
Appeal Decision

Site visit made on 26 January 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/B3030/W/20/3262793

88 Daisy Cottage, Low Street, Collingham NG23 7NL

- 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 Ms Jo Underwood against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00498/FUL, dated 19 March 2020, was refused by notice dated 01 October 2020.
 - The development proposed is two storey house with existing gate access from Low Street, car parking, and garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve the setting of the nearby Grade II Listed Building, namely The Malthouse, 86 Low Street;
 - whether the proposal would preserve or enhance the character or appearance of the Collingham Conservation Area (CA);
 - the effect of the proposal on the living conditions of occupiers of the existing property number 88 Low Street, with particular regard to privacy, and
 - whether the proposal would raise any highway safety concerns.

Reasons

Setting of Listed Building

3. Under s66(1) of The Planning (Listed Building and Conservation Areas) Act 1990 I have a duty to give considerable importance and weight to the desirability of preserving the setting of a Listed Building (LB). Additionally, the National Planning Policy Framework (the Framework), paragraph 184, advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Further, great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset (paragraph 193).

4. The site is located within the CA and comprises a dwelling, 'Daisy Cottage', and several domestic outbuildings within its garden/curtilage. The dwelling is set back from the road and orientated perpendicular to it. There is a brick boundary wall, around 2 m high, adjacent to the road, behind which is one of the outbuildings, which is single-story.
5. The adjacent site to the south comprises a Grade II listed two-storey dwelling known as 'The Malthouse'. The building is a surviving malt house, several of which existed historically in Collingham. The Historic England listing describes the key architectural features and materials of the property and when it dates to, factors from which the property derives its significance. I consider the immediate setting of the LB to comprise the neighbouring plots and properties that surround the site, the section of road that passes the site and the land beyond the road edge, opposite the site. The garden of the appeal site, which is where the proposed dwelling is to be sited, sits between the LB and the property immediately north of the appeal site, 'Willow Cottage'. The garden of the appeal site provides spaciousness between the LB and its immediate neighbouring historic dwellings Daisy and Willow Cottages. I am of the view that this section of the immediate setting of the LB contributes significantly to its historic significance.
6. Consequently, I consider that inserting the two-storey dwelling within this space, thereby eroding the spaciousness between the buildings, would significantly harm the setting of the LB. As such the proposal does not accord with policies 14 of the Amended Core Strategy (2019), (CS), DM9 of the Allocations & Development Management Plan Document (2013), (DPD), or the heritage policies in the Framework. These policies collectively, and among other things, seek to conserve or enhance heritage assets, including their setting.

Character and appearance of the Conservation Area

7. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, as noted above, paragraph 193 of the Framework advises that great weight should be given to the conservation of heritage assets when considering the impact of development on the significance of a designated heritage asset.
8. The village of Collingham dates to the Domesday Book. It is predominantly a residential village. Many of its surviving historic buildings were associated with agriculture. Local brick kilns made bricks which were used locally; as a result, the buildings in the area are constructed primarily of traditional red brick, with pantile roof coverings.
9. The western part of the village is the area designated as the CA, where the Medieval road pattern remains. Low Street is likely to have originally been the main street. It has several bends, curves, and level variations in it, which contribute to its character. Although there has been development along the street over time, the layout retains much of its historical plan form. One of the village's 2 churches is located on the street and there are several other buildings of historic significance. Most are constructed of red brick with pantile roofs, though a small number have stone and/or rendered elevations and a few have slate roofs. Many of the properties are sited adjacent to, or set back a little from, the footway. Most are two-storeys high, with mainly dual-pitched roofs that are either hipped or gabled. There is some variation in the size of the

properties, though most are of modest size, with a small number of single-storey properties and a few relatively large ones.

10. Thus, I consider the significance of the CA to be mainly derived from its historical layout, the historic properties located along it, their traditional design, the external materials used and the part they have played in the historical development of the village.
11. I concluded above that inserting the proposed dwelling within the space between the LB and 'Willow Cottage', in the garden of the host property, No 88, would erode the spaciousness between the buildings thereby significantly harming the setting of the LB. I consider the harm to the setting of the LB is itself harmful to the character and appearance of the CA. Additionally, this space reflects the historic origins of the host property, 'Daisy Cottage', and the original plan form. As such the arrangement makes a positive contribution to the street scene and the character and appearance of the CA. I consider that inserting the proposed dwelling in this important space would erode the historic origins of the property and the plan form, adding further harm to the character and appearance of the CA.
12. I also accept the Council's concerns regarding some design and siting aspects of the proposed dwelling, ie a property of this size being set close behind a relatively high boundary wall, the depth of the property resulting in wider gable ends and a shallower pitched roof than neighbouring properties and the use of gable-styled dormers. Although such aspects contribute to the harm to the CA, I acknowledge that the height of the wall could be reduced and that the design of the dwelling could be amended so that the building more closely reflects the historic neighbouring properties. However, even if such alterations had been made, they would not overcome the key issue of the erosion of the historic plan form and the importance of the spaciousness between the buildings outlined above. Therefore, for the reasons outlined, I conclude that the proposal would neither preserve nor enhance the character or appearance of the CA.
13. Regarding paragraph 196 of the Framework, I consider the degree of harm to the CA to be less than substantial. The Framework therefore advises that such harm should be weighed against any public benefits resulting from the proposal, including its optimum viable use. I have not been presented with any public benefits that would result from the proposal. Except for providing an additional dwelling, I am not aware of any others. Although an additional dwelling would make a minor contribution to the housing needs of the area, I consider this does not outweigh the significant harm to the character and appearance of the CA I have found.
14. Consequently, the proposal does not accord with policies 9 and 14 of the CS, DM5 and DM9 of the DPD or the design and heritage policies in the Framework; which collectively, and among other things, require development to be of high-quality design, reflect local character and conserve or enhance heritage assets.

Living conditions – occupiers of existing property

15. The host dwelling is sited in the north-eastern corner of the plot, the result of which is that all its private outdoor amenity space is provided in front and to the west of the dwelling. Except for the existing primary driveway area, the

proposal would use all the garden/curtilage area west of the dwelling. Consequently, the remaining private outdoor amenity space for No 88 would be directly in front of the property and immediately beyond the rear boundary of the proposed residential site. I appreciate the appellant's view regarding the relationships between properties in what is described as a close-knit urban village. However, given that the proposed dwelling would have 2 bedroom windows at first-floor level on the eastern facing elevation, directly overlooking the only private outdoor amenity space of the host dwelling from a relatively close distance, I consider that the proposal would result in unsatisfactory living conditions for the occupiers of No 88, due to overlooking of the resultant private outdoor amenity space.

16. Consequently, the proposal does not accord with Policy DM5 of the DPD or sub paragraph 127 (f) of the Framework which, among other things, require development to protect the living conditions, including privacy, of occupiers of existing properties.

Highway safety

17. The proposal includes using an existing vehicle access point off Low Street, which is around 2.2 m wide with timber gates in situ, located at the northern end of the boundary wall. There is an existing dropped kerb at the access point.
18. The proposal would provide sufficient space within the site for parking 2 cars, and the appellant has suggested that there would be room to turn around within the site and exit in a forward gear. However, in my opinion, if 2 cars were parked in tandem, given the restricted space within the site, I consider it unlikely that both would be able to turn within the site and exit in a forward gear. Consequently, if 2 cars were parked on site, it is likely that one car at least would have to reverse out of the site on a regular basis. Given the narrow width of the access and its location in relation to the bend in the road, I consider reversing out of the site would create a highway safety issue in respect of both vehicle users and pedestrians.
19. With a restricted access width, restricted turning area within the site and the likelihood of, at times, having to reverse out of the site, future occupiers of the property may resort to parking on the street. Again, given the location on the bend, cars parked on the street could interfere with the visibility of vehicle users.
20. I appreciate that the access could be used at present. However, at present there is sufficient space within the site for vehicles to turn around and exit in a forward gear. Furthermore, there is another primary access point which serves the site, and it could be used to exit the site in a forward gear if a vehicle accessed the site from the other access point.
21. I appreciate the access could be made wider to overcome some of the concerns. However, unless it can be clearly demonstrated that if 2 cars were parked on site both would be able to turn within it and exit in a forward gear, then the safety concern related to reversing out of the site would still remain. I therefore conclude that the proposal would create a highway safety issue and as such does not accord with Spatial Policy 7 of the CS, Policy DM5 of the DPD or paragraph 109 of the Framework. Collectively, and among other things,

these policies require development to provide safe accesses and not to have an unacceptable impact on highway safety.

Conclusion

22. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR