
Appeal Decision

Site visit made on 14 July 2020

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/B3030/C/19/3242671

The Old Smithy, 134 Low Street, Collingham, Newark on Trent NG23 7NL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Marietta Pegg against an enforcement notice issued by Newark & Sherwood District Council.
- The enforcement notice, numbered 19/00277/ENF, was issued on 5 November 2019.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a wooden structure (verandah) on the rear elevation of the dwellinghouse.
- The requirements of the notice are (1) Dismantle and remove the unauthorised verandah from the dwelling by removing the roof structure and reducing the height of the three wooden pillars to ground level; and (2) Remove all resulting materials and debris from the land.
- The period for compliance with the requirements is (1) 3 months after the notice takes effect; and (2) 4 months after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision below.

Main Issue

1. The main issue in this appeal is whether the verandah preserves or enhances the character or appearance of the Collingham Conservation Area, having regard to its effect on the character and appearance of the dwelling.

Reasons

2. The Council contends that the design and materials of the verandah cause less than substantial harm to the setting of the dwelling and 136 Low Street and the Conservation Area (the CA). The CA is a designated heritage asset but the dwelling and No 136 are not among the statutorily listed buildings identified by the Council. In any event, it confirms that the verandah does not impact directly on the setting of any listed buildings and this was evident from my inspection of the site and the surrounding area.
3. The CA covers approximately half of Collingham. It is centred on the village's historic core, which has a predominantly linear form, with High Street and Low Street running parallel, linked by a series of narrow lanes. It also includes fields to the west of Low Street and open areas at the southern end of the village,

emphasising the rural setting near the River Trent and the village's historic relationship with the surrounding agricultural land.

4. Near the appeal site, Low Street is residential and typified by red brick buildings of simple traditional form, reflecting the past dominance of agriculture in the local economy, a characteristic of the CA. Many buildings have clay pantiles, and several, including the dwelling, have modern roof tiles.
5. A verandah is not a vernacular form of extension, and roofing felt is not traditional, and I did not see other examples of either within the CA. However, its siting to the rear of the dwelling and its low roof form ensure the verandah is not visible from Low Street, High Street, Queen Street or the public space around the Village Cross. The verandah is likely to be visible in views from surrounding properties and people are likely to experience the view. While I do not afford private views the same weight as those from public viewpoints, such views can contribute to an area's overall character and how it is perceived and enjoyed by those living within it. In that context, I am satisfied that the design and location of the verandah do not have a visually harmful effect in views from nearby residential properties and, because of the discrete form and siting, it preserves the appearance of the CA.
6. Considering the verandah's residential use, and its location within a predominantly residential part of the CA, it is not out of keeping with the character of the CA. It therefore does not alter, and so preserves, that character. For these reasons and in view of the separation from listed buildings, the verandah avoids harm to the character of any designated heritage asset or its setting.
7. The Council has not identified the dwelling as a non-designated heritage asset but describes it as "a positive historic building, with historic interest and architectural and aesthetic values". While a similar statement has not been made in respect of No 136, I saw the 2 are closely associated and therefore merit similar consideration in this regard. The lightweight form and siting of the verandah are such that it does not challenge or obscure the built form of the dwelling or No 136 or change their publicly perceived architectural and aesthetic qualities. Even if the dwelling and No 136 were non-designated heritage assets, their significance would lie in their contribution to the wider perceived character and appearance of the CA. The form and siting of the verandah ensure it avoids harm to this and to the character and appearance of both properties, despite the use of materials and detailing that do not match the host dwelling.
8. For the reasons set out above, the verandah does not harm the character and appearance of the CA, the dwelling or No 136, or the setting of any listed building. It therefore contributes to the conservation of the character, appearance and setting of heritage assets. Furthermore, it is of a sustainable design and materials appropriate to its form and function. Accordingly, I find no conflict with Core Policies 9 and 14 of the Newark and Sherwood Amended Core Strategy 2019, policies DM5, DM6 and DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document 2013 (the ADMDPD), the Council's Householder Development Supplementary Planning Document (the SPD) or Part 16 of the National Planning Policy Framework.

Other matters

9. While it is not included in the stated reasons for issuing the notice, the Council contends in its statement that the verandah will create an overbearing massing and amenity impact when viewed from the first floor and garden of No 136. No further evidence has been offered, so it is not explained how the verandah could appear overbearing in downward views from an upper floor window.
10. I saw that the eaves and gutter of the verandah are close to, and higher than, the fence on the boundary with No 136. While this makes the roof and the upper parts of the 3 wooden pillars visible from the back garden of No 136, site levels and the low height of the verandah limit its effect. Accordingly, it has not been demonstrated that the depth or height of the verandah are overbearing or visually intrusive or create the impression of looming over No 136 and its private amenity space.
11. For these reasons the verandah does not cause unacceptable reduction in the amenities of neighbouring users. Accordingly, I find no conflict with policies DM5 and DM6 of the ADMDPD or with the SPD.

Conclusion

12. For the reasons given above, I conclude that the appeal succeeds. I shall grant planning permission for the development as described in the notice. The Council has not suggested any conditions to be imposed in this event and I agree that none are necessary.

Formal Decision

13. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a wooden structure (verandah) on the rear elevation of the dwellinghouse on land at The Old Smithy, 134 Low Street, Collingham, Newark on Trent NG23 7NL referred to in the notice.

Mark Harbottle

INSPECTOR