
Appeal Decision

Site visit made on 18 January 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State for

Decision date: Thursday, 04 February 2021

Appeal Ref: APP/Z2505/W/20/3259324

Land adjacent, The Rookery, Rookery Road, Bicker, Boston, PE20 3DB

- 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 L Rudkin against the decision of Boston Borough Council.
 - The application Ref B/20/0076, dated 24 February 2020, was refused by notice dated 29 May 2020.
 - The development proposed is proposed residential development.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - the effect of the proposal on a non-designated heritage asset;
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling.

Reasons

Effect of the proposal on the non-designated heritage asset

3. The site is located on the edge of the village on a road leading out into open countryside. It has residential development on either side, what appear to be farm buildings to the rear and farmland on the opposite side of the road.
4. The building to the right of the appeal site is known as the Rookery. When it is viewed from the road, it is an imposing two storey building with a pitched roof parallel to the road, ornamental railings and gate pillars, bay windows at its ground floor and a projecting front porch. However, it has been altered over the years and the windows at first floor level and the porch do not appear to be original. At present it has space on either side, separating it from the adjacent dwellings, which contributes to its setting.
5. The Rookery has been identified by the Council as a 'non-designated' heritage asset. Its significance being principally derived from its age, form, and the space within which it lies. The harm that the appeal proposal would cause to

- the significance of this non-designated heritage asset would be to appreciably reduce the amount of space it has around it and thereby damage its setting.
6. The proposed dwelling would almost entirely fill the gap between the Rookery and the next-door bungalow, and its front elevation would be in line with that of the Rookery. This would create a cramped and unbalanced appearance between the proposed dwelling and the Rookery when viewed from the road. Furthermore, the position of the front elevation, in line with the front elevation of the Rookery, would dilute the presence of the Rookery in the street scene and thereby harm its setting.
 7. The National Planning Policy Framework (the Framework) describes a heritage asset as including designated heritage assets and assets identified by the local planning authority. The Planning Policy Guidance (PPG) expects Council's to identify non-designated heritage assets based on sound evidence and make clear and up to date information available to the public on these assets. However, the PPG does recognise that in some cases Council's may also identify non-designated heritage assets as part of the decision-making process on planning applications.
 8. The Council has not provided any information on the publicity it gives to the recording of non-designated heritage assets. However, it has shown during the course of the planning application and appeal process that it has had regard to the evidence of the Conservation Officer in terms of the asset's significance and the effect of the proposal on that significance. I view the Rookery as having local significance in terms of its design, relationship to the street and its setting in Rookery Road. Consequently, the conservation of its setting and the space around it is important to protect this non-designated heritage asset.
 9. I am therefore persuaded that the requirements of both the Framework and the PPG with regard to the identification of a non-designated heritage asset, its significance, and the effect the appeal proposal would have on that significance have been properly evidenced by the Council.
 10. I have found that the appeal proposal would harm the setting of the Rookery as it would reduce the space around it unbalancing the view of the house from the street. This harm is not outweighed by the design and finish of the proposed dwelling and the retention of the railings and pillars which currently separate the Rookery from the road.
 11. The development plan is comprised of the South East Lincolnshire Local Plan (SELP) adopted in March 2019. Policies 2,3 and 29 of the Plan seek to protect those elements of South East Lincolnshire's historic environment that define its distinctive character. In order to achieve this, the Policies expect development proposals to conserve and enhance the character and appearance of designated and non-designated heritage assets.
 12. I have found that the appeal proposal would harm the setting of the Rookery, a non-designated heritage asset, and as a consequence the appeal proposal would be in conflict with the policies of the development plan.

Character and appearance

13. Rookery Road is characterised by individual dwellings standing in gardens with space around them. The area where the appeal site is located has open fields opposite and is on the edge of the village.

14. The appeal proposal would close the gap which currently exists between it and the neighbouring bungalow. Thereby reducing considerably, the open space between the Rookery and the neighbouring bungalow. This would not be consistent with most of the other dwellings in the locality, and introduce a discordant element into the rhythm of the street thereby harming the character and appearance of the area.
15. Policies 2 and 3 of the SELP seek, amongst other things, to encourage development that respects the character and appearance of the area by having regard to the relationship of new developments to existing development and land uses. In this regard, I find, for the reasons given above the proposal would conflict with these policies of the development plan.

Living Conditions

16. The appeal proposal would be a 1.5 storey high dwelling. Its left-hand gable, when viewed from the street, would be close to the boundary of the neighbouring bungalow. Beyond the boundary is a small patio area which would be overshadowed by the proposed dwelling, at least for a large proportion of the morning. Moreover, the height of the proposed gable and its proximity to the neighbouring patio would have an overbearing and dominant effect on anyone using the patio.
17. As a consequence, I find that the proposal would be in conflict with Policy 2 of the SELP in that it would fail to protect the living conditions (amenity) of the adjacent residential occupier with particular regard to the over shadowing of the existing patio.

Other Matters

18. Whilst I accept that there will be some benefit to the village by the construction of the dwelling in terms of increased use of local facilities by the potential occupiers, I do not consider that these benefits are sufficient to outweigh the harm that I have identified as they would be relatively small in scale.

Conclusion

19. For the reasons given above the appeal is dismissed.

Peter Mark Sturgess

INSPECTOR