
Appeal Decision

Site visit made on 18 February 2020

by Paul Singleton BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/P3040/W/19/3232817

77 Main Street, Willoughby-On-The-Wolds LE12 6SY

- 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 David Keightley against the decision of Rushcliffe Borough Council.
 - The application Ref 19/00008, dated 3 January 2019, was refused by notice dated 25 April 2019.
 - The development proposed is erection of new dwelling, form new access and remove garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice alleges conflict with policies in the, at that time, emerging Rushcliffe Local Plan Part 2:Land and Planning Policies. Local Plan Part 2 (LPP2) has subsequently been adopted and, together, with the Rushcliffe Local Plan Part 1:Core Strategy (CS) now forms the statutory development plan for the area. The Non-Statutory Local Plan, also referred to in the decision, has ceased to have any effect. I have considered the appeal on this basis. As the decision notice cited conflict with the relevant policies in LPP2, there is no disadvantage to the appellant in my proceeding in this way.
3. At the time of its decision the Council was unable to demonstrate a 5 year forward Housing Land Supply (HLS) as required by the National Planning Policy Framework (Framework) and, for that reason, concluded that the 'tilted balance' in favour of a grant of planning permission, set out in paragraph 11 of the Framework, was engaged. In applying that balance, the Council concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and that permission should be refused.
4. In its appeal statement, the Council states that it is now has a HLS in excess of the minimum 5 year requirement and that the tilted balance should not, therefore, apply in the determination of the appeal. As the appellant has seen the Council's Statement and commented on this in his final comments dated 10 February 2020, I do not see any disadvantage to him in my proceeding on the understanding that the Council is now able to demonstrate a 5 year HLS.

Main Issues

5. The main issues are: (a) whether the appeal site is an appropriate location for the form of development proposed: and (b) the effect on the character and appearance of Main Street including on the setting of the nearby listed building.

Reasons

Whether an appropriate location

6. Policy 3 of the CS sets out a spatial strategy which seeks to concentrate new housing development within key settlements identified as suitable to accommodate further growth. Willoughby-On-The-Wolds, which has a very limited range of services and facilities, has not been identified as a growth settlement and falls within the category of 'other villages'. In these settlements CS Policy 3 and LPP2 Policy 11 restrict new housing to small scale infill development to meet local needs. The proposal is small scale and the site could reasonably be regarded as meeting the criteria of an infill site. However, although the appellant suggests that the proposal could provide low cost housing, no evidence has been submitted as to what if any local housing need the proposed dwelling would meet.
7. The proposal would not provide for sustainable development in accordance with the Local Plan and conflicts with CS Policy 3 and with Policy 11 of LPP2. As the Council is able to demonstrate a 5 year HLS, there are no grounds, having regard to paragraph 11 of the Framework, not to give full weight to that conflict or to conclude that the tilted balance is engaged.
8. The appellant refers to other dwellings that have been permitted in the village but has provided no details as to the circumstances in which planning permission for these dwellings was granted. Hence, I am unable to form any view as to whether or not those schemes accorded with the relevant development plan policies.

Character and appearance

9. The appeal site forms the front garden to Number 77 Main Street, a two storey semi-detached dwelling paired with No. 75 to the south. This is one of four pairs of semi-detached properties which are set back from and elevated above the road in a horseshoe arrangement around a large area of open garden land to the front. The setback of the properties behind this extensive area of garden land provides an open character to this section of Main Street. The houses on the north side of the street, at Nos. 54-64 (evens), have a similar degree of set back behind long front gardens but this pattern changes immediately opposite the site where Nos. 68 and 70 are located less than 1 metre behind the back of the footway. In my assessment, the juxtaposition of those properties and the houses within the horseshoe layout increases the importance of the contribution that the open land including the appeal site makes to the open character of the street.
10. The proposed dwelling would be sited at a lower level than No.77 but its roof ridge would stand slightly above the eaves level of the existing dwelling. The introduction of a new building of that height so far forward of the building line established by Nos. 63 and 67 would have a significant adverse effect on the existing visual balance within the four pairs of semi-detached houses. The erection of the new dwelling and the associated construction of a retaining wall,

vehicular access and parking area would result in the loss of most of the existing garden and reduce the extent to which this can be appreciated as an open green space. This would lead to a significant erosion of the open character of the site and reduce the positive contribution that it makes to the street scene.

11. The proposed dwelling would be prominent in views along Main Street from the west, from where the loss of the open character of the site would be evident. When approaching from the east, the site is partially screened but comes into view on reaching New Row Cottages from where the horseshoe arrangement of Nos. 63-77 and the extent of the open land can be seen. From this viewpoint the proposed building would be read as an intrusive and incongruous addition to the balanced grouping of the semi-detached houses and the loss of the site's open character would be readily apparent.
12. The garage to No.77 is a low, flat-roofed structure that is built into the slope of the ground and which stands to the side rather than in front of the house. This does not intrude into views along Main Street to anything like the extent that the proposed building would do. Its demolition as proposed would do little to offset the harm caused by the appeal proposal.
13. The double garage to the front of No. 63 is apparent in the street scene. However, due to its siting and design, the garage is clearly subservient to the main dwelling. As a much larger, two-storey building, the appeal proposal would not achieve that same relationship with No.77. The construction of a new access to the front of Nos. 63 and 65 has reduced the area of greenspace in front of those properties. I do not know the circumstances in which those works were carried out but do not consider that this provides a precedent for the removal of the garden to of No.77 or for the acceptability of the appeal proposal in terms of its effect on the character and appearance of Main Street.
14. Due to the juxtaposition of the four pairs of semi-detached houses with the listed building at No.70 Main Street, the open land to the front of No. 77 makes a positive, albeit modest contribution to the setting of that building. I note that the proposed new dwelling would be set back from the façade of the listed building by a similar distance to the neighbouring property at No. 79. The setting of the listed building would, nevertheless, be harmed by the proposed reduction in the extent of the garden to No. 77 and the loss of the existing open character of the appeal site. I agree with the Council that the resultant harm to the setting and significance of the heritage asset would be less than substantial.
15. Paragraph 196 of the Framework requires that, where a proposal would lead to less than substantial harm to a designated heritage asset, that harm should be weighed against the public benefits. In the circumstances where the Council can demonstrate a 5 year HLS, the social and economic benefits of providing one additional new home are very modest. The appellant asserts that removing the existing garage would provide a visual improvement but I consider this to be of limited public benefit. In light of the statutory duty, under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the setting of listed buildings, I find that these public benefits would not outweigh the harm to the setting of the listed building.

16. Accordingly, I find that the proposal conflicts with LPP2 Policy 1, which seeks that development be sympathetic to the character and appearance of its surroundings and should not cause a significant adverse effect on the setting of any listed building, and Policy 28 which is concerned with the protection of listed buildings and their settings. Conflict also arises with CS Policies 10, which requires that proposals make a positive contribution to the public realm and sense of place, and 11 which seeks that the setting of heritage assets should be preserved.

Other Matters

17. I note the appellant's comments about the manner in which the Council has dealt with the planning application. However, I can only consider the appeal on the basis of its planning merits.

Conclusions

18. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR