



Appeal Decision

Site Visit made on 27 October 2020

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2020

Appeal Ref: APP/W3005/D/20/3255047

Fackley Cottage, 3 The Park, Fackley, Sutton in Ashfield, NG17 3JW

- 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 Chris Slack against the decision of Ashfield District Council.
 - The application Ref V/2020/0122, dated 19 February 2020, was refused by notice dated 22 May 2020.
 - The development proposed is Porch to Front Elevation.
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Decision

1. The appeal is allowed and planning permission is granted for Porch to Front Elevation at Fackley Cottage, 3 The Park, Fackley, Sutton in Ashfield, NG17 3JW in accordance with the terms of the application, Ref V/2020/0122, dated 19 February 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FACO/PP2/1 (Existing Plan and Elevation Views), FACO/PP2/2 (Proposed Plan and Elevation Views), Site Location Plan.
 - 3) The materials, colour and finishes to be used for the roof and windows of the porch hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a detached dwelling located at a crossroads in the centre of the village. The proposed porch would be attached to the elevation facing the road, but with the exception of the top of the pitched roof, it would be concealed from public view by the tall boundary wall and fence which wraps around the site. Given this concealed position, the proposal would not have any significant visual effect on the surrounding area.
4. Even if the boundary treatment were to be lowered or removed, the porch would be relatively modest in scale and traditional in design, with a dual-pitched roof and use of brickwork, and roof tiles and windows to match the parent building. The dwelling, though historic in age, has undergone considerable alteration over the years, including rendering and painting of the

external facades and insertion of plastic framed windows. In this context, the proposed porch would not be harmful to the overall appearance of the building, but would add visual interest to the presently flat front elevation.

5. Members of the Council's Planning Committee regarded the dwelling as a local heritage asset which would be harmed by the proposal. The heritage significance of the dwelling is stated to derive from a claim that the writer DH Lawrence stayed in the property and wrote his famous novel *Lady Chatterley's Lover* whilst there. However, research by the Council on several fronts has not uncovered any evidence to verify these claims. In addition, I note the comments of the Council's conservation officer that even if true, the building would not be worthy of listing due to the lack of original features remaining, and a porch would not diminish any historical association with DH Lawrence which might exist.
6. On the evidence before me, I find that the claims of historical significance are anecdotal at best and unsupported by any documentation. Accordingly, I am not satisfied that the dwelling constitutes a non-designated heritage asset on this basis. However, even if I were to consider the dwelling as such, neither the minutes of the committee meeting nor the Council's decision notice offer any explanation of how the proposal would cause harm to its significance. The dwelling has been much altered, and cannot be said to still resemble its appearance when DH Lawrence may have visited. As such, there is little to persuade me that a tangible loss of architectural significance would occur. In any event, the claimed association is historic, and the porch would not prevent any historical associations from being understood. Therefore, having regard to Paragraph 197 of the National Planning Policy Framework, I find that the proposal would not cause any harm or loss to any heritage significance which may exist.
7. For these reasons, I conclude that the proposal would preserve the character and appearance of the area, and no conflict would arise with Policy ST1(b) or (e) of the Ashfield Local Plan Review 2002 which permit development where it will not adversely affect the character, quality, amenity or safety of the environment and not conflict with an adjoining or nearby land use.

Other Matters

8. No harm was identified by the Council in respect of the effect on neighbours' living conditions, and nothing that I saw on site leads me to a different view.

Conditions

9. A condition is required specifying the approved drawings, to provide certainty. Conditions are also required to ensure the materials used on the roof and window frames matches the existing building, to ensure a satisfactory appearance

Conclusion

10. For the reasons given I conclude that the appeal should succeed.

K. Savage

INSPECTOR