



Appeal Decision

Site Visit made on 29 June 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2021

Appeal Ref: APP/E2530/W/21/3272460

48 Church Street, Long Bennington NG23 5EN

- 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 Barry Woodward against the decision of South Kesteven District Council.
 - The application Ref S21/0056, dated 9 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is erection of a residential dwelling in the rear garden of 48 Church Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's appeal questionnaire form indicates the proposal would not affect the setting of a listed building. However, the Council has since confirmed that this was an error. It is clear from the Council's delegated report, decision notice and the publicity that took place during the planning application process that the position of the Council is that the proposal would affect the setting of a listed building and I have taken this into account in defining the main issue.
3. Since the appeal has been lodged the revised National Planning Policy Framework (the Framework) has been issued on 20 July 2021. However, there have been no material changes to the relevant parts of the Framework's policies concerning heritage assets. Therefore, it has not been necessary to go back to the parties for further comments in this particular instance.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area including whether the setting of the Grade II Listed Building at No 48 Church Street would be preserved.

Reasons

5. No 48 Church Street is a Grade II listed early C19 dwelling. The listed building incorporates attractive traditional detailing including timber framed sash windows, a slate roof and a distinctive chequered red and cream brickwork to its principal elevation. It is situated within a corner plot with a substantial lawned garden between its principal elevation and the boundary with Acklands Lane. These lawns also extend beyond the footprint of the listed building and its later rear additions towards the boundary with No 16 Acklands Lane. The large extended frontage provides a distinct break between the listed building

and the more contemporary architecture of the bungalows on Acklands Lane. The spacious attributes of the frontage also give a semi-rural character to this part of the street scene, positively contributing to the setting of the listed building and adding to its significance.

6. The proposal would considerably curtail the grounds associated with the listed building, eroding the spacious setting within which it has been historically appreciated. The dwelling would occupy a prominent position within the plot, significantly forward of the principal elevation of the listed building. Even accounting for boundary treatments to Church Street and Acklands Lane, the contemporary design of the proposal including its large glazed front gable, would be highly appreciable from these roads and would jar with the distinct traditional architecture of the listed building. For these reasons, the development would have a detrimental effect on the street scene and would not conserve or enhance the setting of the listed building.
7. The appellant contends that there was previously a dividing hedge and that the later additions to the rear of No 48, which extend closer to the boundary of the appeal site, do not form part of its listing. However, the extent of a listed building's setting is not fixed. I have identified the positive contribution that the appeal site makes to the setting of the listed building and these factors do not alter my findings.
8. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
9. The development would result in less than substantial harm to the setting of the Grade II listed building at No 48 Church Street. Paragraph 202 of 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.
10. There would be a limited public benefit through the provision of a single market dwelling. However, I must attach great importance and weight to the desirability of preserving the setting of the Grade II listed building. There are therefore no public benefits of sufficient weight to outweigh the less than substantial harm that would arise from the proposed dwelling on the setting of this heritage asset. The proposal would therefore be contrary to the Framework's policies concerning heritage assets, most particularly paragraphs 199, 200 and 202.
11. I conclude, the development would have an adverse impact on the character and appearance of the area and would not preserve the setting of the listed building at No 48 Church Street. In that regard it would conflict with the requirements for development to be in keeping with the character of an area, sensitive to the setting of adjacent properties and to protect and enhance heritage assets and their settings in Policies EN6 (The Historic Environment), DE1 (Promoting Good Quality Design) and SP3 (Infill Development) of the South Kesteven District Council Local Plan (2020), Policy LB2 (Design

Principles) of the Long Bennington Neighbourhood Development Plan (made 2017) and the Framework.

Other Matters

12. My attention has been drawn to examples of other development close to listed buildings within Long Bennington. I have not been provided with the full details of these developments or the material considerations that were relevant in each case. However, it is unlikely the developments referred to were identical to the appeal proposal as all the examples refer to development which has been built behind the respective listed buildings. Therefore, these examples do not convince me that the site-specific harm I have identified in this case would be justified.
13. My attention has also been referred to the development 'next door but one' on Acklands Lane. However, that particular dwelling is tightly sited amongst other contemporary dwellings and for that reason is not comparable to the appeal proposal.
14. The appellant has raised concern that the Council's architectural consultant is not a member of the Institute of Historic Building Conservation (IHBC) and did not visit the site. Whether or not this is the case, from the evidence before me the Council has been consistent in raising its concerns as to the potential relationship of a dwelling with the setting of the listed building at No 48 Church Street, including in previous comments provided by its Principal Conservation Officer. Ultimately, it is the Council's decision whether or not to take the advice of consultees into account when making its decisions. In this case, I have visited the site for myself and for the reasons set out have also found that the proposal would be harmful to the setting of the listed building.

Conclusion

15. The proposal would harm the character and appearance of the area and would not preserve or enhance the setting of the listed building at No 48 Church Street. It would conflict with the development plan taken as a whole. There are no 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.

M Russell

INSPECTOR