appropriately conserve, and where possible, enhance the heritage significance and setting of an asset; demonstrate an understanding of the impact on heritage assets; and complement the surrounding historic environment with regard to matters including scale. The scheme would conflict with that policy, and with policy 8 d)'s requirement to create a distinctive local character by responding to a site's context.
13. The Framework states that great weight should be given to the conservation of designated heritage assets. However, applying its paragraph 134, having regard to the scheme's style, I consider that the harm caused to the setting of the Tithe Barn would be less than substantial. In those circumstances the Framework states that the harm should be weighed against the public benefits of the proposal, including securing the asset's optimum viable use. I return to this later.

Living conditions

14. Although 14 School Hill has a large kitchen window facing the appeal site, given the distance from there to the scheme's rear windows, there would not be significant overlooking of that room. However, no. 14's main garden area and part of its patio lie adjacent to the boundary with the appeal site. Given that drawing no. 160628/AR/AP/901 Rev P00 shows that the scheme's rear elevation would be under 9m from that boundary, and given its height and length, the scheme would have an overbearing impact on no. 14's garden. For similar reasons, although the installation of additional windows could be controlled by a condition, there would be significant overlooking from the scheme's first floor rear-facing bedroom windows into those parts of no. 14's garden where the occupants might reasonably expect a significant degree of privacy. There are few significant trees here to mitigate those impacts.
15. Nos. 4 and 6 School Hill would face the scheme's blank, narrow gable across their fairly long and wide rear gardens. That gable would very roughly align with their garages. Consequently, with due regard to land levels, whilst the scheme would undoubtedly be visible to the occupants of those properties, it would not appear significantly overbearing, or cause significant overshadowing or loss of light. It would not impact their living conditions to a harmful degree.
16. However, due to the impact on the occupants of no. 14, the scheme would conflict with the quality of life requirements of JCS policy 8 e) (i), and the Framework's stance of providing a good standard of amenity.

Highways

17. The Council calculates that the proposal would bring the total number of houses served by this private track to seven, which would be contrary to the adopted standards of the Northamptonshire Highway Development Management Strategy 2013 ('DMS'). The appellant contends that, taking account of a lapsed permission for a single dwelling on the appeal site, the total number would actually be eight.

18. The track is uneven, finished with gravel, and narrow, with generally little or no room for vehicles to pass one another. However, given its dimensions and alignment, drivers and pedestrians using it could reasonably be expected to proceed with caution, and I would expect vehicle speeds to be low.
19. Drawing no. 160628/AR/PL/201 Rev P02 shows part of the turning circle outside the red line. Nevertheless, based on that drawing it seems to me that there would still be sufficient space for a typical car to turn around and exit the site in a forward gear. Whilst parked cars on High Street may sometimes impede visibility at the junction, given the village context, vehicular speeds here would typically be fairly modest. I have no evidence that the track's current use has resulted in any significant highway incidents. In this sustainable location, close to Irchester's services, future occupants may not be reliant on the private car to meet all their day to day needs.
20. In that context, whatever the precise number of existing or permitted dwellings served by the track, its increased use as a result of this scheme would not have a significant impact on the safety or convenience of highway users. Although the scheme would conflict with DMS policy DM 15, I have limited evidence that it would result in significant management, maintenance or accessibility issues. As the scheme would not prejudice highway safety, it would accord with the broad thrust of JCS policy 8 b) (i and ii), and with the Framework's paragraph 32 requirement to provide safe and suitable access.

Other matters

21. The scheme would make an effective use of land within an accessible village location to deliver two new dwellings. They would be designed to Lifetime Homes Standards, and I have no reason to doubt would provide high quality living conditions for their occupants. Those are modest benefits which count in the scheme's favour.

Conclusions and planning balance

22. The Framework states that when considering the impact of a development on the significance of a designated heritage asset (including development within its setting) great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification.
23. Although I have found that the harm caused to the setting of the Grade II listed Tithe Barn would be less than substantial, the scheme's public benefits would be very limited. Furthermore, I am not persuaded that this scheme is the only way in which the site's overgrown appearance could be improved. The harm caused would not be outweighed by any public benefits.
24. The scheme would not have a significant impact on the safety and convenience of highway users. However, in addition to the harm that would be caused to the listed building's setting, the scheme would also cause limited harm to the character and appearance of the immediate area, and would result in significant harm to the living conditions at 14 School Hill. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR