



Appeal Decisions

Site Visit made on 9 July 2021

Hearing held on 13 July 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal A Ref: APP/E2001/W/20/3260961

Hall Cottage, North Drive, Swanland HU14 3QU

- 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 Planet Igloo Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01336/PLF, dated 4 December 2018, was refused by notice dated 1 July 2020.
 - The development proposed is Conversion of existing cottage for residential use following demolition of modern extension and erection of two additional residential units.
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Appeal B Ref: APP/E2001/Y/20/3260955

Hall Cottage, North Drive, Swanland HU14 3QU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Planet Igloo Ltd against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/01337/PLB, dated 4 December 2018, was refused by notice dated 1 July 2020.
 - The demolition proposed is Conversion of existing cottage for residential use following demolition of modern extension and erection of two additional residential units.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. Although the Council has cited concerns in relation to surface water drainage in its decision, the evidence before me indicates that the Council is satisfied that its concerns could be dealt with by condition if the appeal is allowed. There is nothing before me to indicate that this would not mitigate the identified harm. As such I am satisfied that this reason for refusal need not be considered further.
4. Although the appellant's heritage statement¹ states that Hall Cottage is curtilage listed in its summary and introduction, curtilage listing was raised as

¹ Built Heritage Statement, February 2019

an issue of dispute during the appeal. As such I have included it in my main issues.

5. It was agreed at the hearing that the Coach House is curtilage listed. Accordingly, it is appropriate to include consideration of its heritage significance in my reasoning, in line with my statutory duties. As this was not a matter of dispute, I see no reason why this would be prejudicial to either of the main parties.

Main Issues

6. The main issues are:

- Whether Hall Cottage should be considered to be curtilage listed (Appeals A and B);
- Whether the development would preserve the Grade II listed building of Swanland Hall and the curtilage listed Hall Cottage and Coach House, or any features of special architectural and/or historic character that they possess, including settings (Appeals A and B);
- The effect of the development on the living conditions of future occupiers with regard to external amenity space and outlook, and existing occupiers of the Coach House with regard to overlooking (Appeal A); and,
- Whether the development would have an adverse effect on the future health and longevity of protected trees (Appeal A).

Reasons

Swanland Hall

7. Swanland Hall (the Hall) was built in the mid to late 18th century as a substantial country residence for one of Hull's wealthy merchant traders. It comprises a three-storey rendered and painted brick main house with string course bands, hipped and gabled slate roofs and has a rectangular plan central range.
8. Small changes were made to rear of the main house in the 19th and 20th centuries, comprising various single and two storey extensions attached to the south wing. A substantial northern three storey wing and extension, built in a style reflective of the main house, was added in the late 20th century.
9. The original estate included extensive landscaped grounds and carriage drives overlooked by an east facing principal elevation, and records indicate that the estate also contained coach houses, offices and other outbuildings, fish-ponds, hot houses, plantations and orchards as well as trees, woods and gardens. However, the estate's extensive land holdings were broken up in 1926 and the main house was converted to apartments in the 1980's.
10. To the rear, historic maps show two distinct buildings arranged in a rectangular formation around a rear courtyard, and accessed from a service drive entering the courtyard from the south. One of these buildings, Hall Cottage (the Cottage), is a long narrow building sited to the west of the Hall. This comprises a two-storey range with a cottage appearance and an attached single storey range which appears to have been built for storage or stabling and most recently used as a garage. The scale and architecture of both sections of the

Cottage are clearly subservient to the Hall, and historic sales and map documentation indicate that the Cottage was one of the Hall's ancillary buildings. The listing refers to the Cottage as a wash house and stables. For clarity I will also refer to the different sections of the Cottage as the wash house and stables.

11. The two-storey wash house is constructed of rendered brick and is flat sided apart from a 20th century porch addition. It has a shallow pitched roof with eaves dormers on the eastern elevation, and modest windows on the ground and first floors. On the basis of what is before me it appears that many of the current door and window openings are 20th alterations. However, it presents as an unpretentious domestic and functional building built in a simple vernacular style and it seems that its lack of articulation, overall form, footprint and mass has not significantly changed since it was built. The contrast in scale and style between the wash house and the Hall clearly highlights the wash house's ancillary status.
12. The Council suggests that the stables has been reduced in length since originally constructed. It was clear to me that the northern gable end has been rebuilt to accommodate a garage door, and the survey indicates that there are some replacement roofing timbers. Nonetheless, there is nothing before me to indicate that the bulk of the stable's footprint and structure is anything other than original, and built around the same time as the wash house. My conclusions in this regard are reinforced by the timber doors and window frames on the elevation facing the Hall, cobbled effect flooring, the rustic timber ceiling and where exposed, the internal brickwork. In addition, a historic planning application shows that the building was originally subdivided internally into separate areas, accessed from the doors that remain today. Notwithstanding the rebuilt gable end and limited roof works, and the removal of the internal bays shown on the earlier planning application, I disagree with the appellant that this is a modern extension, as described in the description of works. As with the wash house, the stables' overall scale and form are clearly indicative of subservient status.
13. The second structure is a converted outbuilding now known as the Coach House. This is sited immediately to the north of the Hall and close to the eastern side of the appeal site. The Coach House has been converted into a residence and there has been some consolidation of its former roof form. Nonetheless, the roof has retained its distinctive turret and weathervane, and it has been converted in a style which reflects its context despite the 20th century conversion.
14. The Hall and the Cottage are separated by a boundary wall which runs across the site of the former courtyard, some 4 – 5 metres from the Cottage's eastern elevation.
15. Residential development has encroached into the former estate, with cul de sacs lined with spacious detached dwellings to the east, north and west. However, to the rear of the Hall the appeal site boundary appears, with exception of a small amendment at southern end, to coincide with the plot boundaries associated with the Cottage on the 1857 Ordnance Survey (OS) map.

Curtilage listing

16. The courts have found that there are three factors to be taken into account with regard to curtilage. These are the physical layout of the listed building and the ancillary building, their ownership both historically and at the date of listing, and their use and function, also historically and at the date of listing.
17. I have set out above that the Cottage and the Coach House are former outbuildings and have a clearly documented physical relationship with the Hall dating back to the Hall's heyday.
18. The appellant advances the argument that at the time of listing in 1980 the aforementioned boundary wall separated the Hall and the Cottage, and that the Cottage could not have an ancillary function as the Hall was unoccupied following the death of its owner. However, the 1980 photograph shows an arch in the wall and the listing confirms that the arch was not blocked up until around 1986 -7. There is nothing before me to indicate that the Hall and the Cottage were in separate ownership or physically separated when the Hall was listed.
19. Moreover, evidence was given at the hearing that the Cottage was used as a dwelling by persons attending to the care needs of the Hall's last occupier. I see no reason to disagree with that evidence and it was not disputed by the appellant. The evidence suggests that the wash house was used as a separate residence from the mid-1920s. However, I see no reason why ancillary buildings associated with a principal residence should not fulfil a number of ancillary functions. It seems to me that caring for a person in ill-health, together with any animals that they might own, could be construed as a service or ancillary activity related to the occupation of the principal building and demonstrates a functional link.
20. It was also reported at the hearing that the individual undertaking those caring duties was gifted the residence in the Hall owner's will. This reinforces the arguments advanced that occupation of the Cottage in the period leading up to the owner's death, was not an independent rental.
21. I appreciate that Historic England described the Hall as disused and derelict at listing and the appellant argues that a derelict and unoccupied building could not have a use requiring an ancillary function. However, the Hall was occupied until the owner's death in 1979 so irrespective of Historic England's comments, it is difficult to reconcile its recent occupation with the usual meaning of the word derelict, a year later. It is unclear whether Historic England was referring to parts or the whole of the Hall. In any case, even if I conclude that the Hall was unoccupied in 1980, there is nothing before me to indicate that the Hall should lose its underlying residential status during a temporary period of non-occupation.
22. In addition, there was no dispute at the hearing regarding the curtilage listing of the nearby Coach House. If I gave weight to the arguments that the functional link between the ancillary buildings and the Hall was lost when it became empty after the death of its owner, this would also apply to the Coach House.
23. Moreover, in 2018 Historic England stated that although heavily altered and unsuitable for listing in their own right the buildings *are of considerable local*

interest, having a close relationship with the Hall, illustrating the difference in status between the owners and their servants and the functioning of a country house in the 18th and 19th centuries. Had the Hall's former derelict state precluded the curtilage listing of the Cottage, I would have expected Historic England to have pointed this out in 2018. Although the language used by Historic England in this regard is somewhat ambiguous, it does not dispute the Council's position that the Cottage and the Coach House are curtilage listed.

24. Historic England also states that curtilage listed buildings are not necessarily identified on plans. Consequently, the argument that the Cottage is not shown on the listing map could support the arguments for both parties.
25. The appellant's own heritage statement states that the Cottage is curtilage listed as a consequence of its date and association with the Hall. On the basis of what is before me and notwithstanding the arguments made during the appeal, I conclude that on balance that the Cottage should be considered to be curtilage listed.

Heritage Assets

Significance – Swanland Hall

26. The Hall, the Cottage and the Coach House remain broadly within the same visual envelope when viewed from various points to the west. There are oblique views of the Hall's largely unaltered southern and rear elevations across the appeal site from Stratton Park, as well as direct views of the Cottage through a gap in the hedge boundary. There is also intervisibility between the Cottage, the rear of the Hall and the Coach House from within the site. Moreover, although the current hedge limits views from Stratton Park, this could be reduced in height at any time.
27. The wash house and stables present as fairly dilapidated and the Coach House has been converted into a rather grander structure than was originally present. However, this does not prevent the broad appreciation of the spatial relationships between these three buildings as demonstrated by their arrangement, contrasting scale and overall form. This is reflective of their former functional and socio-economic relationships.
28. Although the Hall's northern wing is unduly prominent, particularly in viewpoints from within the northern portion of the site, a comparison of the current footprint of the Hall and the 1857 and subsequent OS maps, shows that there was a structure in that location until at least 1948. Although the form and scale of that structure are unknown, it projected as far into the courtyard as the current northern wing. As such, and notwithstanding that this is a modern addition omitted from the listing, I give limited weight to the argument that the 20th century northern wing has eroded the original spatial and visual connection between the Hall and its outbuildings. In any case, even where views of the Halls' southern rear elevation are blocked by the northern wing, I was not unaware of the Hall's presence or its influence on the underlying building pattern. It does not prevent the appreciation of those elements that remain.
29. I appreciate that the boundary wall now separates the Hall and the Cottage but there appears to have been a boundary along this line in 1897 and there is no

suggestion that the Cottage was not an integral part of the estate in 1897. In any case the wall only partly obscures views and does not alter my reasoning.

30. The Cottage sits within a relatively spacious plot, which as noted above, appears to reflect historic plot boundaries. It is sufficiently set back from Stratton Park so as not to be overwhelmed by the rather more suburban character of the modern street scene and provides a buffer between the rear of the Hall and Stratton Park.
31. The relative spaciousness of the modern building pattern to the west of the Hall and the presence of many mature parkland trees on all sides also demonstrates a more subtle reference to the enduring influence and extent of the Hall's former estate. The loss of that estate land, particularly to the east of the Hall, does not diminish the contribution that the appeal site and the Cottage make to the immediate setting of the Hall. If anything, the wholesale reduction of estate land increases the significance of the remnant structures and their relationships, particularly as the Cottage appears to have retained its original plot to a significant degree.
32. I conclude that the significance of the Hall arises principally from its internal and external historic fabric. However, the Cottage and the Coach House, including the space around the Cottage afforded by the appeal site, make a highly positive contribution to the Hall's current setting and add to its overall significance as they are reflective of the often unseen but necessary services required for the functioning of former landed estates.

Significance – Hall Cottage

33. The significance of the Cottage arises from its overall form and typology, and its spatial and visual relationship with the Hall and the Coach House. There is also some significance in such intact historic fabric as remains. I also find some significance in relation to the Cottage's own setting within the appeal site given that the long plot appears largely unchanged and reflects the layout of the original estate. Although the garage has been partly rebuilt the Council states that its footprint, scale and massing are generally that of the original structure. I see no reason to disagree with the Council's view in this regard.

Significance – Coach House

34. The significance of the Coach House is derived from such historic fabric as remains, and its spatial relationship with the Hall and the Cottage which reflects its position around the former courtyard and its functional relationship with the Hall and the Cottage.

Significance – Conclusion

35. Although the north wing obscures intervisibility between the original parts of the main house and its former outbuildings from some points within and outside the site, I am not satisfied that the northern wing precludes the visual appreciation of the Hall from this direction or prevents an understanding of the former layout or morphology of this part of the estate.
36. Each of these three buildings contributes to a greater or lesser extent to the significance and settings of the other two with overlapping and complementary evidential, spatial and visual relationships. Even if those relationships and settings cannot be fully seen from the public domain this does not diminish

their underlying significance. In any case the boundary hedges to the site's south and west could be reduced in height or removed altogether.

37. I agree that visibility alone does not necessarily confer significance on the setting of a heritage asset. However, in this case, the spatial relationship between the principal building and its former outbuildings, their proximity and contrasting architecture, is reinforced by such visibility as there is.
38. I conclude that the Cottage and the appeal site represent an integral part of the Hall's setting and function. In this regard I concur with the heritage statement which concludes that *the site forms a component of the setting of the asset that contributes to its significance by way of being an outbuilding formerly associated with the Hall.*

Proposals

39. It is proposed to accommodate three dwellings on the site. This would be achieved by demolishing the stables and adding gabled extensions on each side of the wash house. There would also be a garage opening created within the existing structure on its western elevation. There would be two additional detached dwellings to the Cottage's immediate north and south. Each of the three dwellings would be accessed directly from Stratton Drive.

Effects

40. The demolition of the stables would result in the loss of some historic fabric as well as removing a proportion of the ancillary buildings associated with the Hall in its heyday. I appreciate that there is limited historic interest with regard to the stables but nonetheless the stables' overall form and scale has evidential value in demonstrating the extent of the outbuildings and their simple vernacular style.
41. The addition of a more steeply pitched roof extension on the wash house's western elevation would dominate and detract from the wash house's scale and underlying linear form. The contrasting roof pitches would also jar and although I recognise that the steep roof pitch would reflect the roof pitch of the existing stables, the stables' roof is aligned with the wash house ridge, rather than being perpendicular. In any case, as it is proposed to demolish the stables I am unclear why this reference has particular relevance.
42. There would also be a single storey gabled extension on the wash house's eastern elevation, extending almost to the Hall's boundary wall. The form of this elevation would be subservient to the host dwelling. However, although it would intrude into the space between the Hall and the Cottage, I am satisfied that its overall height and scale would not be particularly detrimental to the appreciation of the wash house or its remaining visual relationship with the Hall.
43. With regard to the inclusion of a garage, this would not alter the overall form or mass of the wash house. Although there would be some loss of historic fabric I am satisfied that this alteration would not be sufficient on its own to have a particularly negative impact on the setting or appreciation of the Hall or the wash house.
44. Plots 1 and 3 would have a predominantly linear form of similar width to the wash house, and would have the same ridge height. However, each would

have significant two-storey gabled extensions projecting from their western elevations. Plot 1 would also have a curious flat roofed section on the southern side of the gabled extension. In each case the proposed designs would fail to reflect the underlying simplicity of the Cottage. Although the dwellings would not be unattractive in their own right, they would dominate the street scene and the typology would appear contrived and over-articulated in this context.

45. The development would also represent a significant increase in bulk and mass between the hall and the Cottage which could, given the plot sizes, represent overdevelopment. It would also intrude into the setting of both the Cottage and the Hall, and would introduce contemporary styled structures which would fail to reflect the Cottage's simple and vernacular form. The proposals would also largely obscure the remaining part of the Cottage when viewed from Stratton Park and prevent intervisibility within the site. I appreciate that if assessed in isolation dwellings of this design could make an appropriate contribution to the street scene. However, this does not alter my reasoning with regard to harm that would ensue in relation to the appreciation of the Hall and its former estate buildings as a consequence of loss of openness, inappropriate form and a negative impact on the setting of the Hall as well as to a lesser extent, the Cottage and the Coach House.
46. It is also the case that the openness currently evident on the appeal site extends to the open setting of dwellings on Stratton Park. In this regard alone, two additional dwellings would appear somewhat cramped within the site.
47. I conclude that the development would have an adverse effect on the settings of the Hall, the Cottage and the Coach House and would diminish their heritage significance. This would amount to less than substantial harm. Even if I had not concluded that the Cottage was curtilage listed, the extent of development on this site would detract from the setting and significance of the Hall, also leading to less than substantial harm.
48. Paragraph 196 of the Framework requires that where there is less than substantial harm, this should be weighed against the public benefits of the proposal including securing its optimum viable use. This is considered in the planning balance.
49. The Framework sets out three categories of harm to the significance of heritage assets; total loss, substantial harm and less than substantial harm. The appellant argues that the harm would sit at the lower end of the spectrum of less than substantial harm, and that Planning Practice Guidance (PPG) states that within each category of harm, the extent of harm may vary and should be clearly articulated. However, it is unclear to me whether PPG is referring to the articulation of sub-categories of harm or the articulation of the circumstances of that harm. In any case, the courts have found that there are no intermediate categories of harm². Even if I found that the degree of harm was at the lower end of a notional spectrum of less than substantial harm, Paragraph 193 of the Framework states that irrespective of the identified level of harm, great weight should be given to an asset's conservation and that any harm requires convincing justification.

² R (oao James Hall and Co Ltd) v City of Bradford Metropolitan District Council and Co-operative Group Ltd [2019] EWHC 2899

50. Swanland Hall was designed to present an imposing public frontage when viewed from the east. However, this does not negate or diminish the significance I attribute to the relationship between the Hall and the buildings that provided essential services. These would have been placed out of the public eye but are nonetheless important to the understanding of the socio-economic conditions of the time and the functioning of this estate. In any case, the limited garden to the Hall's east is little more than a token to any appreciation of the former extensive parkland.
51. I appreciate that the Hall's recent extension is excluded from the listing but this does not alter my reasoning and does not affect my assessment of significance of those elements that are listed or considered to be curtilage listed.
52. I acknowledge that there has been a side extension to the wash house at a point in the past. However, its height and scale is unknown. Overall, the long linear footprint of the Cottage appears fairly consistent throughout the map regression between 1824 and 1897, and retains that form today. The side extension appears only on the 1857 OS map. In any case, there is nothing before me to indicate that the proposed gabled extension is of similar scale or form to that 1857 extension.
53. I conclude that the development would fail to preserve the setting of the Hall or features of special architectural and/or historic character. In this regard it would be contrary to Policy ENV3 Part B of the Local Plan (LP) which is concerned with the views, setting, character and appearance of heritage assets with regard to listed buildings and their settings. It would also be contrary to the design aims of LP Policy ENV1 which requires development to have regard to the specific characteristics of a site's wider context, including contribution to a sense of place.
54. The proposals would also be contrary to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the Framework, which is concerned with conserving and enhancing the historic environment.

Living conditions

55. The three dwellings would have very shallow rear gardens, with about 4 -5 metres between their rear elevations and the Hall's boundary wall or the western elevation of the Coach House. This would provide a corridor of amenity space which would be heavily shaded for most of the day by the Hall, the boundary wall and the dwellings themselves.
56. In the case of Plot 1 there would be additional external space around and under the protected sycamore. However, although Plot 1's garden would be larger than Plots 2 and 3, the sycamore would oversail a large proportion of the available space, leaving very limited strips of land that would be overshadowed by the dwelling and the Hall's northern wing for long periods.
57. For Plots 2 and 3 the only alternative amenity space would be at the front of the dwellings, in space that would also be used for parking and turning. In the case of Plot 2 the front garden would also be dominated by a mature and protected oak tree. This would oversail a large proportion of the garden space as well as casting significant shade. The overshadowing effect of the oak tree

- would be aggravated by Plot 2's gabled extension and the hedge along the Stratton Park boundary.
58. Moreover, the tandem parking shown for Plot 2 seems unrealistic. It seems highly likely that additional hardstanding would be needed to enable turning within the plot. This would reduce the area available for garden space further.
59. In my experience there is very little tolerance of mature trees in small gardens where they dominate the available space and cast shade. Given that Plots 2 and 3 are 5-bedroomed homes, and likely to be aimed at the family market, I am not satisfied that the external amenity areas proposed would provide sufficient usable space.
60. I conclude that the development would provide inadequate and unsatisfactory external usable amenity space which would be detrimental to the living conditions of future occupiers.
61. Two of the bedrooms in Plot 1 would not have any windows or rooflights. The appellant argued that this is due to design constraints. However, it seems to me that if design constraints preclude windows in two of the bedrooms in a new 5 bedroomed dwelling, there is a fundamental conflict between the context and scale of that dwelling. It was suggested that the rooms could be illuminated by sun-tubes but this would represent a poor standard of accommodation and would be detrimental to the living conditions of future occupiers in relation to outlook. Adding windows by condition would represent a significant change in the application and it would be inappropriate to deal with such matters in that way.
62. One of the windows to The Coach House's kitchen currently looks onto the site over a low hedge. However, I am satisfied that this is a secondary window and the directly opposing windows at Plot 1 would be obscure glazed. Although I appreciate that new boundary treatments at the rear of Plot 1 could block outlook from that window, it remains that the appeal site boundary runs close to the Coach House's western elevation and it would not be unreasonable for appropriate fencing or hedging to be installed along that line.
63. The development would therefore have an adverse impact on the living conditions of future occupiers with regard to external amenity space and outlook, and in this regard would be contrary to LP Policy ENV1 B4) which requires development to have regard to the amenity of proposed properties. It would also be contrary to Paragraph 127 of the Framework which requires development to provide a high standard of amenity for existing and future users.

Protected Trees

64. As set out above, the two protected trees would dominate the limited amenity space of the gardens within which they are located, and cause an unreasonable degree of overshadowing for Plots 1 and 2. It is also highly likely that issues could arise in relation to the shedding of debris in gutters, on cars and paving, and light loss within the dwellings.
65. In particular, Plot 1 would have two sets of french doors serving a large family kitchen and living areas. These would be north facing and also face the sycamore which has a dense canopy which would aggravate the limited light conditions arising from the windows' aspect. Similar issues are highly likely to

arise in relation to the oak tree at Plot 2 where the oak's canopy would extend within 2 – 3 metres of the gabled extension, which in itself would restrict light entry into windows on the dwelling's western elevation.

66. As such, it is not difficult to foresee a situation where repeated arguments are advanced that dwellings have been allowed to be built too close to protected trees and that their presence is detrimental to living conditions. It follows that it seems highly likely that the Council would come under pressure to allow the removal of the protected trees or at least severe pruning, which would be detrimental to the character and appearance of the area as well as the trees' future health and longevity. In such circumstances the protection afforded by the Tree Preservation Order would not necessarily prevent the trees' removal or significant works. On the basis of what is before me, it seems likely that a decision maker could agree.
67. Moreover, although not shown anywhere on the drawings, the site is not level. Both trees are raised above the existing Cottage floor levels, and by a significant degree in the case of the oak tree. There is nothing before me to indicate how these level changes would be accommodated in what are fairly densely developed plots, and level changes could be detrimental to the trees' future wellbeing. I am not satisfied that the generic tree protection measures submitted give sufficiently specific detail. Even if the architect is satisfied that the level changes could be suitably accommodated, I am not.
68. Nor am I satisfied that this could be dealt with by condition. I appreciate that there are no-dig methods of construction but these techniques can only be used where levels can be raised. As noted above it seems likely that the front garden of Plot 2 would be needed for additional hardstanding to enable vehicular turning within the site. Stratton Drive is higher than the Cottage floor levels, so any such increase in hardstanding could require level reductions within the oak tree's root protection zone. Even if this work was not carried out as part of the development it seems very unlikely that future occupiers of a smart 5 bedroomed dwelling in what appeared to me to be a rather exclusive setting, would be satisfied with tandem parking arrangements in the longer term.
69. I conclude that the development would be highly likely to have an adverse impact on the future health and longevity of the protected trees for the reasons set out above. It would therefore be contrary to LP Policy ENV2 which requires development to ensure important trees are retained, unless their removal can be justified in the wider public interest.

Planning balance

70. Parts of the Cottage, including the garage, are in a poor state of repair. This appeared to be related primarily to water ingress arising from blocked drains and gutters, and a weathered chimney stack. There were no significant structural concerns identified in 2015 although it seems likely that the damage caused by uncontrolled water ingress since the structural survey has caused further deterioration to the building fabric.
71. There is nothing before me to indicate that the Council would not be receptive to the redevelopment of the Cottage. The provision of three dwellings in an accessible location and including the renovation of a deteriorating heritage asset would represent a public benefit.

72. However, the works would by their nature and extent significantly detract from the setting of both the Hall and the Cottage and would consequently diminish their significance. I have also found harm in relation to the living conditions of future occupiers and to existing protected trees, which would be concerns in the absence of any heritage designation. Even if I had found that the Cottage was not itself curtilage listed, it would still be an integral part of the Hall's overall appreciation and evidence of the estate's former extent and presence in Swanland. In that respect the proposals would remain detrimental to the significance of the Hall.
73. I appreciate that these proposals have been amended in response to the Council's concerns in respect of previous applications, but there is nothing before me to indicate that there are not other design options which would be more sympathetic to the site's context. In any case, I am concerned with the appeal before me. Although viability issues have been mentioned there is nothing before me to substantiate those arguments. In any case, that the site should be redeveloped for residential use does not appear to be a matter of dispute.
74. I also acknowledge that the Council has made an allowance for windfall development in its housing land supply allocations. However, although I attribute modest public benefit to three additional dwellings in this location, the evidence before me suggests that there is a local oversupply of the size of dwelling proposed here. The development would not address the local shortage of smaller dwellings.
75. As such I conclude that that the public benefits arising from the development are not outweighed by the potential harm identified above. In this regard the development would fail to accord with LP Policy ENV3 Part C. This states that development that is likely to cause harm to the significance of a heritage asset will only be granted permission where the public benefits outweigh the potential harm. The development would also fail to meet the similar test set out in Paragraph 196 of the Framework.

Other Matters

76. Interested parties have raised other concerns including access and on-street parking stress. However, as I have found harm in relation to the main issues it is not necessary for me to consider these issues further.

Conclusion

77. In the light of the above, I conclude that Appeal A would fail to accord with Section 66 of the Act, the relevant policies of the Local Plan, and national guidance. The appeal is dismissed.
78. Appeal B would fail to accord with Section 16 of the Act, the relevant policies of the Local Plan and national guidance. The appeal is dismissed and listed building consent is refused.

A Edgington

INSPECTOR

APPEARANCES

Appellant

Mr S Britt

Mr C Calvert

Council

Mr A Devey

Ms S Lamming

Interested parties

Mr G Bennett

Ms J Dains

Additional documentation introduced during the hearing

Swanland Trail leaflet