



Appeal Decision

Site visit made on 11 March 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/E2530/D/19/3242115

Holwell, St Pauls Street, Stamford PE9 2BG

- 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 Simon Smith against the decision of South Kesteven District Council.
 - The application Ref S19/1426, dated 5 August 2019, was refused by notice dated 16 October 2019.
 - The development proposed is described as "raise the boundary wall and cap it with once weathered collyweston slate".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council refused planning permission it has adopted the South Kesteven District Council Local Plan 2011- 2036, replacing the Local Development Framework for South Kesteven Core Strategy adopted in July 2010. Core Strategy Policy EN1 referred to in the Council's decision notice has, so far as is relevant to this appeal, been replaced by Policy DE1 of the new Local Plan. The appellant has been invited to comment on the new Local Plan.
3. At the time of my site visit I saw that the construction of the boundary wall had commenced and was substantially complete. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the development proposed on the character and appearance of the Stamford Conservation Area.

Reasons

Character and Appearance

5. The appeal site is within the Stamford Conservation Area (the CA). I am therefore required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. The appeal site occupies a prominent corner plot at a crossroads. The wall is visible along all four approaches to the junction and is seen in the wider context of the surrounding properties and their boundary treatments. Within this context, most properties have high boundary walls or fences abutting the highway, although there are also buildings that have been built up to the highway boundary.
7. Due to its siting, height and materials, the wall that is the subject of this appeal is a prominent feature in the street scene. From the evidence before me it replaced a wall of similar height that had been partly rendered, although which retained exposed stonework at the corner facing onto the crossroads. This wall featured cock and hen capping, which I saw during my site visit is used on several walls along St Pauls Street on the same side of the junction with Brazenose Lane as the appeal site.
8. The appellant argues that the proposed Collyweston slate capping is a reference to the capping of the Stamford School campus wall on the opposite side of Brazenose Lane, that it would make a positive contribution to the local distinctiveness, vernacular and character of the immediate area, and that the proposal provides a well-designed hard landscaping solution for the site. During my visit I only saw slate capping on the school wall and I have not had any other examples in the surrounding area drawn to my attention. The loss of historic fabric, introduction of a replacement wall constructed of new materials and the proposed use of a capping drawn from a single site rather than the capping style previously used at the appeal site and which is currently in place at several sites in the surrounding area would result in harm to the character and appearance of the CA on a prominent site.
9. As material harm has been identified to the character and appearance of the CA it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework) the development proposed relates to a replacement boundary wall to a single dwellinghouse. This would be seen in the wider context of a variety of properties, many of which have boundary walls of differing appearances. The harm arising from the loss of the historic fabric and the materials, height and detailed appearance of the replacement wall would therefore be less than substantial when weighed against the significance of the CA as a whole. I am required to give great weight to the conservation of the significance of the CA, in accordance with paragraph 193 of the Framework, irrespective of the degree of harm that would result. No public benefits have been identified that would outweigh the harm.
10. Taking all the above factors into consideration I therefore conclude that the development proposed would fail to preserve the character and appearance of the site and the CA, thereby causing unacceptable harm. It would therefore conflict with Policy DE1 of the South Kesteven District Council Local Plan 2011-2036 adopted January 2020. This policy requires, amongst other things, that development proposals make a positive contribution to the local distinctiveness, vernacular and character of the area.

Other Matters

11. The appellant suggests that the proposed wall and capping would improve their security and privacy. I do not consider that this outweighs the harm to the CA that I have identified.

12. The appellant also suggests that there will be no adverse effects to neighbouring users. The absence of identified harm is a neutral consideration in my determination.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR