



Appeal Decision

Site Visit made on 29 June 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/B3030/D/21/3271674

Vicarage Cottage, High Street, Laxton, Newark, Notts NG22 0NX

- 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 R Waltham against the decision of Newark & Sherwood District Council.
 - The application Ref 20/02553/HOUSE, dated 29 December 2020, was refused by notice dated 26 February 2021.
 - The development proposed is the construction of a first floor to form a home office over an existing storage building within the curtilage of Vicarage Cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the setting of St Michael's Church (a Grade I Listed Building) and the Vicarage (a Grade II Listed Building), the character and appearance of the host building, and whether it would preserve or enhance the character or appearance of Laxton Conservation Area; and (ii) the effect of the proposal on the living conditions of occupants of 'The Old Reading Rooms', with particular reference to privacy.

Reasons

Character and Appearance / Significance of Heritage Assets

3. The appeal site lies within the Settlement of Laxton and is located in Laxton Conservation Area (CA). It relates to an existing single storey brick outbuilding within the rear garden of Vicarage Cottage a semi-detached two storey dwelling. The property shares the boundaries with No.1 Church Cottages and The Old Reading Rooms. The site is accessed via a lane running along the east side from High Street, which also gives access to the Vicarage, Grade II Listed to the rear of the site with the lane adjoining the grounds of St Michael's Church, Grade I Listed.
4. The CA was designated in 1970, it covers the built form of the medieval settlement of Laxton with agricultural land surrounding it. The CA within the immediate area to the appeal site is characterised by two-storey detached brick dwellings that directly front onto High Street within substantial plots, with some agricultural buildings within farm complexes. There are more modern dwellings, consisting of semi-detached brick dwellings along Timothy Road, directly opposite and adjacent to the access lane, varying in size but overall have similar architectural features and appearance. The listed church, St

Michael the Archangel is within a prominent position within the village, set in spacious grounds with a large graveyard area surrounding the frontage and side. It dates from the C13 with restoration taking place in 1859-1860, constructed of coursed squared rubble and dressed stone with ashlar, slate roofs, gabled and pyramidal and features a west tower. The listed Vicarage is set back away from the church grounds, being of a gothic revival style constructed of brick with both gable and hip roofs, it dates back to 1875 and was first listed in 1980.

5. Vicarage Cottage itself is a modern 20th century cottage with the access along a narrow lane. The lane also gives access down the side of the church into the churchyard and connects both the church and Vicarage together, having a close physical and visual relationship between the listed buildings. Therefore, the lane is important as it sits between the historic buildings, is attractive and forms part of the established character of the open and spaciousness surroundings including the CA.
6. Although, the appeal site is somewhat set back from the main highway, with a pair of semi-detached cottages sitting directly in front. There are significant views of the appeal site, including the property and outbuilding from along High Street, particularly at the entrance to the lane, views from within the churchyard and views across from the other side of the roadway on High Street where it adjoins Timothy Road.
7. The proposal involves the erection of a first-floor to an existing single storey outbuilding. The first-floor addition would create a home office, with the ground floor remaining as a store. The first floor would be a dual pitched roof with a dual aspect window to the north elevation and a dormer window along the east. Access to the first floor would be by an external staircase along the south elevation to a doorway.
8. The addition of another storey to the outbuilding would fail to be ancillary, causing harm to the originality of the single storey host building and its residential nature. The proposal to the outbuilding would appear incongruous and out of character within the immediate and wider setting. This would be exacerbated by its height to footprint ratio, leading to the proportions of the outbuilding and openings on the east being of an odd and alien appearance. As such, it would not achieve a high standard of design. Furthermore, as I observed at the site visit, there were no outbuildings that were of a two-storey nature within nearby garden areas and the appeal site has no characteristics which you would associate with a farmstead.
9. Despite the materials being acceptable and the height being lower than the existing dwelling. The extension to the outbuilding being that of an additional floor would be highly visible from along the lane as it directly sits along the boundary with it, High Street and from within the grounds of the Grade I Listed church and the Grade II Listed Vicarage. Therefore, due to the position, proposed scale and height of the outbuilding it would interrupt the spacious and wide historic views across that currently exist.
10. Furthermore, the proposed height of the outbuilding would result in a building being significantly obtrusive in these spacious views, thus detracting from the character and appearance of the conservation area and the historic setting and significance of the listed buildings. I acknowledge that there are some tree and

vegetation coverage particularly between the Vicarage and the appeal site, however this would be limited particularly during the winter months.

11. Taking the above points together, and mindful of the duties arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I conclude that the proposed development would cause harm to the character and appearance of the host building, fail to preserve or enhance the character or appearance of the CA and would harm the setting and significance of the Listed Buildings. It would be contrary to Core Policies 9 and 14 of the Newark & Sherwood District Council, Amended Core Strategy, 2019 and Policy DM9 of the Newark & Sherwood Local Development Framework, Allocations & Development Management, Development Plan Document, 2013 (DPD).
12. Taken together these policies expect new development to demonstrate a high standard of sustainable design and secure the continued conservation and enhancement of the character; Protect and enhance the historic environment including; the appearance and setting of the District's heritage assets and historic environment; the preservation and enhancement of the special character of Conservation Areas; and great weight should be given to the asset's conservation.
13. Whilst the harm to the heritage assets would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. From the evidence before me, there is limited public benefit to the proposed development. The proposal would only benefit that of the appellant in terms of home working. I do not consider the contention that a home office is promoting sustainable ways of working in these circumstances. Although, I accept that it would likely limit journeys to and from a workplace, however this does not outweigh the harm found to the significance and the weight to be given to the conservation of these heritage assets.
15. The proposal would also be contrary to Section 16 of the Framework as it would not conserve the heritage assets in a manner appropriate to its significance, or positively contribute to local character or distinctiveness.

Living Conditions

16. Access to the proposed first-floor of the outbuilding would be by way of an external staircase positioned to the south. This would result in an elevated platform. Despite, it being sited on the south elevation, it would have clear views when stood upon towards the west, particularly on the higher levels of the stairs and would directly overlook into the garden area of the adjoining property, '*The Old reading rooms*'. This would be exacerbated due to the distance of the common boundary and limited height of fencing. Thus, causing harm to the living conditions of those occupiers, to the detriment of their privacy and enjoyment of their private outdoor space/rear garden.

17. For the reasons given above, I conclude that the proposal would cause significant harm to the living conditions of the neighbouring occupier at '*The Old Reading Rooms*', with particular regard to privacy. It would be contrary to Policies DM5 and DM6 of the DPD. Amongst other things the policies require there to be no adverse impact on the amenities of neighbouring users including loss of privacy; and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity.
18. Although, I have not been provided with a copy of the Householder Development supplementary planning document, 2014 the Council refers to, it would appear from the evidence it would be at odds with the guidance contained within it.

Conclusion

19. The proposal would harm the living conditions of neighbouring occupiers and the character and appearance of the host building. It would harm the setting and significance of designated heritage assets and fail to preserve or enhance the character of the CA. Therefore, it would conflict with the development plan taken as a whole. There are no other material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

KA Taylor

INSPECTOR