
Appeal Decision

Site visit made on 8 October 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 OCTOBER 2019

Appeal Ref: APP/N2535/W/19/3234344

5 Beck Hill, Tealby, Market Rasen LN8 3XS

- 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 Ferrier-Hanslip against the decision of West Lindsey District Council.
 - The application Ref 139079, dated 12 February 2019, was refused by notice dated 10 May 2019.
 - The development proposed is 'new dwelling to residential garden of 5 Beck Hill, Tealby.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellants have included revised drawings within their appeal submissions, which are indicated on the appeal form to have not previously been seen by the Council, but based on the appellants' statement of case, they are being presented for consideration as part of the appeal. I also note correspondence from the appellant referring to a further subsequent amendment to a site plan drawing. In determining the appeal, in the interests of fairness, I can only take into account matters that have been properly placed before the main parties and interested parties.
3. Moreover, the appeal process should not be used to evolve a scheme. Having regard to the 'Wheatcroft principles'¹ I note several changes to the proposal, including the repositioning and reorientation of the proposed dwelling, and changes to both its size and design. To accept drawings which, in my judgement, materially change the proposal would deprive those who should have been consulted on the changed development the opportunity of such consultation. Taking all matters into account, I shall determine this appeal on the basis of the plans that were before the Council at the time of its decision.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the Tealby Conservation Area and the effect on protected trees.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Conservation Area

5. The Tealby Conservation Area (the CA) covers the older parts of the village, with All Saints Church the focal point a short distance to the north of the appeal site. The CA Appraisal (1992) states that the village owes much of its charm to its natural setting, the informal nature of its street pattern, the overall looseness of its development and the unspoilt character of the older part of the settlement.
6. Beck Hill is further described as a mixture of 18th and 19th century stone houses and 20th century dwellings and the street as having the appearance of a narrow country lane beyond the junction with Front Street. 5 Beck Hill is a traditional cottage built in local ironstone standing immediately next to and perpendicular to the road. A shared access also serves the bungalow at No 5A. The site includes small garden areas to the front and rear. An area to the side is enclosed by a stone wall, beyond which is a detached garage and a larger side garden area, where the proposed dwelling would be built following demolition of the garage. The mature trees and gardens form a natural backdrop and are a notable feature of this part of the CA.
7. The dwelling would stand on higher ground to the rear of No 5. Though indicated by the appellants that the dwelling would be set into the ground, the plans before me do not illustrate clearly at what level the dwelling would sit. Based on the levels I saw on site, the rise in level from the road, and the proposed height of the dwelling, it would be prominent in views from the street, despite its recessed position and any setting into the ground. No 5 appears as a dormer cottage given the first floor windows sit largely above the eaves line within the roof. In contrast, the eaves of the proposed dwelling would be almost wholly above the first floor windows, so appearing as a full two storey dwelling. Therefore, whilst the footprint of the proposed dwelling above ground would not appear significantly different to the existing dwelling at No 5, due to its height and form, it would appear similar if not larger in scale than No 5 when viewed from the street and dominant over the adjacent bungalow at No 5A where a jarring disparity in height would be evident.
8. In terms of layout, the proposal would result in a new dwelling with limited garden space and a much reduced garden to No 5, in contrast with the site surroundings which are generally characterised by dwellings set in spacious plots with mature gardens providing an attractive, verdant character to the CA. Given the size of the proposed dwelling and its proximity to Nos 5 and 5A, it would appear squeezed between the existing buildings in a contrived manner, with loss of existing planting and insufficient space for meaningful new planting, particularly trees. In this regard, there would be conflict with the requirements of the Tealby Village Design Statement.
9. The dwelling would be built in traditional materials and would reference some of the design details of the existing house. However, although the front elevation would face the road, it would include a dominant chimney structure and no front entrance, which would be located on the side elevation facing and close to the boundary of No 5A. As a result of its composition and orientation, the dwelling would appear discordant in comparison to the attractive symmetry of the front elevation of No 5.

10. I also observed the site from the park to the rear. The dwelling would be visible from here, though the existing trees and hedges on the boundary would offer partial screening. That said, neighbouring properties were clearly visible from the park. Given this context, I am satisfied the dwelling would not have a significant adverse impact on views into the CA from the park.
11. However, at the front, the garden area to No 5 would be further reduced by the creation of a double parking bay next to the dwelling. Whilst I understand the boundary wall in this position is a recent construction, the proposal would replace a sensitively designed boundary treatment and abundant planting with a conspicuous and jarring gap for parking of vehicles which would detract from the semi-rural appearance of the street scene.
12. For the above reasons, I find that the proposal would harm the character and appearance of the Tealby Conservation Area. Consequently, there would be conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan (Adopted April 2017) (the CLLP) which require development to achieve high quality sustainable design that contributes positively to local character, to be achieved by respecting the existing topography, landscape character and identity, and relating well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths. There would also be conflict with Policy LP25, which requires development to protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.
13. In this case, the harm to the significance of the designated heritage asset would be less than substantial in the language of the National Planning Policy Framework (the Framework). Paragraph 196 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The provision of an additional dwelling to the District's housing stock, patronage of local services by future occupants and additional Council tax receipts would be public benefits, but these would be limited in scale given the size of the development. Taken cumulatively, they would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight.

Effect on Protected Trees

14. The Council's concern relates to trees just beyond the site boundary in the adjacent park, which are protected by a tree preservation order. No arboricultural assessment was submitted with the original application. The appellants indicate one has been undertaken, however there is no survey before me. I note on the revised plans submitted by the appellant that a root protection area (RPA) of a tree has been shown, but none appears on the plans I am considering, in which the dwelling is in a different position. As such, it is unclear whether the proposal before me would involve works within the RPA of any protected trees; however, the proposed basement excavation would appear to extend close to the boundary and the trees in question. In the absence of substantive evidence in this respect, I am unable to conclude that the protected trees would be safeguarded by the proposal. As such, there would be conflict with Policies LP17 and LP26 of the CLLP which seek the retention, as far as possible, of existing natural and historic features such as trees, to protect and enhance the intrinsic value of the landscape and townscape.

Other Matters

15. The appeal site is also located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The Council did not identify any significant effects would arise from the proposal with respect to the AONB, nor have I identified any. A lack of harm in this respect would be a neutral factor weighing neither for nor against the proposal.
16. The appellants have referred to a number of other planning decisions of the Council in the village. Whilst some images and plans have been presented, I do not have full particulars of these decisions to establish whether they are comparable to the appeal before me. Therefore, I afford little weight to them and have considered the appeal on its own merits.
17. In reaching a view on the appeal, I have had regard to letters in support of the proposal from a neighbouring resident, and to the other concerns raised beyond those encapsulated by the main issues, including whether sufficient parking spaces would be provided. However, as my conclusions on the main issues point to the appeal being dismissed, it is not necessary for me to address these concerns further, as they would not alter my overall decision.

Conclusion

18. The proposal would result in conflict with the development plan which is not outweighed by other material considerations, including the Framework. Therefore, for the reasons given and having regard to all relevant matters raised, I dismiss the appeal.

K Savage

INSPECTOR