



Appeal Decision

Site visit made on 2 November 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 20th November 2017

Appeal Ref: APP/A3010/W/17/3179612

Corner Cottage, Rectory Lane, Gamston, Nottinghamshire DN22 0QD

- 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 & Mrs Salmon against the decision of Bassetlaw District Council.
 - The application Ref 16/01767/FUL, dated 19 December 2016, was refused by notice dated 24 May 2017.
 - The development proposed is a dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Gamston Conservation Area (GCA) and the effect on the setting of the Grade II listed Corner Cottage and Grade I listed St Peter's Church.

Reasons

3. The appeal site comprises part of the garden of the Grade II listed building known as Corner Cottage (also referred to as 17 Rectory Lane in the appeal form). The site lies in a slightly raised position between a detached garage which serves the host property and 16 Rectory Lane. The Grade I listed St Peter's Church lies a relatively short distance to the west of Corner Cottage on the opposite side of Church Lane.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
5. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within

its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.

6. I have not been provided with a Conservation Area Appraisal for the GCA, though from the evidence before me and my own observations of the area, I consider its significance lies in the street pattern and form of the village and the historic importance and quality of many of the buildings which serve to reinforce the rural character of the settlement. Corner Cottage is an obvious example of this. St Peter's Church also provides a focal point for both the village and conservation area and is of importance both to the visual quality of the environment and its history.
7. There is some dispute between the parties as to the extent to which the site is important to the setting of the host property or the church. The evidence provided by all parties indicates that a building in the location of the garage has been in place for some time and may have had small additions to it at one time or another. However, none of the maps provided suggests that the land between the garage and No 16 was ever completely taken up by development and thus an element of openness is a long standing feature of the site. Moreover, whatever the history of the site, its current use and appearance complements the generally open and spacious character of the village and the predominant nature and grain of residential plots.
8. The detached garage provides a visual barrier between the main dwelling and appeal site. However, this is an ancillary domestic structure and it is quite clear that the site currently forms part of the garden area of the cottage. Based on the evidence before me, I concur with the Council's view that the site makes a positive contribution to the appreciation of Corner Cottage and the character, appearance and significance of the GCA. I also consider the historic pattern of development and the form and character of the area around it, including the site, makes a positive contribution to the setting of St Peter's Church.
9. The development would reduce the amount of space between the existing buildings to a considerable extent. The proximity of the garage and No 16 to the dwelling would also result in the dwelling appearing somewhat cramped within its plot, particularly in relation to No 16 which would angle toward the side of the dwelling. This would detract significantly from the current open appearance of the site and be uncharacteristic of the broad pattern and grain of development exhibited elsewhere in the village and in particular on this side of Rectory Lane.
10. The dwelling would also be orientated differently to other buildings on this side of Rectory Lane, with the principal elevation facing the road. This differs to the neighbouring buildings, all of which present their gable to the roadside. This pattern is also reflected by the larger dwelling to the rear of the site known as West View. While this faces onto Church Lane, its gable end is in plain view from Rectory Lane. Thus the buildings here create a consistent and complementary character which would be undermined by the introduction of the development.
11. I recognise that the appellant amended the proposal to include a gable feature to the front elevation. Nevertheless, this would not serve to minimise or

- mitigate the clear break with the established pattern or character of development on this side of the road. The development would also be set well back from the road in a slightly raised position and would also not reflect the linear pattern of development on the opposite side of Rectory Lane. Although the principal elevations of these dwellings generally face the road, they have a much stronger visual relationship with the frontage than the development.
12. The resulting form of development would appear as a somewhat contrived attempt to squeeze a dwelling into a constrained plot with little regard to the prevailing character of the area. The incongruous siting of the dwelling would be readily discernible from publically accessible vantage points along the lane. The retention of the existing boundary treatments would not serve to mitigate the harm caused by what would be a relatively large, prominent, discordant and harmful addition to the street scene and the GCA.
 13. The garden area also continues to be an important part of the setting of Corner Cottage and the way in which this building is experienced. Therefore, notwithstanding the presence of the garage, the loss of the open space and the resulting harm caused to the character and appearance of the area of the dwelling would also result in some harm to the setting of the listed building.
 14. I recognise that the dwelling would not have a strong visual relationship with the church and would be unlikely to obscure important views. However, a visual connection to the heritage asset is not the only determining factor in considering its setting, or the harm that might be caused. I have already concluded that the development would have a harmful effect on the character and appearance of the GCA and the setting of Corner Cottage. This area forms part of the setting of the church and thus the harm to its character and appearance, would also result in moderate harm to the significance of the setting of the Grade I listed building. While the lack of intervisibility between the church and dwelling would provide a degree of mitigation, it would not outweigh my overall concerns over the impact of the development.
 15. I therefore conclude that the development would fail to preserve the character or appearance of the GCA and would also cause harm to the setting of both Corner Cottage and St Peter's Church. Accordingly, there would be conflict with Bassetlaw Core Strategy¹ (2011) policies DM4 and DM8 which seek, amongst other things, to ensure development protects and enhances the historic environment. In the parlance of the Framework, I would characterise the harm to the significance of the heritage assets as less than substantial. In such circumstances, paragraph 134 of the Framework advises that the harm should be weighed against any public benefits of the proposal.
 16. The development would add to the supply of housing. The appellant has alluded to there being a significant need for housing in the area, but I have not been provided with any detailed evidence relating to the housing land supply in the district. In any event, one additional dwelling would not make a significant contribution to the supply and thus I have given this factor only limited weight. There appear to be no other public benefits associated with the development. As such, the limited public benefits arising from the proposal would not outweigh the harm identified, to which I must attach considerable importance

¹ Bassetlaw District Local Development Framework – Core Strategy and Development Management Policies DPD – Adopted December 2011.

and weight. Accordingly, the development would not accord with the policies of the Framework which seek to conserve or enhance the historic environment.

Other Matters

17. The appellant has commented that the Council's planning officer was in support of the proposal. I have no evidence of this from the Council's perspective and both the officer report and decision notice are clear as to the authority's formal position. Nonetheless, I have had regard to the appellant's comments in relation to the evolution of the proposal ostensibly based on negotiation with the officer, but these factors do not mitigate or outweigh the concerns expressed above.
18. I note the reference to 20th century dwellings forming part of the conservation area and that the settlement has evolved over time. While I accept that modern development may be acceptable in some circumstances, this in itself does not justify the unsympathetic addition to the street scene that would result from the proposal.
19. The appellant has drawn my attention to West View and the fact that this is a taller building than the appeal proposal and is closer to the church. They argue that the height of this building serves to mitigate any visual impact from the development on the church. Moreover, there is an implication that the Council acted inconsistently with regard to the permission for that building. As already indicated, while views are clearly an important factor in considering the effect on the setting of a listed building, they are not the only factor to consider. Development which harms the historic or visual context within which the assets sits are also important. The development would be unsympathetic to the character and appearance of an area which contributes positively to the significance of the GCA and the setting of both Corner Cottage and the church. The presence of West View does not alter my view as to the harmful effect of the development on these assets.
20. I also do not have the full details of any decision made on West View and thus cannot conclude with certainty that the circumstances of the two proposals are the same. In any event, I have considered the appeal on its own merits.
21. I recognise that the Council raised no concerns over the effect of the development on highways, the living conditions of nearby residents or any other factors associated with the development. While I saw nothing that would lead me to a different conclusion, lack of harm is a neutral factor that weighs neither for nor against the development.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR