



Appeal Decision

Site visit made on 6 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/A2525/W/19/3228916

Land adjacent to Station Street, Spalding, Lincolnshire PE11 1BL

- 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 Cley Developments Ltd against the decision of South Holland District Council.
 - The application Ref H16-0738-18, dated 19 July 2018, was refused by notice dated 19 November 2018.
 - The development proposed is erection of 12 apartments (use Class C3) and a flexible commercial use at ground floor (use classes A1, A2, A3 or D1).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of the area, with specific regard to the Spalding Conservation Area.

Reasons

3. The appeal site is to a parcel of land, sat between commercial premises, occupying part of the street frontage. The proposals would be five storeys in height, with a commercial use at ground floor, with residential apartments above.
4. The Spalding Conservation Area is based around three interlinked open historic market areas. From the evidence in front of me, the appeal site is within the Sheep Market area, which is based around a triangular space, and includes buildings that take in the corners. From my site visit, I found that the buildings in that area are generally two storeys in height, with some exceptions.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty for decision takers with respect to any buildings or other land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 193 of the National Planning Policy Framework (The Framework) states that great weight should be given to the conservation of designated heritage assets.
6. The appeal proposal, at five storeys in height, would undoubtably dominate its surroundings. The design would be contemporary and modern and would have a prominent front elevation onto Station Street. The appellant states that the proposals would provide a focal point on this prominent site whilst responding

to the wider context of the Conservation Area and describes the design as 'unashamedly modern'.

7. The building has been designed to maximise the dimensions and angles of the site, with a chamfered elevation to Station Street, and this approach would assist in reducing the overall impact of the proposals.
8. The appellant contends that the proposals would have a positive impact on the appearance of the Conservation Area. However, I find that the modern design would look out of place within its context and detracts from the positive appearance of the Conservation Area, which contains many buildings of period styles. Whilst there is scope for innovation and contemporary design in many locations, there is also a need to respect the locality, especially within Conservation Areas. I find the design, massing and scale of the proposals would effectively create a large property of modern design in an identified historic location. The proposals thereby fail to preserve or enhance the character or appearance of the Conservation Area in relation to the statutory duty and would cause less than substantial harm to the significance of the designated heritage asset, in this case the Spalding Conservation Area.
9. Paragraph 196 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, then the harm should be weighed against the public benefits.
10. In terms of the public benefits, the appellant states that making best use of the site would be a positive impact on the viability and vitality of the town centre, providing sustainable town centre living accommodation and flexible commercial floorspace, as well as 25% of the apartments being classified as affordable housing.
11. Notwithstanding the above, in my opinion the harm arising to the Conservation Area outweighs any public benefits that the proposals forward in support of the scheme.
12. I note the appellant's reference to paragraphs within the Framework with regard to the way development should respond to its context and that planning decisions should not seek to impose architectural style, as well as the general presumption in favour of sustainable development. Nevertheless, I have identified significant harm to the established character and appearance of the area from the incongruous form and scale of the appeal proposal. I also find that the proposal would not meet the wider design aims of the Framework.
13. Although not referred to on the decision notice, both parties refer to Policy 29 in their statements in relation to the historic environment, and I find that the appeal proposal would be contrary to this policy.
14. With regard to this issue, I find that the proposals are contrary to Paragraph 192 of the Framework which seeks the desirability of sustaining and enhancing the significance of heritage assets, and states that new development should make a positive contribution to local character and distinctiveness.

Other Matters

15. The appellant has referred to the granting of planning permission on other sites, and historic approvals on the appeal site. With regard to these cases, I do not have full details in front of me. However, whilst there are some issues

that appear similar to the proposed development, some of the examples are located in different areas with different locational characteristics, different development criteria in relation to the current appeal as well as alternative designs from the appeal proposal. In any event, I am required to deal with this proposal on its own merits and such I accord them limited weight as possible material considerations in this case.

Conclusion

16. For the reasons set out above, the appeal is dismissed.

Paul Cooper

INSPECTOR