
Appeal Decision

Site visit made on 25 August 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/B3030/W/20/3255075

Land at No 67 (and adjacent to No 65) Main Street, Balderton, Newark NG24 3NN

- 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 and Mrs Malcolm and Susan Parker against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00529/FUL, dated 19 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is erection of dwelling and amendments to bin collection area including replacement of trellis fence with brick wall and new brick wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is within the plot of 67 Main Street (No 67). However, it is located on what was formerly the frontage of Balderton House, at 69 Main Street. As the Council's concerns in relation to the Conservation Area relate largely to the impact of the development on Balderton House, I have referred to Balderton House rather than No 67 in my reasoning.
3. The appeal statement summarises that the only concern in relation to future occupiers is in relation to external amenity space. However, the officer's report refers to the privacy of future occupiers and this is reflected in the Council's decision. I conclude that the main issues should include the living conditions of future occupiers with regard to overlooking.

Main Issues

4. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Conservation Area; and whether the development would preserve features of special architectural or historic interest of the Grade I listed Church of St Giles, and Grade II listed 74, 77, 79 and 81 Main Street, or their settings; and,
 - The effect of the development on the living conditions of existing and future occupiers of Balderton House and 65 Main Street with particular regard to overlooking, and the living conditions of future occupiers with particular regard to external amenity space.

Reasons

Heritage assets

5. Balderton House is a red brick 19th century Italianate villa with sandstone portico and panelled front door, set back from Main Street. Its proportions and classical styling set it apart from the simple cottage style dwellings nearby. Consequently, its prominence in the street scene is derived from the size, symmetry and scale of its principal elevation as well as the depth and width of its frontage. Although it has been sympathetically renovated it appears to have retained much of its original fabric and styling, at least on the principal elevation. Balderton House is designated as a positive building within the Conservation Area (CA).
6. There has been recent mews style development to the side and rear but this is clearly subservient to Balderton House. The scale and typology of that development, as well as the use of red brick, is reminiscent of functional and period ancillary buildings and appears appropriate in this context.
7. Main Street is a wide and largely straight road lined with buildings of various period and styles. A high proportion of buildings are simple vernacular two storey dwellings and cottages, hard against or close to the footway. This gives a consistency and coherence to the underlying scale and grain of the building pattern. A long section of Main Street frontage is included in the CA.
8. The focal point of the CA and Main Street is the Grade I listed Church of St Giles (the church) which dates from the 12th century. The churchyard trees and the church's fine spire are visible at distance, and what appears to be the church's main pedestrian access is accessed through an opening in the Main Street boundary. This leads directly to a porch and entrance on the church's northern elevation.
9. Apart from its fine stonework and detailing, the church's prominence is reinforced by its elevated position, its proximity to Main Street and the setting provided by the large churchyard which directly abuts the southern side of Main Street. Pinfold and Church Lanes, on the western and eastern sides of the churchyard respectively, are significantly narrower roads. I conclude that the church's northern elevation, parallel to Main Street, is its principal elevation. The importance of the church in former village and ecclesiastical life was reinforced by its visibility from the main thoroughfare through Balderton.
10. Numbers 77, 79 and 81 Main Street (Nos 77, 79 and 81) are two storey 18th century dwellings located to the immediate east of Balderton House. Number 74 Main Street (No 74) is an 18th century cottage located to the east of the churchyard and separated from it by Church Lane. There is a high degree of architectural consistency in the style, scale and design of these dwellings which also appear to have a high proportion of intact historic fabric. All four dwellings are given group value by Historic England which reinforces the importance of their prominence in the street scene, inter-visibility and proximity to each other.
11. The cluster of buildings formed by the church, Balderton House and the aforementioned Grade II listed buildings are located on adjacent plots and comprise a short and opposing section of the Main Street frontage in the vicinity of the Church Lane junction. This cluster and consequent concentration

of listed and positive buildings forms the heart of the CA, and gives the village a particular distinctiveness and sense of place. It seems reasonable to conclude that this cluster of buildings also formed part of the original village core and layout.

12. There is inter-visibility between these buildings which is reinforced by the openness inherent in the underlying layout. This allows appreciation of these buildings and their inter-relationships from many angles. Not only is there aesthetic value from the collective juxtaposition of these listed buildings, but also historic and social value related to Balderton's social and economic evolution. That the church has remained spatially apart from later development reinforces its social and ecclesiastical status.
13. With regard to Balderton House in particular, this has a particularly large plot and it does not appear to me to be coincidental that it is located opposite the church. Even in the 19th century the maps show that Balderton House was an anomaly in terms of plot size compared to the denser grain of other development along and behind Main Street. Although the appellant argues that there is no functional relationship between the church and Balderton House, their spatial relationship appears carefully conceived and reflective of social and economic values pertaining at the time. There was also direct inter-visibility which is still evident today. The concentration of listed buildings around the Grade I listed church reinforces the weight I give to the underlying building pattern, for the reasons outlined above.
14. I conclude that the significance of the CA is derived from its historic fabric, spatial layout and street scene which in this particular locality appears largely unchanged since Balderton House was built.
15. The church's northern elevation and entrance is an important presence in the Main Street street scene. The church's setting with the churchyard is enhanced by the width of Main Street and allows appreciation of its special architectural features from many directions. Although there is more recent development fronting Main Street to the west of Balderton House, the church's setting is enhanced by the presence of the nearby listed and other period buildings.
16. The development would locate a single storey and largely flat faced building with hipped roof, a short distance from the footway and in the corner of Balderton House's frontage. Although the appellant argues that its design is reminiscent of a period open fronted cart shed the flat elevations, size and spacing of window and door openings is entirely suggestive of a contemporary dwelling. The mix of cement render panels and slightly proud brick pillars does not alter this impression. It would be tucked into a corner of the frontage with its main elevation side facing relative to Main Street. Its use of materials and its styling would jar with the predominant use of brick, and the fine proportions and symmetry of Balderton House's principal elevation.
17. The appeal statement argues that the original frontage contained an ancillary building in the south-west corner. However, although there is a very small structure in what appears to me to be an adjacent plot on the 1875 map, it appears unrelated to Balderton House. Moreover, by 1887 this structure has disappeared as the Balderton House plot expanded westwards, increasing the frontage width. I conclude that there is nothing in the historic maps to indicate that Balderton House had an ancillary building in this location.

18. In any case, even if that structure was related to Balderton House there is nothing before me to suggest what its function might have been. In my experience ancillary buildings such as cart lodges to grander houses are located out of public view. The appeal statement compares the dimensions of the dwelling to an agricultural building but again, it is unclear why an agricultural building would be appropriate between Balderton House's principal elevation and the church. I note that the recent mews style development has been positioned in the area that might be expected to have ancillary buildings and has not intruded forward of its principal elevation.
19. There is also a lot of detail in the statement about the width of the frontage at various points in history since Balderton House was built. However, although the boundaries may have shifted slightly, the maps show that Balderton House has had a wide deep frontage that more than accommodates the width of the principal elevation since it first appeared. The boundary changes may have slightly affected the angle of view but this does not justify the placement of another building in the front corner of the plot. Development would obscure views of Balderton House and the listed No 77, also set back from the road, when approaching from the west. It would also appear out of place in views of Balderton House from Main Street and would be detrimental to the existing character and appearance of this particular cluster of listed and important buildings.
20. The new residential development at Pinfold Barns and Church Lane is located behind the Main Street frontage within an area of far denser development. Apart from the development on the corner of Wetsyke Lane, all recent residential development within the Conservation Area has been located behind the Main Street frontage. The Wetsyke Lane development is some distance from the church. None of these examples is comparable to what is before me. The fact that there is modern development on the CA boundaries does not justify further erosion of the defining characteristics of the CA.
21. I conclude that the development would intrude into the open space in front of Balderton House. It would be a poorly proportioned and positioned structure which would fail to relate to or reflect its prominent position in the street scene, or the visual relationship between Balderton House and the church. As well as detracting from the appearance of a positive building the development would be detrimental to the character and appearance of the CA.
22. In having no obvious relationship to the existing cluster of listed buildings the development would also detract from the setting of the church, and to a lesser extent from the setting of No 77. The settings of the other listed buildings are related to their immediate surroundings and would be largely unaffected by the development. However, even if I was not required to give particular weight to my consideration of heritage assets, I would conclude that the development would have an adverse effect on the character and appearance of the area.
23. Although the development would not be particularly prominent in views of the church in distance views along Main Street, it would be very visible in views from the church towards Balderton House and Main Street. I see no reason why views from a heritage asset of its surroundings should not contribute to its setting.
24. The appeal statement argues that the churchyard is the only undeveloped green space in the CA but I am unclear how this supports the argument for the

development. Although I agree that there is no functional relationship between the churchyard and Balderton House, there is a visual and spatial relationship, as well as the concentration of historic buildings and layout.

25. I appreciate that Nos 77 and 79 are tandem development, but they are dwellings of similar size, scale and appearance.
26. I conclude that the development would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). It would also fail to preserve the setting of the church, which would be contrary to Section 66 of the Act.
27. In addition, the proposals would be contrary to Core Policy CP14¹ (CP) and Policy DM9 of the Development Management DPD² (DPD) which taken together require the continued conservation, enhancement and setting of the District's heritage assets and historic environment. It would also be contrary to DPD Policy DM5 which requires development to reflect local distinctiveness, including in relation to heritage assets.
28. The provisions of Paragraph 196 of the National Planning Policy Framework (the Framework) state that development causing harm to the significance of a heritage asset or its setting, will only be granted permission where the public benefits of the proposals outweigh the potential harm. The development would provide an additional dwelling, which would be a public benefit. This is considered in the planning balance. The Council has also cited Planning Practice Guidance (PPG) but no specific paragraphs are referred to. In any case PPG is broadly consistent with the Framework.

Amenity space

29. Apart from a small front garden, the dwelling's amenity space would extend northwards in a narrow and winding strip between existing walls and a laurel hedge. It would appear to be no wider than a car parking bay at one point. Whilst I appreciate that not everybody wishes to have a garden, it remains that this is a very odd shape which reflects the dwelling's rather cramped location.
30. The appellant refers to a private courtyard but this appears to be a narrow access strip between the dwelling's western elevation and the boundary with 65 Main Street (No 65). It would be heavily shaded and I am not satisfied that this would provide a usable sitting area. I appreciate that a previous inspector did not find harm in relation to small paved areas in the mews development but as far as I can ascertain they were designed as usable, albeit small spaces. What is proposed here appears to be space left over from the development's rather awkward positioning.
31. Apart from the rear access strip, the garden's entire length would run alongside Balderton House's main vehicular and pedestrian access, and would also be a few metres from the dwelling's bedroom windows. There would be significant inter-visibility between the dwelling, its amenity space and these access routes. This would lead to a loss of privacy for future occupiers from overlooking. Although there is a hedge planted along the boundary line which could grow to

¹ Amended Core Strategy, adopted March 2019

² Development Plan Document, adopted July 2013

provide a dense screen, this would in itself intrude into Balderton House's frontage.

32. I am unclear how there would be significant overlooking from No 65 as there are no windows on its side elevation. The only overlooking would be between No 65's rear elevation and the dwelling's garden. This would be no different from overlooking from adjacent dwellings in a suburban environment.
33. The dwelling would also be overlooked from windows at Balderton House but views would be oblique and at a distance of around 20 metres. This is not unusual in an urban setting and I am satisfied that there would not be a particular loss of privacy for existing or future occupiers in this regard.
34. However, it remains that the development would have an adverse effect on the living conditions of future occupiers with regard to overlooking and amenity space. This would be contrary to LP Policy DM5 which requires that site layout should avoid an unacceptable reduction in amenity for existing and future occupiers amongst other considerations and Paragraph 127 of the Framework which requires a high standard of amenity for existing and future users.
35. The Council has also cited PPG but no specific paragraphs are referred to. In any case, PPG is broadly consistent with the Framework.

Planning balance

36. There is nothing before me to indicate that the Council cannot demonstrate five year housing land supply. Consequently, I have given the policies cited in the Council's decision full weight. In any case, although the development would provide a compact dwelling in a sustainable location, this would be a very small contribution to local housing supply. Even if I did not give these policies full weight the adverse effects of the development would significantly and adversely outweigh the benefits when assessed against policies in the Framework taken as a whole.

Other matters

37. There are supportive representations but these do not raise arguments of sufficient weight to alter my reasoning. In any case, the approved plans for the redevelopment of Balderton House included a garden area at the front. Even if the frontage was formerly used for car parking I see no reason why current occupiers of Balderton House should not benefit from views of a garden. Moreover, the former use as parking retained the openness of the frontage.
38. The appellant has referred to inconsistency between the DPD and the CS. I am unclear what that inconsistency is but even if it exists, it remains that the development would fail to accord with the provisions of the Act or the Framework in respect of both main issues.
39. The agent refers to the irrelevance of paragraph 2.3 in the Council's statement and reference to open countryside and photographs. However, the Council's appeal statement is not numbered and I cannot find any reference to encroachment into open countryside or photographs.

Conclusion

40. In the light of the above, I conclude that the development would fail to accord with the Act, national guidance and relevant local policies. The appeal should be dismissed.

A Blicq

INSPECTOR