



Appeal Decision

Site visit made on 2 March 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/A2525/W/20/3263906

59 Westlode Street, Spalding PE11 2AE

- 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 Ian Bird against the decision of South Holland District Council.
 - The application Ref H16-0430-20, dated 28 May 2020, was refused by notice dated 20 October 2020.
 - The development proposed is re-development of site to comprise 5(no.) flats, 2(no.) single storey dwellings and 1(no.) 1.5 storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. As the proposal is in a conservation area and affects the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background

3. Planning permission has been granted for the demolition of 59 Westlode Street and its replacement with a new frontage building and two further buildings to the rear to provide 5 flats and a detached dwelling¹. The appellant confirms that due to the provisions of The Business and Planning Act 2020 the planning permission remains extant.
4. The appeal site is an enlarged area which incorporates the site area of the extant planning permission. The proposal is to retain the approved development unchanged whilst accommodating a further two dwellings on the additional land area.

Main Issues

5. The main issues are: (i) Whether the proposal would preserve or enhance the character or appearance of Spalding Conservation Area and the effect of the proposal on the setting of the grade II listed Friends Meeting House and No 34 and No 35 Double Street; (ii) the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties with regard to outlook, privacy, noise and disturbance; and (iii) the effect of the

¹ Planning permission H16-0816-17 dated 4 December 2017

proposed development on the living conditions of its future occupiers with regard to outlook and privacy.

Reasons

Spalding Conservation Area (SCA)

6. 59 Westlode Street is part of a short row of terraced properties of various detailing set at the back edge of the footpath. Next to the appeal site to the east is the grade II listed Friends Meeting House (FMH) and to the western site boundary is modern retail development. Adjacent to the appeal site's rear boundary is a short block of terraced properties which face towards Double Street, including No's 34 and 35 Double Street which are grade II listed buildings. At this side there is also a modern terrace block with lower modern outbuilding range which sits adjacent to the appeal site boundary.
7. Notwithstanding the modern development to the west of the appeal site the architectural style of the appeal site's immediate surroundings is largely late Georgian and Victorian vernacular simple residential cottage and ecumenical styles. Some modern development has been added, but the overwhelming character is late C18th and C19th in nature. Here, the significance of the SCA is in part derived from the simple form and historic layout of buildings located on the back edge of the footpath and extending back in their plots.
8. The extant planning permission replaces No 59 with a larger building set to the road frontage with a second building sited at right angles to the rear of No 59. An additional dwelling to the west of the appeal site replaces a previous structure. The extant permission has regard to the site's historic form and layout.
9. The enlarged site area is undeveloped land enclosed by the surrounding frontage development. The two additional dwellings (Units 7 and 8) would take up a large proportion of the depth and width of the enlarged plot. The detailed design and siting of the single and two storey dwellings would be markedly dissimilar to the terraced properties that characterise the frontage development and would be conspicuous by virtue of their overly large footprint and suburban appearance. The development on the enlarged site would be visible from the surrounding properties and glimpsed from Westlode Street and Double Street between buildings.
10. I appreciate that two dwellings have previously been allowed at appeal on the enlarged site area. The Inspector referred to the scale, detailed design, materials and siting of the proposed small cottages being entirely in character and scale with the buildings which adjoin the site. Whereas, the proposed development is out of character with the surrounding development.
11. Although the number of dwellings in the total site area may indicate a lesser dwelling density, I have no doubt that the amount of built form would result in a development that would appear cramped and incongruous for the reasons I have set out.
12. Overall, the proposed development would take up a large proportion of the land to the rear of 59 Westlode Street and would appear at odds with the garden spaces and ancillary buildings that generally occupy the rear areas of adjacent properties. Consequently, the proposed development would detract from the character and appearance of the SCA.

Listed buildings

13. The FMH was first listed in 1950 and extended and altered in 1960. The list description acknowledges that the building was originally completed in 1805 and completely restored in 1965. The significance of the FMH derives from its communal, evidential and historical value associated with its continued use by Quakers. Although much altered, the buildings elevation to Westlode Street is attractive and contributes positively to the SCA and the re-fronted south elevation has aesthetic value.
14. The FMH is set back from the Double Street frontage with a garden/burial ground in the foreground of the entrance. The FMH has clearly defined boundaries that separate it from the appeal site. Generally, I agree with the appellant that the FMH is 'not a building that draws strongly on its immediate setting'. Nevertheless, there would be a significant amount of new development unrelated to the character and form of the surrounding buildings near the FMH. The roof line of the development would form part of the backdrop to the garden and would have an urbanising effect on its setting, whereas the current absence of development provides an extended tranquil setting for the garden. The proximity of the development to the boundary would result in some limited harm to the setting of the FMH.
15. No 34 and 35 Double Street are C18th cottages. The early plans provided as part of the list description indicate that the rear part of the appeal site was formally within the curtilage of these cottages and the adjacent terraced house. There is a suggestion that the Angel Inn public house occupied part of the terrace row but there is no specific evidence of this before me. Currently a boundary wall divides the rear of the appeal site from the cottages. The significance of the properties largely relates to their age, location to the back edge of the footpath and architectural detailing.
16. Unit 7 and 8 would extend along much of the plot width adjacent to the rear boundary with the cottages. The development would be sited so that it would cut across the former plot layout of the cottages and their attractive rear elevations would be enclosed. As a result, the development would have a small negative impact on their setting.

Conclusion- SCA and listed buildings

17. I conclude that the proposed development would not preserve or enhance the character or appearance of the SCA and would detract from the setting of the grade II listed FMH and No 34 and No 35 Double Street. It would conflict with Policy 29 of the South East Lincolnshire local Plan (2019) where it seeks to ensure development respects the varied character of heritage assets conserving and enhancing their character and appearance.
18. The proposal would be modest, and in the terminology of the National Planning Policy Framework (the Framework) it would result in less than substantial harm to the significance of the SCA and the listed buildings as designated heritage assets. Paragraph 193 of the Framework is clear that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation.

19. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of heritage assets, that harm should be weighed against the public benefits of the proposals.
20. The extant permission would provide six dwellings and there is no evidence before me that this scheme cannot be progressed independently. The additional two dwellings would make minimal additional contribution to the delivery of housing and the economic and social benefits would be limited. Even so, the Framework seeks to boost the supply of housing and the site is in an accessible location. I attach limited weight to these public benefits. Nevertheless, these limited public benefits would not outweigh the great weight to be attached to the conservation of heritage assets and the proposal would therefore conflict with the Framework.

Living conditions – neighbouring properties

21. There is no vehicular parking within the development. Access to units 7 and 8 would be via a pedestrian route close to the flats in the FMH which have balconies and living room windows facing the access.
22. The rear of the appeal site has a noticeably and distinctly different noise environment to that at the front. With the quieter nature of the surroundings at the rear the additional pedestrian movements to units 7 and 8 including deliveries, visitors and dwelling occupants close to the balconies and living room windows of the adjacent properties would noticeably increase the noise environment and would result in disturbance to the existing residents of the FMH flats.
23. I accept that the Council did not directly raise noise and disturbance in their reasons for refusal, however, the Council does refer to over development of the site and there are third party comments on this matter to which I have had regard.
24. I also appreciate that pedestrian access to the rear would be increased as a result of the approved scheme. However, the access arrangement in that scheme directed pedestrians away from the FMH boundary.
25. Units 7 and 8 would be separated from the rear of the flats in the FMH by a substantial wall and would not be close enough or of a scale that would dominate the existing flats. However, the existing properties Nos 33, 34 and 35 Double Street have modest rear elevations and small gardens adjacent to the appeal site. The siting of units 7 and 8 would introduce continuous built development for a considerable length of the joint boundary at little more than 1 metre from it. Although the intervening boundary wall would prevent overlooking, units 7 and 8 due to their height, size and proximity to the boundary would be visually obtrusive and overbearing when viewed from the rear gardens and windows of Nos 33, 34 and 35, resulting in harm to their living conditions.
26. I have noted the conclusions of the Inspector in relation to the 2003 appeal, however, the development in that scheme related to a gable elevation that extended for a relatively short section of the boundary. I accept that the Inspector concluded that the appeal site is within an accessible location and that there would be opportunity for landscaping to offset any loss of privacy.

Whilst I take note of these points these factors do not mitigate the effect of the proposed development given its particular siting and design.

27. Overall, I conclude that the development would harm the living conditions of the neighbouring residential properties with regard to outlook, privacy, noise and disturbance in conflict with Policy 2 parts 1 and 6 of the Local Plan where it seeks to ensure that development would not impact on neighbouring uses.

Living conditions – future residents

28. The majority of the rooms within Units 7 and 8 are dual aspect and provide areas of external space that would be away from the joint boundaries and not significantly overlooked by existing surrounding development. I am satisfied that units 7 and 8 have been designed to provide acceptably for the living conditions of future occupiers. The proximity of units 1 to 6 to the adjacent existing buildings has been established by the extant planning permission.
29. Having regard to the extant planning permission, I conclude that the proposed development would provide acceptable living conditions for its future occupiers in accordance with Policy 2 parts 1 and 6 of the Local Plan.

Other Matters

30. I appreciate that the appellant undertook pre-application discussions with the Council. However, the Council's response was not wholly supportive of the proposal and, in any case, I have considered the proposal on its own merits.
31. I accept that the site is within an accessible location close to the town centre where there is policy support for the principle of residential development. Even so, for the reasons set out, the site's location would not override my concerns about the details of the scheme.

Conclusion

32. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR