



Appeal Decision

Site visit made on 30 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/P3040/W/19/3233008

Land adjacent The Gables, Hill Road, Orston NG13 9ND

- 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 Adrian Green (Guthred (Langar) Ltd) against the decision of Rushcliffe Borough Council.
 - The application Ref 18/02877/FUL, dated 18 December 2018, was refused by notice dated 5 February 2019.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since submission of this appeal, the Council has confirmed that The Rushcliffe Local Plan Part 2: Land and Planning Policies (LP2) has been formally adopted on 8 October 2019. The development plan therefore now consists of the Local Plan Part 1: Core Strategy (2014) (CS) and the LP2. I must assess the proposal against the development plan now in place. Following the adoption of the LP2 the Council is able to demonstrate a 6.0 years housing land supply. Full weight can therefore be attributed to the development plan policies as part of my considerations. In the circumstances the 'tilted balance' under Paragraph 11 of the Framework is not engaged. The appellant has been contacted drawing their attention to the adoption of LP2 and the Council's updated housing land supply position, and I have taken comments received into account as part of my considerations.
3. The Council has confirmed that the adopted text of Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the LP2, has slightly changed from the consultation draft. However, having considered the extent of the changes, the relevance of these policies to the consideration of this appeal is not diminished.
4. The Council's decision notice refers to the development being contrary to Policy EN14 of the Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP). The Council has confirmed that following the adoption of the LP2, the RBNSRLP has been superseded and therefore this document has not had a bearing on my decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the Orston Conservation Area and on the setting of the Grade II Listed building at The Gables.

Reasons

6. The Gables is a two-storey detached C17 farmhouse situated within the Orston Conservation Area (CA). The significance of this part of the CA derives from the traditional building forms and the historic pattern of development which includes spacing between buildings on Hill Road and those on Lombard Street. This spacing and the existing mature soft landscaping affords a semi-rural environment to The Gables and this part of the CA, forming an integral part of their setting. The architectural merits of the Listed Building, including a prominent Dutch gable, also form an important part of the character and appearance of the CA.
7. The spaciousness once enjoyed from the rear elevation of The Gables, has been partially reduced by the recent development of a dwelling on neighbouring land to the south west of the appeal site. The conversion and extension of the former garage building next to the appeal site has also increased built form within the CA and close to the Listed Building. However, the remaining space between these neighbouring developments still retains a relatively open and soft landscaped vista between Lombard Street and the Listed Building.
8. The proposal would introduce a new dwelling to part of the remaining gap between these recent developments. Whilst a gap would be retained between the development and the extended former garage, the proposal would undoubtedly increase the presence of built form to the foreground of the Listed Building and this would be appreciable in views within the CA including from Lombard Street. The building would further diminish what remains of the open aspect in views from the Listed Building and its grounds and would detrimentally alter its setting.
9. I noted the mature landscaped boundary between the appeal site and the garden serving The Gables. However, glimpses of the development would still be possible from the garden serving The Gables and from some first-floor windows serving the Listed Building. This would increase the perception of built form enveloping the gardens of the Listed Building when this was previously not the case.
10. I note the Council has not raised concerns in respect of the relationship of the proposal with the CA. However, I must have regard to my statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Having concluded that the proposal would not preserve the setting of the Listed Building, the proposal would also reduce the positive contribution the Listed Building makes to the character and appearance of the CA. Furthermore, the roof form of the proposal would give the dwelling a disjointed appearance and together with the cluttered features of the canopy over the entrance door and velux windows, the design of the dwelling would not complement the appearance of the CA.

11. There is a dispute between parties as to whether the appeal site forms part of the historic curtilage of The Gables and whether or not the garage being converted is curtilage listed. Overall, I find that the evidence submitted in respect of this matter is inconclusive. However, this does not alter my view that the land proposed to be developed forms part of the relatively open aspect which has historically formed part of the setting of the Listed Building.
12. The appellant suggests that any boundary treatment between the proposal and the gardens of the Listed Building could be of simple form such as timber post and rail fence so that it would not be visible over height of the existing fence. However, the composition of the boundary treatment has not been the decisive factor in my assessment and a simple boundary treatment would not improve the relationship of the proposed dwelling with the designated heritage assets.
13. Taking all matters into account, the proposal would not preserve the setting of the Listed Building nor would it preserve or enhance the character and appearance of the CA. It would result in less than substantial harm accounting for the overall level of appreciation of the development factoring in its scale and position relative to the heritage assets. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal.
14. The provision of a single one-bedroomed dwelling would make a limited contribution towards the Council's housing figures. The appellant suggests that the development would be a low-cost dwelling at the affordable end of the market and would meet a local need. However, I have nothing before me to indicate the dwelling would meet the definition of affordable housing in the Framework nor any substantive evidence to suggest there is a specific need for such development in this location. There would also be a limited social and economic benefit through the development of the site and the expenditure of future occupants using local services and facilities. However, I must attach considerable importance and weight to the desirability of preserving the setting of the CA and the Listed Building. I find therefore that the limited public benefits identified do not outweigh the less than substantial harm that would result from the proposal.
15. For the foregoing reasons, the proposal would not preserve or enhance the setting of the CA nor would it preserve the setting of The Gables. Consequently, in that regard, the development would be contrary to Policy 11 (Historic Environment) of the CS, Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the LP2 and the requirements of the Framework.

Other Matters

16. Reference has been made by the appellant to two appeals allowing for new dwellings on Lombard Street. From the limited information before me, I am not persuaded that the material considerations would have been identical in terms of the relationship of the proposal with the setting of The Gables and the CA.

Conclusion

17. For the reasons set out, I conclude that the appeal should be dismissed.

Martin Russell INSPECTOR