The Planning Inspectorate

Appeal Decision

Site visit made on 27 October 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/B3030/W/20/3255351
Land r/o 37 Easthorpe, Southwell NG25 0HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Jason Templeman (Ogon Homes) against the decision of Newark & Sherwood District Council.
- The application Ref 20/00113/S73, dated 21 June 2019, was refused by notice dated 2 April 2020.
- The application sought planning permission for application to vary condition 02 to add extension to approved dwelling, attached to permission 17/01839/FUL; Demolition of shed and erection of 1No. 4 bedroomed house.
- The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference: Site Plan 10A/3/2016 Rev A : 30th October 2017 : House Plans and Elevations – 11/3/2016 unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.
- Reason : So as to define this permission.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting of the area.

Reasons

3. The appeal site is a dwelling under construction with access from the side of No37 Easthorpe and is located within the urban boundary of Southwell as defined by the Proposals Map. The site access is within the Conservation Area but only the western boundary of the actual site is adjacent the Conservation Area. I understand that the house to the front of the site No37, is a Listed Building as are many of the properties that front Easthorpe.

4. The appeal seeks to vary condition 2 of the extant approval in order to amend the approved plans. This would allow the construction of a two storey addition to the north elevation with a raided decking area. Externally it would be constructed of vertical timber cladding with a clay pantile roof, contrasting to the main building.

5. It is not contested by the parties that the original design of the dwelling was based upon a threshing barn as a nod to the heritage aspects of the site. I find that the appeal proposals, if built, would no longer meet that context and with

large areas of glazing and a Juliet balcony, as well as contrasting materials of construction, would give the outward appearance of a more modern dwelling, rather than maintain the design ethos it started with. The extension would be subservient, as would be expected, but the contrasting materials would give it prominence in comparison to the remainder of the proposed new dwelling. The additional raised decking area further introduces more domestic design principles and effectively washes away any design interpretation of an agricultural barn.

6. Whilst the proposed extension might not be visible from the street scene, that does not mean that the proposal will be acceptable, the site is still adjacent the Conservation Area and to the rear of a Listed Building. I find that the proposals would not preserve or enhance the heritage assets, but I find the harm to be less than significant.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act) requires that with respect to development affecting buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.' Paragraph 193 of the National Planning Policy Framework (the Framework) sets out 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.

8. With regard to Paragraph 196 of the Framework, the harm to the conservation area and listed buildings would be no greater than 'less than substantial'. Less than substantial harm does not equate to less than substantial planning objection, and the Framework sets out the need to address the 'less than substantial harm' against the public benefits of the scheme.

9. In this instance, no public benefits have been forwarded that would outweigh the harm to the setting of the heritage assets and would therefore conflict with the aims and objectives of the Framework which seek to sustain and enhance the significance of heritage assets.

10. I also find the proposals to be contrary to Core Policy 9 and 14 of the Amended Core Strategy (2019) and Policy DM9 of the Allocations & Development Management Development Plan Document (DPD) which state that, amongst other matters, should be of a design and layout that is of appropriate form and scale to its context, should have regard to the scale of harm or loss and the significance of the heritage asset and take account of the distinctive character and setting of Conservation Areas.

Other Matters

11. I note the appellants comments with regard to the approved scheme for the Listed Building to the front of the site. I do not have full details of that proposal, but it does not reflect on the current proposals, which I have assessed on their own merits.

12. Based on the above, I consider that Condition 2 is reasonable and necessary in its current form. It is drafted in a precise manner and enforceable, reasonably imposed and consistent in respect of guidance in the Framework.

Conclusion

13. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR