



Appeal Decision

Site visit made on 22 February 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 5th April 2022

Appeal Ref: APP/B3030/D/21/3279282

Chapel Cottage, Main Street, Edingley NG22 8BE

- 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 and Mrs Wright against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00436/HOUSE, dated 21 February 2021, was refused by notice dated 29 April 2021.
 - The development proposed is a detached garage and out-building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the character and appearance of the area, with particular regard to whether the host dwelling and an adjacent former chapel building are non-designated heritage assets (NDHA).

Reasons

3. The proposed building would lie between the host dwelling and a former Methodist Chapel. Whilst the buildings are included in the county's historic environment record (HER), neither is listed or included on a local list compiled by the Council. Both buildings are considered by the Council and its Conservation Officer to be NDHAs with reference to the Council's draft document "Non-Designated Heritage Asset Selection Criteria", which is currently undergoing consultation. The appellants dispute the NDHA status of both buildings.
4. The Planning Practice Guidance (the PPG) indicates that NDHAs are buildings, monuments, sites, places, areas or landscapes identified by plan making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. The PPG sets out that in some cases local planning authorities may identify NDHAs as part of the decision-making process on planning applications. Thus, any lack of reference to heritage considerations during the assessment of previous planning applications does not prevent the Council from considering the matter during the current proposal.
5. Core Policy 14 of the Amended Core Strategy (the CS) states that NDHAs include buildings of local interest, or as identified on the relevant HER. Furthermore, in weighing applications that directly or indirectly affect NDHAs, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The National Planning Policy Framework (2021) (the Framework) sets out that the effect of an application on the significance of a NDHA should be taken into account in determining the application, and echoes the balancing exercise set out in Core Policy 14.

6. Main Street has a number of historic red brick buildings. Front or side gardens, pasture fields, tracks or allotments lie adjacent to the street at several points and these contribute to a pattern of development which is regularly interspersed by spacious gaps, reflecting the village's rural location.
7. Chapel Cottage is an evidently historic property of two-three storeys and a red-brick construction. It has been altered by more recent extensions and by the conversion of an outbuilding. A plaque on the cottage appears to show the date 1705.
8. The chapel is a small building of red brick construction which has a modern extension to one side. The date "1838" appears on the brickwork. The Council's Conservation Officer considers that the building is illustrative of the growth of Non-Conformist worship in the early 19th century.
9. The historic original elements of both buildings are clearly legible from the public realm despite their more recent structural additions. The cottage has architectural and historic interest as a characteristic red brick village dwelling of some apparent age with a prominent position on the main street. The chapel has similar interest in representing Non-Conformist worship of the period. Thus, I consider both the cottage and the chapel to be NDHAs.
10. A pasture field lies to one side of the chapel, providing a rural setting to the building. A drive and the cottage's garden lie to the other side, also providing a verdant gap in development which is typical of the area's spacious appearance and which contributes positively to the significance of the NDHAs.
11. The proposed garage would be an L-shaped building facing the cottage which would lie within its garden. It would visually compete with the NDHAs as a result of its scale, its location facing the cottage and its replacement of part of the verdant gap between the NDHAs with a significant projection of built form, irrespective of any resulting similar density to surrounding development. Its scale would result in an undue prominence of modern development within the setting of the NDHAs, which would be exacerbated by the presence of substantial modern houses to the rear of the cottage and chapel. The potential for the use of a suitable roof pitch and materials for the garage would not reduce the harm which would arise from the building's scale and location. I note that, whilst the Council's Conservation Officer did not object to the proposal, their views are similar to my own in terms of the proposal's effect on setting.
12. Whilst the buildings' inclusion in the HER is a matter to which I have had regard, the buildings have local historic interest independently of this which merits the NDHA status. Thus, the HER records have not been determinative in my assessment.
13. I acknowledge submissions concerning the weight attached to suggestions that a building may warrant consideration as a NDHA whilst the Council's NDHA criteria document remains under consultation. These submissions relate to

proposals elsewhere in the district, including in Application Ref. 21/00316/FUL at Newark. The draft status of the NDHA document was noted by the Conservation Officer in a response to that proposal and accordingly limited weight was given to the document. Nevertheless, the officer continued to regard the building in question as a NDHA and to refer to the balancing provisions of the Framework in respect of such assets. It follows that the ability to identify NDHAs during the planning process, as set out in the PPG, is not affected by the draft status of the document.

14. Whilst the Council's Residential Cycle and Car Parking Standards & Design Guide Supplementary Planning Document (SPD) sets minimum garage sizes to which the proposal is restricted, this does not prevent an assessment of the resulting building against development plan and national policies. Thus, the provisions of the SPD do not add weight to a grant of permission.
15. The appellants submit that a fallback position exists due to the potential use of permitted development rights to create a hard surface over the entirety of the garden area. An area for the parking of one vehicle already exists at the site. If any such rights exist there would be some potential for the creation of a greater parking area. Nevertheless, the effect on the main issue identified above would be less harmful than the appeal proposal if the fallback position were implemented, as it would result in no significant additional built form structure within the garden, and would retain its spacious aspect. Any such fallback position consequently does not provide justification for the proposed development.
16. Thus, the proposal would cause limited harm to the significance of the NDHAs and to the character and appearance of the area. As a result, it conflicts with Core Policy 9 of the CS, which states that development should achieve a high standard of sustainable design which is appropriate in its form and scale to its context. Further conflict exists with Core Policy 14 of the CS, the aims of which are set out above. Additional conflict exists with Policy DM6 of the Allocations and Development Management Development Plan Document (2013) (the DPD), which sets out that development should respect the character of the surrounding area. Further conflict exists with Policy DM9 of the DPD, which states that all proposals which affect heritage assets and their settings should utilise appropriate siting and design. Additional conflict exists with the design provisions of the Council's Householder Development Supplementary Planning Document (2014), which states that poorly designed and sited garages and outbuildings can give rise to detrimental impacts on the appearance of the host dwelling and the character of the surrounding area.

Planning Balance

17. The proposal would provide storage for cycles, garden items and a vehicle. It could offer charging facilities for an electric vehicle. These benefits attract limited weight.
18. Conversely, the proposal would cause limited harm to the significance of the NDHAs and to the character and appearance of the area. These matters outweigh the benefits associated with the proposed development.
19. The proposal consequently conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

20. For the reasons outlined above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR