
Appeal Decision

Site visit made on 29 June 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/G2435/W/21/3266289

Site of the Former Wesleyan Chapel, Dog Lane, Wilson, Derby DE73 8AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Rochester against North West Leicestershire District Council.
 - The application Ref 20/01365/FUL, is dated 16 September 2020.
 - The development proposed is erection of detached dwelling on site of the former Wesleyan Methodist Chapel (Resubmission).
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Mr J Rochester against North West Leicestershire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
4. The Council considers that the scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, highway safety, flood risk, ecology, effect on trees or airport safeguarding. Although the site is outside the limits of development the use of previously developed land is considered acceptable in principle. However, the Council considers that the proposed development would be out of keeping with the character of Wilson Conservation Area (WCA).
5. Planning permission for the construction of a dwelling has previously been granted at the appeal site and I have noted the details of the approved scheme.

Main Issue

6. Having regard to the above, the main issue is whether the proposed development would preserve or enhance the character or appearance of the WCA.

Reasons

7. The appeal site comprises the site of a former Wesleyan Methodist chapel building and surrounding land with a frontage to Dog Lane. The site boundaries are defined by a mix of fencing and hedges with a number of mature trees within and at the edge of the plot. A low wall with pedestrian entrance to the former chapel is still in evidence. Vehicular access is via an existing gate from the lane. A watercourse runs through the land following the edge of the former building, the siting of which can still be discerned.
8. The Wilson Conservation Area Appraisal and Study (September 2003) (CA Appraisal) identifies that part of the significance of the village is its agricultural origins. Its special character is partly derived from the informal grouping of farmhouses, outbuildings, and farmworkers dwellings together with the relatively open form of the settlement pattern. Buildings are predominantly constructed of brick, sandstone or render and there is timber framing to some of the traditional buildings.
9. Dog Lane has a rural character and appearance with buildings adjacent to it set in relatively spacious, landscaped plots. Brook Farmhouse to the south-west of the appeal site is a three-storey brick structure set back from the lane frontage. The dwellings broadly to the north and east comprise local vernacular buildings of linear form. The adjacent dwellings and buildings have a consistent rural aesthetic that is part of the significance, and an attractive component of, the WCA. This is acknowledged in the CA Appraisal in which all the adjacent buildings are identified as unlisted buildings of interest.
10. The proposed two-storey contemporary dwelling would have a larger overall footprint than the approved scheme. Its width and depth would introduce a significant amount of built form on to a relatively tight plot. The mono-pitched and flat roofs would be significantly at odds with the design of the surrounding structures and coupled with its overall height the dwelling would appear prominent and incongruous from the lane frontage. The use of curved walls is not a detail that is replicated in the surrounding buildings, although there are curved boundary walls. The vertical timber cladding does not reference the materials in the immediate vicinity of the site and adds a vertical emphasis to the building which is not consistent with the wider WCA.
11. I note that the Council uses various terms to describe the design of the proposal and the reasons for objecting to it. I also acknowledge the appellant's reference to Historic England's advice. Even so, situated immediately adjacent to Dog Lane the dwelling would be clearly visible within the public domain and would be a conspicuous element of views along the Lane. Within such a prominent position the size, massing and form of the proposal, its materials and detailing would not be sensitive to the defining characteristics of the local area and would look harmfully out of place.
12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas. In addition, the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of heritage assets. The proposal would be modest, and in the terminology of the Framework it would result in less than substantial harm to the significance of the WCA as a designated heritage asset. 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 proposal.

13. The Framework promotes and supports the development of under-utilised land and buildings and it also seeks to boost the supply of housing. There is no disagreement that the land can be redeveloped and there is a scheme for its redevelopment in place. There would be no additional contribution to the delivery of housing or economic and social benefits that could not be derived from the approved scheme. Nevertheless, the approved scheme has not been implemented and in so far as the appeal proposal could also deliver the same economic and social benefits, I attach moderate weight to these matters.
14. The design is said to incorporate new construction methods, materials, and technology. It is also indicated that the pitch of the roof would be optimum for siting of solar or PV panels. There is little explanation of the technology and materials of the design and I therefore can only attach limited weight to the potential of the site to minimise energy consumption and provide innovative design technology. These moderate and 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.
15. Overall, the development would not preserve or enhance the character or appearance of the WCA. It would conflict with Policies He1, D1 and S3(i) of the North West Leicestershire Local Plan (November 2017) where these policies seek to ensure the conservation and enhancement of the historic environment and local distinctiveness is safeguarded and enhanced.

Other Matters

16. I appreciate that in accordance with case law policies must be balanced and weighed prior to determination and there should be consistency in decision making. My approach in this appeal decision is not inconsistent with the stated case law.
17. I acknowledge the concerns raised by local residents in relation to living conditions, flood risk and traffic. However, based on the evidence before me and my site visit, I find no reason to disagree with the Council's conclusions on these matters.
18. I also note the letters of support for the local developer who is well respected for the high quality and success of other projects. However, the planning permission runs with the land and there can be no certainty that the developer would implement the scheme. Nor does this matter outweigh my concerns about the scheme's design.

Conclusion

19. 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