



Appeal Decision

Site visit made on 27 August 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeal Ref: APP/B3030/W/19/3230611

Land at Church Lane, Maplebeck, NG22 0BS

- 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 O'Connell against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00083/FUL, dated 10 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is a new infill dwelling between existing houses and access driveway.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the extension would preserve or enhance the character or appearance of the Maplebeck Conservation Area.

Reasons for the Recommendation

4. The appeal site is a large plot of land approximately to the north east of Church Lane but accessed from the end of Butt Lane at the northern boundary of the site. The site is located between existing residential curtilages to the north of Church Lane and represents a gap in the street scene fronting the lane. The level of the site rises steeply from Church Lane towards the rear boundary. This boundary is heavily vegetated such that the site is largely screened from Church Lane.
 5. The site is within the Maplebeck Conservation Area which covers the majority of the village. The village has a pleasant and attractive rural character, and is predominately residential with a variety of building designs which demonstrate a clearly legible historic pattern of linear growth along the main thoroughfare, which positively contributes to the character and appearance of the conservation area. Buildings tend to be modest in scale and appearance.
 6. The proposal is for a substantial two-storey detached dwelling which would be erected in an elevated position above Church Lane. The dwelling would be set
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further back from the lane than the adjacent properties. As the land increases in height from Church Lane to the rear of the site, so the proposed dwelling would be at a higher land level than the adjacent properties. This would result in a dwelling that would have a ridgeline that would be at odds with that of the adjacent properties. The prominence of the building would be exacerbated by its scale and massing.

7. I have taken into consideration the extant planning permission¹ for a detached dwelling on the appeal site. However, the permitted dwelling was to be sunk into the ground which would reduce its massing and, in addition, was to be set closer to the road, in closer alignment with the neighbouring dwellings. Whilst I acknowledge the appellants points relating to lines of sight and angles of influence taken from a point on Church Lane, the appeal property in contrast to that approved, would be a more assertive feature in the context of its surroundings.
8. I understand the appellants have undertaken a study of property types in the village. Whilst I acknowledge that there is a variety of building styles within the village, I am not aware of a dwelling in an elevated position that would be directly comparable to the appeal proposal and its immediate setting.
9. I acknowledge that trees and vegetation along the site frontage would provide screening at certain times of the year. However, there would be some limited views of the proposed dwelling particularly during the winter months when the leaves have been shed. Furthermore, vegetation is not a permanent feature and screening in itself is insufficient justification for the development.
10. For the above reasons the proposal would neither preserve nor enhance the character or appearance of the conservation area and would consequently cause harm to the significance of the heritage asset, although given that the proposal relates to only part of the conservation area, the harm would be less than substantial.
11. Paragraph 196 of the National Planning Policy Framework (the Framework) requires that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. The proposal would result in the addition of a new dwelling, which is a benefit of the proposal. However, that benefit can also be achieved by the extant planning permission. For these reasons, and as the proposal is for only one dwelling, I attach limited weight to this benefit. On the other side of the balance, the Framework indicates that great weight should be given to the asset's conservation. Consequently, the benefit of the scheme would not outweigh the harm to the conservation area.
12. Moreover, the development would be in conflict with Spatial Policy 3 of the Amended Core Strategy (2019) (ACS) and policy DM5 of the Allocations and Development Management Development Plan Document (2013) (DPD) which require developments to not be detrimental to the character of the location, and Core Policy 14 of the ACS and policy DM9 of the DPD which seek to ensure the continued protection and enhancement of conservation areas.

¹ Application ref. 17/02337/FUL

Other Matters

13. The provision of the dwelling is of private benefit to the appellant, and I have taken into consideration their concern with the approved scheme. The bedrooms in the previously approved scheme are at a level below the ground level, albeit that the ground would be excavated to allow light to be received by the bedroom windows. I acknowledge that the appeal proposal would allow more natural sunlight into the bedrooms when compared to the previously approved scheme. However, it has not been demonstrated that the amount of sunlight that would be received by the bedrooms of the existing permission would result in unacceptable living conditions for the future occupiers. In addition, I am unconvinced on the basis of all I have seen and read, that the amount of excavation required to facilitate the development would be prohibitive. I therefore only attach limited weight to this private benefit which does not outweigh the harm identified.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR