
Appeal Decision

Site visit made on 12 November 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2019

Appeal Ref: APP/E2530/W/19/3236262

12 West Street, Barkston NG32 2NL

- 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 Simon Love, Barmstedt Property Company Ltd against the decision of South Kesteven District Council.
 - The application Ref S18/0584, dated 26 March 2018, was refused by notice dated 6 June 2019.
 - The development proposed is redevelopment to include replacement dwelling and additional dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment to include replacement dwelling and additional dwelling at 12 West Street, Barkston NG32 2NL in accordance with the terms of the application, Ref S18/0584, dated 26 March 2018, subject to the conditions in the attached Schedule.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

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

Reasons

4. The appeal site is located on West Street and currently comprises an existing dwelling with associated gravel driveway and garden area. The dwelling is located with its side elevation adjacent to West Street, abutting the pavement. It is located within the Barkston Conservation Area and is identified as a non-designated heritage asset. A new residential development is under construction to the rear of the appeal site. The surrounding area comprises of a predominantly linear form of development with properties generally set to the

back edge of the footpath. The buildings have a historic character with traditional materials, giving an attractive appearance.

5. The appeal proposal would involve the demolition of the existing property and the construction of two dwellings. The proposed dwellings would both front onto West Street with a central shared access running between them. A detached garage would be located to the rear of Unit A and each dwelling would have an area of private garden space.
6. The existing dwelling has been identified as being a non-designated heritage asset. However, it has had some previous alterations carried out and now hosts modern concrete tiles and uPVC window frames which are visible from the public realm. There is also evidence of repair work using more modern materials including brickwork and there are existing areas of damage adjacent to the footpath. The Appellant has also identified areas of the internal structure of the existing dwelling which need repair. Cumulatively, the areas in need of repair would be significant and consequently, from the information provided, it has been sufficiently demonstrated that the loss of the building would be justified in this instance.
7. The design and materials of the proposed dwellings would reflect the traditional appearance of many of the surrounding properties and the proposed siting would respect the existing street scene. The existing property presents a blank side elevation to the road and the proposed development would result in a development which would improve the visual character of this part of West Street as a result of the removal of the existing property and the proposed scale, siting, design and materials of the dwellings.
8. In addition, the development would involve new frontage boundary walls which would utilise materials from the existing boundary wall and would replicate its appearance and height. This element would therefore also preserve the character or appearance of the Conservation Area.
9. Opposite the appeal site is a Listed Building. The proposed dwellings, as a result of their design, scale, use of materials and orientation would not detract from the setting of this building and would not obstruct or significantly alter the views of the Listed Building.
10. Accordingly, the proposed development would complement the street scene and, although would change the character of the Conservation Area to a limited extent, would not give rise to any harm. It would therefore preserve the character or appearance of the Conservation Area. As such, the development would comply with Policy EN1 of the Local Development Framework for South Kesteven: Core Strategy (2010) which requires development to be appropriate to the character and significant historic character, patterns and attributes of the landscape and the quality and character of the built fabric and settings, amongst other things. It would also meet the requirements of Sections 12 and 16 of the National Planning Policy Framework (2019) and those imposed by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas Act) 1990.

Other Matters

11. Local objections have been received concerning matters of highway safety and on street parking, overlooking and loss of privacy, in addition to the above main issues.
12. There is a degree of on-street parking along West Street and I note the limited width of the road in places. However, the proposed development would provide sufficient off-street parking for vehicles via a shared driveway. The Appellant has demonstrated that adequate visibility splays can be achieved at the access point and I note that the local highway authority have raised no objections to the proposal in highway safety terms. I have been presented with little evidence that would lead me to a different conclusion from the Council on this matter.
13. The proposed dwellings would be sited closer to adjoining residents than the existing property. However, sufficient separation between the proposed dwellings and closest properties would be retained as a result of the siting of the dwellings within the appeal site. Unit B would have a single storey element in proximity to the side boundary but this would not give rise to overlooking or overshadowing as a result of its height and the existing boundary treatments. Unit B would have first floor windows facing the neighbouring property to the side, but these would be set a suitable distance away to minimise any overlooking to an acceptable level. Unit A proposes no first-floor windows in the side elevations and would be sited at a sufficient distance to avoid unacceptable levels of overshadowing to neighbouring properties.
14. Although both properties would have first floor windows facing towards West Street, this would reflect the existing arrangement of properties either side of the road. Furthermore, the road, although relatively narrow, would ensure suitable separation between properties. Consequently, I find that there would be no undue harm to the living conditions of neighbouring occupiers in terms of overlooking, loss of privacy and overshadowing.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. The Council, in their original committee report, have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended, consolidated or omitted where necessary.
16. Conditions for details of site levels, the removal and rebuilding of the front boundary wall, demolition of the dwelling, the proposed windows and doors, rainwater goods, external materials, and landscaping are necessary in the interests of protecting the appearance of the Conservation Area and of the proposed development. A condition for the obscure glazing of windows in Unit B is reasonable in the interests of the living conditions of adjoining occupiers. A condition requiring evidence of construction contracts is necessary to avoid a lengthy vacant site within the Conservation Area.
17. Removal of Permitted Development rights should only be used in exceptional circumstances. I have imposed conditions restricting alterations to the roof and dwellings in terms of additional windows in the interests of protecting neighbouring living conditions. I have considered the Council's request to also

restrict outbuildings and extensions and alterations, however I am not aware that similar restrictions apply to other properties along West Street. Consequently, as I have found the proposed development would enhance the Conservation Area and, having regard to the proposed locations of the dwellings within the site, it has not been sufficiently demonstrated to me that there are exceptional circumstances to impose these conditions in this instance.

18. Conditions 3, 5 and 6 are required to be pre-commencement conditions as it is fundamental to have these details agreed prior to any works being carried out on site given the historic integrity of the site and surroundings. The Appellant has indicated agreement to the suggested conditions in the Statement of Case.

Conclusion

19. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 171818PA02C Rev 03; 171818PA07 (dated March 2019); 171818PA08; 171818PA09; 171818PA10; 171818PA16; 171818PA17; 171818PA04C; 171818PA05C and 171818PA19 Rev 03.
- 3) Before the development hereby permitted is commenced, plans showing the existing and proposed land levels of the site and the finished floor levels of all buildings with reference to neighbouring properties or an off-site datum point shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the agreed details in full prior to the first occupation of the development.
- 4) Prior to the demolition of the existing dwelling and stone front boundary wall, a method statement shall be submitted to the local planning authority for written approval describing the method of demolition and the strategy for salvaging stone for re-use in the approved development.
- 5) Before the development hereby permitted, including demolition, is commenced, documentary evidence shall have been submitted to and approved in writing by the local planning authority showing that contracts have been entered into by the developer with a commitment that the construction phase of the works shall be commenced within a period of 3 months following commencement of the demolition of the existing dwelling.
- 6) Notwithstanding the details already provided, before the development hereby permitted is commenced, details of the proposed stone boundary walls, including a representative section, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out only in accordance with the approved details.
- 7) The demolition of the existing building and the boundary wall shall be undertaken in accordance with the approved method statement.
- 8) Before the construction of any building hereby permitted is commenced, the land on which that building is situated shall have been graded in accordance with the approved land levels details.
- 9) Notwithstanding the details already provided, during the construction phase of the development hereby permitted, large scale details (including sections) to a scale of 1:10 of the proposed doors and windows shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details, implemented prior to the first occupation of the development and thereafter retained.
- 10) All windows to be installed on the buildings hereby permitted shall be set back in reveal by a distance of at least 50mm.

- 11) Rainwater disposal goods to be installed on the buildings hereby permitted shall be of black coated aluminium, half round in section and supported on rise and fall brackets.
- 12) Before any of the works on the external elevations of the buildings hereby permitted are begun, samples of the materials, (including colour of any render, paintwork or colourwash), to be used in the construction of the external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details prior to the first occupation.
- 13) Prior to the first occupation of any part of the development hereby permitted all hard and soft landscape works shall have been carried out in accordance with the approved hard and soft landscaping details.
- 14) Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window, rooflight or other development consisting of an alteration to the roof of the properties other than those expressly authorised by this permission shall be constructed without planning permission first having been granted by the local planning authority.
- 15) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no window, dormer window, rooflight or other opening shall be inserted into the dwellinghouses other than those expressly authorised by this permission without planning permission first having been granted by the local planning authority.
- 16) Before Unit B of the development hereby permitted is first occupied the two first floor landing windows on the west elevation and the bathroom window on the east elevation of the building shall have been installed using only obscured glazing of no less than Pilkington 3 level or equivalent and with no openable part of any of the windows being less than 1.7m from the internal floor of the space served by the windows. The windows shall thereafter be retained as such at all times.