



Appeal Decisions

Site visit made on 29 June 2020

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2020

Appeal A - Ref: APP/B3030/Y/20/3245520

1-3 and 5 Mill Gate, Newark On Trent NG24 4TR

- 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 Antony Aspbury against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00107/LBC, dated 21 January 2019, was refused by notice dated 24 October 2019.
 - The works proposed are described as *reinstatement of separate, self-contained dwelling at No. 5 Millgate by blocking of opening in dividing wall with 1/3 Millgate created in the early 1990's and subdivision of shared garden.*
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Appeal B - Ref: APP/B3030/W/20/3245518

1-3 and 5 Mill Gate, Newark On Trent NG24 4TR

- 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 Antony Aspbury against the decision of Newark & Sherwood District Council.
 - The application Ref 19/00003/FUL, dated 1 January 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as *reinstatement of separate self contained dwelling house at No. 5 Millgate by reinstatement of dividing wall between No. 3 and No 5 and subdivision of shared garden. No external alterations to the property.*
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Decisions

Appeal A

1. The appeal is allowed and listed building consent is granted for the formation of a separate, self-contained dwelling at No 5 Mill Gate by blocking of opening in dividing wall with 1-3 Mill Gate and subdivision of the garden at 1-3 and 5 Mill Gate, Newark On Trent NG24 4TR in accordance with the terms of the application Ref: 19/00107/LBC, dated 21 January 2019 and subject to the conditions at the attached Schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for the formation of a separate, self-contained dwelling at No 5 Mill Gate by reinstatement of dividing wall between No 3 and No 5 and the subdivision of the garden at 1-3 and 5 Mill Gate, Newark On Trent NG24 4TR in accordance with the terms of the application, Ref: 19/00003/FUL, dated 1 January 2019, subject to the conditions at the attached Schedule.

Preliminary Matters

3. I have adjusted the address above from how it appears on the respective application forms, having had regard to the wider evidence, in the interests of precision. I have also altered the descriptions of the proposed works and development in my formal decisions for the sake of consistency, simplicity and clarity.

Main Issues

4. The main issues are, in respect to both appeals, the effect of the proposals on the grade II listed buildings within 1 to 9 Mill Gate and, in respect to Appeal B only, the effect on the living conditions of the occupants of Nos 1 to 9, having particular regard to outlook and light.

Reasons

Listed Buildings

5. Nos 1 to 9 form a two-storey terrace, which, although they have been partly joined and converted into larger dwellings, have broadly retained their appearance as five separate cottages when viewed from Mill Gate. As part of those works, No 5 has been subdivided such that roughly half of it now forms part of Nos 1-3, while the remaining portion forms part of Nos 7-9. They are, nonetheless, the subject of three separate listings relating to Nos 1 & 3, No 5 and Nos 7 & 9, each at grade II. Their significance and special interest lie primarily in them being good examples of vernacular, 18th Century terraced cottages.
6. The proposed development and works would involve the subdivision of Nos 1 to 5 to form two separate dwellings comprised of Nos 1-3 and of that part of No 5 which does not form part of the dwelling at Nos 7-9. The only point of disagreement between the main parties concerns how the rear garden space of the two proposed homes would be subdivided. That space largely lies to the rear of the original No 5, including that part which is and would remain part of Nos 7-9. It also lies within the setting of all three listed buildings.
7. The proposed wall that would separate the rear gardens of Nos 1-3 and No 5 would not follow any apparently historically significant path given that it seems likely that the original rear garden to No 5 would have been reasonably open, as is indicated in the 1912-1919 map, which forms part of the evidence. Indeed, that map suggests that the boundary treatment associated with No 5 at that time ran perpendicular to the terrace, whereas the proposed wall would run largely parallel to it across much of what would have been the full width of the original, undivided rear garden to No 5.
8. I acknowledge that this proposed arrangement would be somewhat at odds with the historic pattern of development and that the wall would appear fairly tall given its proposed height and siting on rising ground. However, this new boundary wall would clearly appear as a frankly modern addition and pragmatic response to affording the occupants of the two proposed homes private garden space commensurate to their respective host dwellings. Consequently, it would not alter the legibility of the three listed buildings within the terrace, nor harm their significance and special interest.

9. In any event, even if I were to accept the Council's position regarding the effect of the proposed wall on the listed buildings, that alleged less than substantial harm would be outweighed by the public benefits of the scheme. This is due to the significant public benefit associated with the sympathetic reinstatement of Nos 1-3, as a separate dwelling, and the partial reinstatement of No 5, as an independent dwelling, as listed buildings.
10. Therefore, the proposal would preserve the special historic interest of the listed buildings within 1 to 9 Mill Gate, thus satisfying the requirements of the Act. Consequently, in that regard, it accords with Core Policy 14 of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document 2013 (the NSADMDP), as well as with the National Planning Policy Framework (the Framework).

Living Conditions

11. Outlook from and light to the rear of Nos 1-9 is somewhat constrained by the rising landform, and by the planting and development to the rear of the terrace. The proposed wall would have an additional effect on outlook and light due to its siting, the ground level and its height. However, in the context of the existing arrangements this would not be significant given the reasonably modest proportions of the wall combined with the space around it and its distance from the terrace, as well as with the backdrop of the rising land, planting and development.
12. Accordingly, the proposed boundary wall would not have a significant effect on the living conditions of the occupants of Nos 1 to 9, having particular regard to outlook and light. Therefore, in that respect, it would not conflict with Policy DM5 of the NSADMDP, nor with the Framework.

Other Matters

13. The appeals site is also located within Newark Conservation Area (the CA). Although not expressly cited in the reasons for refusal, the Council's evidence also refers to the proposal's effect on the character of the CA. For the avoidance of doubt, for the reasons outlined in the *Listed Buildings* subsection above I have also found that the proposals would preserve the character and appearance of the CA.

Conditions and Conclusions

14. In addition to the standard time limit conditions the Council has requested conditions requiring that the development is carried out in accordance with the approved plans and relating to the appearance of the proposed boundary wall. Such conditions would be necessary in respect to both appeals in order to provide certainty and in the interests of preserving the special interest of the listed buildings and the character and appearance of the CA respectively.
15. For all of the reasons given above, I conclude that both appeals should, subject to the identified conditions, be allowed.

G D Jones

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL A - REF APP/B3030/Y/20/3245520:

- 1) The works to which this consent relates shall be begun no later than three years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan received 21 January 2019
 - 3A/44/2013 Proposed Plans and Elevations
 - Proposed Boundary Wall received 27 Sept 2019
- 3) Before any above ground level work on the boundary wall takes place a sample panel, showing details of the facing materials and any bond, mortar and pointing technique, shall be provided on site for inspection and written approval by the Local Planning Authority. The works shall be carried out only in accordance with the approved sample panel details.

SCHEDULE OF CONDITIONS FOR APPEAL B - REF APP/B3030/W/20/3245518:

- 1) The development hereby permitted shall not begin later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block Plan received 2 January 2019
 - 2/44/2013 Proposed Plans and Elevations
 - Proposed Boundary Wall received 27 Sept 2019
- 3) Before any above ground level work on the boundary wall takes place a sample panel, showing details of the facing materials and any bond, mortar and pointing technique, shall be provided on site for inspection and written approval by the Local Planning Authority. The development shall be carried out only in accordance with the approved sample panel details.