



Appeal Decision

Site visit made on 11 November 2019 by Darren Ellis MPlan

Decision by V Lucas LLB (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/E2530/W/19/3237409

Land South of Roxholme Haven, Glen Road, Castle Bytham, NR33 4RJ

- 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 J Bontoft against the decision of South Kesteven District Council.
 - The application Ref S18/2085, dated 29 October 2018, was refused by notice dated 24 July 2019.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The site address on the planning application form was shown as 'Roxholme Haven, Glen Road, Castle Bytham.' As this address relates to an adjacent property, I have used the site address as shown on the appeal form for the header above, which is a more accurate description of the address.

Main Issue

4. The main issues are:
 - Whether or not the site is a suitable site for new housing having particular regard to development plan policy;
 - Whether the development would preserve or enhance the character or appearance of the Castle Bytham Conservation Area, and the effect of the development on the setting of a listed building;
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties with particular regard to privacy and noise;
 - Whether or not the proposal would provide adequate living conditions for future occupiers with particular regard to privacy.
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Reasons for the Recommendation

Suitable site for new housing

5. Castle Bytham has been designated as a Local Service Centre in Policy SP2 of the South Kesteven Core Strategy (Adopted July 2010) (CS). Policy 1 of the CS states that preference will be given to brownfield sites within the built-up part of Local Service Centres that do not compromise the nature and character of the village, and sites allocated in the Site Allocation and Policies Development Plan Document (Adopted April 2014) (DPD). Policy SAP H1 of the DPD goes on to say that new housing development will be provided in Local Service Centres through the development of suitable brownfield redevelopment sites and small infill sites within the built-up parts of these settlements, and that new greenfield sites on the edges of the towns and villages will not be considered acceptable for housing development.
6. The appeal site comprises an area of land previously used for agriculture, with vehicular access from Glen Road. Previously developed land is defined in the National Planning Policy Framework (the Framework), and excludes land that is or was last occupied by agricultural buildings. The appeal site therefore cannot be classified as previously developed, or brownfield, land.
7. The site is located between existing residential curtilages, with a narrow vehicular access leading from Glen Road leading to a wider plot behind the rear garden of the adjacent Grade II listed Red Barn Farmhouse and Stable Block. The proposed dwelling would be set further back from the street than the surrounding properties.
8. The term 'infilling' is not defined in the Framework, and therefore it is a question of fact and planning judgement as to whether a development constitutes infilling or not, having regard, for example, to the nature and size of the development itself, the location of the application site and its relationship to other, existing development adjoining and adjacent to it. The dwelling would be set to the rear of the existing properties along Glen Road, with no further development behind the appeal site, and the proposal would not fill in the small gap in the frontage between the Red Barn Farmhouse and Roxholme Haven. As such, the appeal scheme could not reasonably be considered as within the built up area of Castle Bytham or as an infill development.
9. I therefore conclude that the appeal site is not a brownfield site and the proposed development would not constitute infill. As such the proposal would not accord with the criteria given in Policy SP1 of the CS and policy SAP H1 of the DPD and therefore the site would not be suitable for new housing development.

Conservation Area and Listed Building

10. The site is within the Castle Bytham Conservation Area which covers the majority of the village. The village has a pleasant and attractive rural character, and is predominately residential with a variety of building designs which demonstrate a clearly legible historic pattern of linear growth along the main thoroughfare which positively contributes to the character and appearance of the conservation area. Buildings tend to be modest in scale and appearance.

11. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The appeal site is currently a small area of open land with open countryside beyond. Views of the countryside are possible from the site and from Glen Road, which are referred to in the Conservation Area appraisal. I note that there was until recently a front boundary wall to the appeal site that restricted the views across and beyond the site, and that the views are now possible as a result of the demolition of the wall. Whilst the site may not be specifically identified as being an important open space in the CA appraisal, the open nature of the site and the views offered of the countryside beyond nonetheless contribute positively to the area in its current undeveloped form.
12. Although the design, scale and materials would all be in keeping with the surrounding area, the loss of the open space and the views of the countryside beyond the site, and resultant increase in density of dwellings, would fail to preserve or enhance the character or appearance of the Conservation Area. While this would cause harm to the character and appearance of the Conservation Area, this harm would be less than substantial. Paragraph 196 of the Framework states that where less than substantial harm would be caused to a heritage asset, the harm should be weighed against the public benefits of the proposal.
13. The proposal would see the creation of a dwelling, however the provision of one additional unit would provide a limited meaningful addition to which I attach moderate weight. There would be a small social benefit in providing an extra housing unit, and economic advantages would also arise from the construction and occupation of a new house. However, the identified harm to the character and appearance of the area would be significant and these public benefits would not outweigh this harm. The proposal would therefore conflict with paragraph 196 of the Framework.
14. The appellant has referred to a previous application at the appeal site that was similar to the proposal before me. In seeking to overcome the concerns raised previously by the Council, the appellant states that they have revised the scheme by moving the proposal further away from the Listed Building, reducing the footprint of the dwelling proposed along with the ridge height, and proposing an alternative site. Notwithstanding the revisions that have been made to the proposal following the refusal of the previous application, I have found the appeal proposal would be harmful to the character or appearance of the CA.
15. Section 66 (1) of the Act requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.
16. The Grade II listed Red Barn Farmhouse and Stable Block. The 17th Century farmhouse was re-fronted in the 19th Century, is constructed of coursed limestone, ashlar, and slate roof tiles, and has traditional sash and bay windows. Adjacent to the farmhouse is the 17th Century stable block, which was altered in the late 18th Century. The listed building is an important component of the street scene.
17. The proposed dwelling would be set behind the Farmhouse, and as such the new dwelling would not detract from the listed building's significance in the

street scene. The farmhouse would provide a degree of screening of the dwelling from the street, and the existing boundary treatments to the farmhouse would visually separate the proposed dwelling from the listed building. For these reasons, the proposal would have a neutral effect on the setting of the listed building and accordingly it would meet the requirements of S66 (1).

18. Accordingly, I conclude on this main issue that the proposal would be harmful to the character or appearance of the CA. It would therefore conflict with policies EN1 of the CS and SAP H1 of the DPD and paragraph 196 of the Framework. Whilst I have found that the proposal would preserve the Listed Building and its setting, this consideration does not outweigh the harm that I have found.

Effect on the occupiers of neighbouring properties

19. The proposed dwelling would be situated behind the garden and parking area of Red Barn House. The existing hedge along the southern boundary of the appeal site is not a permanent fixture and allows some limited views of Red Barn House through the hedge. The proposed dwelling would be adjacent to the rear garden of Roxholme Haven, which is surrounded by a low and very open fence. The driveway, ground floor front windows and the front dormers of the proposed dwelling would provide wide views of the rear windows and garden of Roxholme Haven. While a solid fence or other permanent boundary treatment would prevent any loss of privacy towards the neighbouring properties from the ground floor windows and the area to the front of the proposed dwelling, the front dormer windows, which would serve habitable rooms, would still cause overlooking.
20. Furthermore, the position of the driveway from Glen Road which would pass between the adjacent properties would result in the noise of vehicles using the driveway could cause a disturbance to the occupiers of the adjacent properties, although any noise would likely be for short periods and occasional.
21. The provision of a dwelling at this site would cause extra noise as a result of the use of the house and the comings and goings to and from the house, however this is not likely to be a significant increase compared to the existing situation.
22. For these reasons, the proposal would cause material harm to the living conditions of the occupiers of the neighbouring properties and would be contrary to policy EN1 of the CS.

Effect on the future occupiers of the proposed dwelling

23. The proposed rear garden and rear windows would not be visible from the adjacent properties. Appropriate permanent boundary treatments would prevent any loss of privacy from the surrounding properties to the ground floor windows and area to the front of the proposed dwelling. Owing to the position and orientation of the proposed dwelling relative to the surrounding properties, any views into the front dormer windows would be limited. Overall there would be no significant loss of privacy for the future occupiers of the proposed dwelling, and as such the relevant requirements of policy EN1 of the CS would be met.

Other Matters

24. My attention has been drawn to other examples of development that are set away from the main road. However, no details of any planning permissions for these developments have been submitted, and therefore I cannot be certain that the context surrounding these developments are comparable to the proposal before me. In any case, this appeal has been determined on its own merits.
25. I note the appellant's reasons for the proposed dwelling, however the private benefits of the scheme do not outweigh the harm identified above.
26. The Council raised no issues regarding access or parking provision, and I have no reason to disagree. However, even though these elements of the proposal may be acceptable, subject to relevant conditions, a lack of harm in these respects are neutral considerations that do not weigh in favour of the proposal.
27. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR