



Appeal Decision

Site visit made on 8 September 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/B3030/W/20/3254869

Land adjacent to Grasmere, Back Lane, Eakring, Newark, Nottinghamshire NG22 0DJ

- 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 Brozyna against the decision of Newark Sherwood District Council.
 - The application Ref 20/00443/FUL, dated 9 March 2020, was refused by notice dated 21 April 2020.
 - The development proposed is the construction of a 4 bed dwelling with garage and off street parking.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development on the character and appearance of the area, and linked to that, whether it would preserve or enhance the character or appearance of the Eakring Conservation Area (CA).

Reasons for the Recommendation

4. The appeal site forms part of the garden of Grasmere and is located within the CA. The site is accessed via a private road which leads off Back Lane and also serves as a public right of way. To the west of the site is a paddock area and there is a further public footpath to the rear of the site, to the south.
5. The Eakring Conservation Area Appraisal (2001) (the Appraisal) sets out the character of the area. Eakring is made up of farm groups and houses mostly dating from the 18th and 19th century which are predominantly simple, vernacular, well-proportioned and of modest scale buildings with gable roofs in a toft and croft layout. The Appraisal highlights that residential infills have blurred original historic plot boundaries and eroded the early form of the village. Many of these new houses were constructed prior to the extension of the CA and during a period when design issues were given only limited weight.

The CA was extended in 1988 to include the whole of the built up area of the village and part of the landscape setting to the south.

6. Development along Back Lane comprises more modern dwellings. Generally, their materials, styles and design do not reflect the historic buildings seen elsewhere within the CA but most properties along Back Lane follow the development pattern of the traditional, linear form of the CA in that they front the highway with the main garden area to the rear. Thus, whilst the design of individual houses is less than sympathetic, the development has not altered the historical road layout which is an important characteristic of the village. However, Grasmere does not follow this pattern and appears as backland development. The property sits behind dwellings fronting onto Back Lane and the main garden area is to the side.
7. The appeal site makes a positive contribution to the area as it forms an important transition between the built development of Back Lane and the countryside. It is clear that the CA was extended to include the countryside as the fields surrounding the village are important to its rural setting.
8. Although the site is domestic in character and the existing trees and hedgerow boundaries would remain, the scheme would introduce a large two-storey building where there is currently no significant built development. It would have an urbanising impact on the rural character of this part of the CA and would diminish the rural feel of this part of Eakring. As the dwelling would be located behind the main built up area, it would appear as backland development and would not follow the linear form of properties along this side of Back Lane, thereby representing an incongruous departure from the historic pattern of development. Consequently, it would not be sympathetic to the local character or landscape setting and would have a harmful impact on the character and appearance of the CA.
9. The appearance of the property would not in itself look out of place within Back Lane given the surrounding dwellings do not have a coherent design. Similarly, the new dwelling would not dominate Grasmere given the proposed distance between the properties, as well as the siting of the single-storey garage. However, those matters do not mitigate against the harm caused by the location of the proposal as described above.
10. The National Planning Policy Framework (the Framework) paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
11. The harm arising would be less than substantial, given that there are nearby developments which do not reflect the historic form or architecture of the CA. Nonetheless, it is of considerable importance and weight. In accordance with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12. The appellant asserts that the scheme would provide housing and future occupants would support local services and amenities. He considers that significant weight should be attributed to these benefits on account of the current economic climate.
13. I do not doubt that the scheme would provide these benefits. Nevertheless, notwithstanding any present economic uncertainty, they carry very limited weight given the small scale of the development. Thus, these small benefits do not outweigh the harm that would be caused to the CA that I have identified, given the great weight I must attach to that harm. The proposal therefore would cause harm that is not justified or outweighed, as required by the Framework.
14. The appellant has drawn my attention to a recently approved residential development within the CA¹. This approved application cannot be directly compared to the scheme before me as it relates to a site which was previously occupied by farm buildings and the application sought to reinstate its historic layout, whereas the appeal site has never included buildings. In any case, each application must be considered on its own individual merits.
15. For these reasons, the proposed development would have an adverse visual effect upon the area and would not preserve or enhance the character or appearance of the CA. It would therefore not form sustainable development, as defined by the Framework, given the harm identified. Accordingly, the development would conflict with Spatial Policy 3, Core Policies 9 and 14 of the Newark and Sherwood Amended Core Strategy (2019) along with Policies DM5 and DM9 of the Newark and Sherwood Local Development Framework: Allocations and Development Management Development Plan Document (2013), along with the Framework. These policies and the Framework collectively seek, amongst other matters, to ensure new development protects heritage assets and does not have a detrimental impact upon the character of the area or its landscape setting.

Conclusion and Recommendation

16. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR

¹ Reference: 18/02159/FUL