



Appeal Decision

Site visit made on 3 December 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/E2530/Y/18/3213650

Rear of 52 Church Street, Market Deeping, Lincs PE6 8AL

- 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 Mrs Byrd against the decision of South Kesteven District Council.
 - The application Ref S18/0853, dated 8 May 2018, was refused by notice dated 23 August 2018
 - The development proposed is 2no. bungalows and access at rear of 52 Church Street.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of Market Deeping Conservation Area

Reasons

3. The appeal site is situated on the western side of Church Street to the rear of the residential property at No 52. It comprises the bottom half of the existing garden as well as a proposed access through to 2 The Woodlands. To the north and west are properties fronting onto The Avenue and The Woodlands respectively. Immediately to the north is another garden to the adjoining property on Church Street, while to the south is a public play area and public footpath along with further gardens to the rear of Church Street.
4. With the exception of the access, the appeal site lies within Market Deeping Conservation Area. The conservation area covers the historic core of the settlement and includes Church Street from High Street / Stamford Road to beyond St Guthlac's Church. The character and appearance of the conservation area is informed by the variety of historic properties as well as historic spaces such as the churchyard.
5. On Church Street, the conservation area boundary extends to the rear boundaries of plots. Plot sizes vary depending on the property, but some such as No 52 are large and long. Map evidence from the Council indicates that there were long garden plots with access to the countryside dating back to at least the late 19th century. These have been reduced and enclosed by later 20th century residential estates and development, particularly on the eastern side where housing on The Grove and The Orchard almost abuts Church Street. A number of new houses have been built in the past 20 years to the rear of some plots as highlighted by the appellant. However, on the western side of Church

Street between new housing fronting The Avenue and a cul-de-sac to the rear of 8 Stamford Road, the plots remain largely intact and free from infill development. This includes the play area to the south of the site. Therefore, the open and undeveloped plan form where it survives makes a positive contribution to the character and appearance of the conservation area as well as its significance.

6. The extent of public visibility in a conservation area does not necessarily diminish the contribution a feature makes to its significance. The plots are only glimpsed from public vantage points between buildings along Church Street. However, the public footpath between Church Street and The Woodlands allows more appreciation of the space to the rear including the historic buildings along Church Street. The appeal site can be seen from the footpath as an undeveloped plot of land. The properties along The Woodlands and The Avenue are modern and clearly identifiable as a different part of the urban area and so do not detract from quality of the site and its positive contribution to the conservation area.
7. The proposal would seek to emulate the architectural style of an almshouse with attractive detailing and materials. As two single storey properties, they would be low key and screened to some extent by boundary vegetation and fencing. There would be no impact on the street scene along Church Street or harm to the setting of historic and listed buildings. However, while the plot outline would remain, the properties would erode an undeveloped area of land in a part of the conservation area where there is a lack of built development. Although around half of the rear garden to No 52 would remain, the characteristic length of the plot would be much reduced. The properties would be visible from the public footpath through gaps in planting, but even without the public visibility, the development would adversely affect the positive plan form in this part of the conservation area.
8. The infill housing to the rear of the former builder's yard and 38 Church Street front onto and relate more to The Avenue than appearing as development on plots to the rear of Church Street. The cul-de-sac at 8 Stamford Road appears to be within the grounds of No 8 rather than on a Church Street plot. The new house to the rear of 40 Stamford Road is a long way from Church Street and outside of the conservation area. New housing to the rear of the east side of Church Street occupy an already more fragmented plan form as noted above. The larger replacement property at 15 Church Street is on the corner of two roads rather than a rear plot. None of the cited examples are sufficiently similar to this proposal and so do not justify it.
9. For the above reasons, the proposal would result in harm to the significance of the conservation area. The harm would be less than substantial but still of a reasonable magnitude given the erosion of a positive feature within the conservation area. Paragraph 196 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits of the proposal. NPPF paragraph 193 states that great weight should be given to the conservation of a designated heritage asset irrespective of the level of harm.
10. The addition of two houses to boost local supply, and which could be made available to older residents, would represent a public benefit but a small one due the number of units involved. The proposal would also represent a more effective use of land, but it has not been argued that the site is previously

developed land and there would be harm to the conservation area. Moreover, while the maintenance of the existing site might be considered onerous, it is not overly large and could be well-kept as part of the garden. This limits the weight given to the re-use of the land for housing. The proposal could offer better surveillance of the play area, although the single storey nature of the property and surrounding boundary treatments would limit this benefit. Therefore, the public benefits would be insufficient to outweigh the harm to the significance of the conservation area.

11. In conclusion, the proposal would have an adverse effect on the character and appearance of Market Deeping Conservation Area. Therefore, it would not accord with Policies EN1 and SP1 of the South Kesteven Core Strategy 2010 which, amongst other things, seek to maintain the character of the Deepings and protect and enhance historic features. The proposal would not sustain the significance of the conservation area or make a positive contribution to local character contrary to NPPF paragraphs 185 and 192, where the harm to significance would not be outweighed by the public benefits contrary to NPPF paragraphs 193 and 196. Finally, the proposal would conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 where there is a desirability to preserve or enhance the character or appearance of a conservation area.

Other Matters

12. Interested parties have raised a number of other concerns including those relating to access, privacy and wildlife. However, given my findings on the main issue, it has not been necessary to consider them in any detail. Access to the site may have historically been from the rear prior to the building of The Woodlands, but this does not justify the proposal given its effect on the conservation area.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR