
Appeal Decisions

Site visit made on 6 January 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal A: APP/N2535/W/19/3238663

Corner Cottage, 27 East Street, Nettleham, Lincoln LN2 2SL

- 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 J Downs against the decision of West Lindsey District Council.
 - The application Ref 139371, dated 26 April 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the conversion and extension to single storey outbuilding to form new accessible bedroom, bathroom and w/c.
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Appeal B: APP/N2535/Y/19/3238664

Corner Cottage, 27 East Street, Nettleham, Lincoln LN2 2SL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs J Downs against the decision of West Lindsey District Council.
 - The application Ref 139372, dated 26 April 2019, was refused by notice dated 26 June 2019.
 - The works proposed are the conversion and extension to single storey outbuilding to form new accessible bedroom, bathroom and w/c.
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Decisions

1. The appeals are dismissed.

Main Issue

2. The main issue for both these cases is the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of the Old Vicarage, a Grade II listed building.

Reasons

3. The appeal site lies within the Nettleham Conservation Area (NCA). The Conservation Area is a reasonably large one and covers the older central parts of the attractive village. The settlement is centred on the village green, a large space criss-crossed by roads and footpaths, with the village church sited a short distance to the south west of this. There are a wide range of historic buildings within the NCA, often constructed in limestone rubble with red pantile roofs (with later buildings sometimes in red brick). The grain of the settlement varies between quite built up areas with properties close to footpaths, to the open nature of the village around the central green. Trees and landscaping add to the character of the area.

4. The proposal seeks to convert and extend an existing single storey outbuilding to create an accessible bedroom and wash facilities for No 27 East Street, a property which is let to holiday makers. The rear, southern wall of the outbuilding shares a wall with the northern wall of No 25 East Street, or the Old Vicarage, a Grade II listed building. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
5. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 194). The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
6. Policies LP7 and LP17 of the Local Plan¹ together state that development that will deliver high quality visitor facilities such as accommodation will be supported and should be designed so that it respects the intrinsic built environmental qualities of the area, and that development proposals should have particular regard to maintaining and reacting positively to any man-made features within the townscape which positively contribute to the character of the area, such as historic buildings. Policies LP25 and LP26 of the Local Plan together state that development proposals should protect, conserve, and seek opportunities to enhance the historic environment, with proposals that affect the setting of a listed building supported where they preserve or better reveal the significance of the listed buildings, and that development within Conservation Areas should preserve features that contribute positively to the area's character and appearance, including retaining architectural details that contribute to the character and appearance of the area, and retaining and reinforcing local distinctiveness.
7. Policies E-4 and D-6 of the Neighbourhood Plan² when read together state that development proposals will be expected to safeguard listed buildings and preserve or enhance the character of the conservation area, and respect and protect local heritage assets and their settings.
8. East Street forms the main road heading to the north from the centre of Nettleham; the road heads roughly north before kinking to the north east and changing name to Scothern Road following a staggered crossroads with Deepdale Lane to the west and The Crescent to the east. The crossroads has a spacious air, with generous grass verges forming an attractive entrance to the village. The boundary to the NCA runs across this junction to run along the south side of Deepdale Lane, with No 27 East Street being set inside the boundary.

¹ Central Lincolnshire Local Plan, April 2017.

² Nettleham Neighbourhood Plan 2014-2031, December 2015

9. The Old Vicarage is an attractive substantial late 18th century 2 storey building with attic. The property is constructed in coursed limestone rubble with a red pantile roof. The 3-bay façade is based on a central 6 panelled door with fanlight, set in a wooden surround with brackets supporting a narrow flat hood. The two flanking windows and three upper floor windows are similar (although the one above the door is narrower) and have sash windows under segmental stone splayed heads. A front wall, bordering the pavement is also constructed of limestone rubble with a pantile top. The building as a whole has a strong symmetrical and rhythmic style.
10. The single storey red brick building with red lean-to pantile roof of the appeal site extends to the east of the façade of the Listed Building such that the front wall of the Old Vicarage joins up with the corner of the outbuilding. No 27 East Street, Corner Cottage, is set back from the façade of the Old Vicarage to provide more of a front garden. The building, although one house, appears as two with two front doors. The lower part of the building is constructed in rubble and at some point the red pantile roof has been raised. The additional wall that this has created is rendered on the façade. While the property is not completely symmetrical, the visual impression remains that the property is two small largely stone cottages.
11. The whole building, in its set back nature and lesser height to the Old Vicarage is subservient to the listed building and forms a pleasing composition to the eye when entering the NCA from the north, or in views from the west. The low-key nature of the existing lean to outbuilding adds to this impression.
12. The proposal would extend the western end of the outbuilding to the north to provide sufficient floorspace for the accessible bedroom to be created. In turn this would necessitate a new part dual-pitch roof and would extend the property beyond the left hand side front door of No 27, which would be subsumed into the property.
13. The removal of this front door would unbalance No 27, removing the visual effect of the two previous properties which still remains despite the building only being one house now. This effect, together with the dual-pitch roof would appear awkward and contrived in the street scene, and the regular red brick and French doors and windows of the new north elevation of the extension would appear domesticated and detract from the traditional buildings of No 25 and 27, at odds with the current outbuilding, and despite modern alterations to No 27. While I acknowledge that a dual pitch/mansard roof style can be a vernacular roof type, noting the roof on the side elevation of the Old Vicarage, in this context I consider that the alterations would draw the eye and detract from the setting of the Old Vicarage, particularly in views from the north, reducing the subservience of the group of buildings to this heritage asset. In combination such proposals would cause harm to both the character and appearance of the NCA and to the setting of the Old Vicarage
14. As the scheme is of a reasonably small scale and would not harm the fabric of the listed building, I consider that the proposal would cause less than substantial harm to the significance of both the NCA and the Old Vicarage. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 196 of the Framework states that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.

15. The proposal would in effect add an additional bedroom to an existing holiday let. I note that this bedroom will be accessible, a facility unavailable elsewhere in the village, and could provide living accommodation for the appellant in future years. The construction and use of the proposed development would also provide certain limited economic and social benefits. However, I am required to give great weight to the harm that I have identified, and, whilst there are some public benefits of the scheme, these are insufficient to outweigh the less than substantial harm that the proposed development would cause to the significance of the CA and the setting of the Grade II listed building.

Other Matters

16. I note that the appellant considers that the Council's view of the scheme changed through the course of the application. If the appellant has concerns over the Council's conduct during the application these should be considered through the Council's complaints service. I have dealt with the appeal on its own merits.

Conclusion

17. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed Old Vicarage and would neither preserve nor enhance the character and appearance of the NCA. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and the Local Plan Policies LP7, LP17, LP25 and LP26, and with Neighbourhood Plan policies E-4 and D-6.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR