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## Appeal Decision

Site visit made on 2 August 2022

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 September 2022**

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**Appeal Ref: APP/E2530/W/21/3289681**

**Home Farm Cottage, Fenton Road, Stubton NG23 5DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Ian Phillips & Lisa Seel against the decision of South Kesteven District Council.
  - The application Ref S21/1333, dated 30 June 2021, was refused by notice dated 21 September 2021.
  - The application sought planning permission for the Replacement of existing dwelling and series of outbuilding structures with a new family home without complying with a condition attached to planning permission Ref S20/2145, dated 19 March 2021.
  - The condition in dispute is No 2 which states that:  
"The development hereby permitted shall be carried out in accordance with the following list of approved plans:
    - i) Drawing No.20-013(08)001\_I, Proposed Site Plan, received 24 February 2021
    - ii) Drawing No.20-013(08)002\_I, Proposed Floor Plan, received 24 February 2021
    - iii) Drawing No.20-013(08)003\_I, Proposed Elevation Plan, received 24 February 2021Unless otherwise required by another condition of this permission."
  - The reason given for the condition is: "To define the permission and for the avoidance of doubt".
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### Decision

1. The appeal is dismissed.

### Preliminary Matters and Background

2. Whilst the application form is for planning permission, it is clear that the appellant intended to apply for a variation of condition and that the application was determined by the Council on this basis. I have therefore similarly dealt with it as a variation of condition appeal.
3. The appellants seek to erect the garage to a different design and layout to that approved. In May 2021, a non-material amendment was approved by the Council (S21/0792) to revise the design and layout, and the replacement dwelling is now under construction. The garage has not been commenced and is the focus of this appeal.
4. This appeal to vary Condition No 2 (approved plans) of S20/2145, proposes a revised design to connect the garage to the dwelling, including the construction of a small infill section between the two. The proposed garage would also have an increased eaves and ridge height to accommodate a first-floor office space.

The repositioning of the garage from further back in the plot has already been agreed by the non-material amendment approved by the Council in May 2021.

### **Main Issue**

5. The main issue is the effect of the proposed revised design of the garage on the character and appearance of the surrounding area, including the setting of a Listed Building.

### **Reasons**

6. The area around the appeal site is characterised by residential properties which are largely of traditional style with generous separation distances and often set well back from the road frontage with views filtered by shrubs and mature trees. Buildings set back deeper from the road are typically larger scale modern residential development. The most notable building in the immediate area is Hayloft Barn, an imposing, Grade II Listed Building. This red brick barn is of significant height and of slender proportions, with a steeply pitched pantile roof. The barn is situated across the road and just to the south east of the appeal site, with its long side fronting Fenton Road. It has been converted to residential use and retains much of its historic, agricultural character and appearance when viewed from the road. It is a prominent landmark within the street scene due to its distinctive appearance and proximity to the road.
7. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.
8. The National Planning Policy Framework 2021 (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
9. The setting of a heritage asset is not a fixed concept. Annex 2: Glossary of the Framework confirms that an asset's setting is the surroundings in which it is experienced. It also advises that elements of a setting may make a positive, or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
10. The appellant's Heritage Impact Assessment and Heritage Supporting Statement provide useful information regarding the Listed barn's significance and the contribution that the setting makes to that significance. The Listed barn formed part of Home Farm on the Stubton Estate. The Heritage Impact Assessment notes that the barn would have been a working machine at the core of the steading, and threshing barns were often venerated architecturally, taking on larger forms and incorporating modest decorative elements. It notes that, 'by virtue of its scale and slender proportions, functional form, and historical associations, the building establishes itself as a relative landmark in the village and street scene.' (paragraph 4.3.17).

11. The Listed barn is prominent in northern and southern views along Fenton Road and the Heritage Impact Statement acknowledges that these views locate the barn in a rural village setting and emphasises its longstanding role at the centre of the settlement's agricultural economy (paragraph 6.1.25 ii).
12. Whilst I have no conclusive evidence that Home Farm Cottage formed part of the farmstead associated with the Listed barn, both parties agree that it was likely to have been a former worker's cottage associated with the wider estate. Having assessed photos of Home Farm Cottage before its demolition and noted its position close to the roadside and proximity to the Listed Barn, I consider that its form, scale and appearance, despite more recent alterations, contributed positively to the setting of the Listed barn and its relative status in the village hierarchy. Of particular note were the roadside views of the traditional gable form of the cottage and these made a positive contribution to the ability to experience the significance of the Listed barn in its setting.
13. The design of the replacement dwelling was based on traditional cottage proportions and was similar in design and form to the original dwelling. The approved scheme, and the newly constructed dwelling that I have now viewed on site, set in the context of a generous plot and wide grass verge, still forms a positive element of the Listed barn's setting and respects the wider character and appearance of the area.
14. The approved design of the replacement dwelling, as modified by the non-material amendment, includes a detached garage to its north, set back behind the main house gable. The garage is subservient in scale and form to the dwelling and would visually read as a separate ancillary structure. Despite the appellant having been in discussions with the Council regarding the garage element of this proposal for some time and having made other meaningful changes to the design of the dwelling, the garage element has remained unresolved.
15. The appeal proposal seeks to extend the garage to link with the dwelling and to raise the eaves and ridge height. Although the garage would be substantially set back from the frontage, its form and height would nevertheless considerably increase the visual impact of the garage alongside the main dwelling. It would appear as a bulky addition, disproportionately large in relation to the main building and would be excessively tall, dominant and no longer read as a subordinate feature or respect the traditional cottage proportions sought. Furthermore, the encroachment of the garage onto the main house gable would disrupt the well-defined vertical proportions of the dwelling. Overall, it would not be reflective of the scale and vernacular character sought to replace the original dwelling. In coming to this view, I have taken into account that the material palette has already been approved by the Council, the footprint and position of the appeal proposal, and the change to the overall scale and massing of built form on the site.
16. I viewed the appeal proposal from Fenton Road to assess the visual relationship between it and the Listed Building and the wider streetscape. The dwelling as currently constructed, assists in judging the intervisibility between the two buildings and provides the context to judge the appeal proposal.
17. The main area of contention is the view along Fenton Road when approaching from the north. In more distant views the proposed garage extension would be obscured by the village hall, and this is demonstrated by the agent's modelling.

However, this only takes account of one particular view. Once alongside the village hall, the appeal proposal would be readily apparent, and this would be seen in conjunction with the Listed Building in the background. Despite the set-back of the proposed garage, and its lower ridge height, its significant scale and massing would clearly read as being out of scale with the main dwelling and detract from what is otherwise a well-designed, proportioned and thoughtfully considered replacement dwelling.

18. The failure of the appeal proposal to respect the traditional cottage proportions of the replacement dwelling, which was so intrinsic to the acceptability of its design, would harm the setting of the Listed Barn and thereby harm its significance. It would be a visually intrusive and jarring addition. It would also have an unacceptable and adverse impact on the wider character and appearance of the area.
19. The previous dwelling had an integral garage fronting the road. However, this was a single storey, single car garage most unlike the scale or appearance of the proposed plans now before me. Also, the existence of this garage does not automatically make it acceptable to incorporate another integral garage, particularly when the scale and form of the replacement are so different.
20. The revised design would remove a passageway between the house and garage to limit access to the rear of the plot and make it more secure. However, there is limited evidence that the site cannot be made secure in other less visually harmful ways. It is also cited that the revised design is necessary to provide the additional space to adhere to current Building Regulations standards and to meet guidance from the Technical Housing Standards (2015) for minimum room sizes. However, I have seen limited evidence that the extant permission for the replacement dwelling did not meet these standards or why this has now become necessary.
21. I have reviewed the examples of other garages in Stubton. On the basis of the evidence before me and from what I have viewed on site, I am unable to be assured that the circumstances of these developments replicate the scheme in this regard. I note, however, that these examples do not share the same site characteristics with the appeal proposal which is prominently sited in relation to a Listed Building. I have therefore determined the appeal proposal on its own merits and on the evidence before me.
22. The proposed revised design would be harmful to the setting of the Listed Building, and therefore the significance of the designated heritage asset. The harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
23. It is stated that the additional floor space is required to facilitate sustainable building measures and to meet the longer term needs of future occupants. It is also stated that as a result of the Covid-19 pandemic, working practices have changed and there is a need to provide home office space for flexible working and to enable business to continue as normal. Increased homeworking can also reduce the environmental impact of travelling. In addition, it has been put to me that the proposed garage connection, in accordance with Secured by Design, would reduce the opportunity for crime and thus create a safer environment. However, any harm to the significance of a designated heritage asset, including development within its setting, should require clear and

convincing justification and great weight should be given to an asset's conservation, irrespective of whether it is less than substantial or substantial harm. Therefore, whilst these matters attract some weight in favour, the public benefits arising from the appeal proposal would be limited given the scale and nature of the development. In addition, there is also limited evidence before me which demonstrates that the additional accommodation could not be provided in a different way which would not cause harm to the setting of the Listed Building which I have identified.

24. I have also taken account of the benefits to the appellant in terms of matters such as a reduction in journey times as a result of homeworking, making more efficient use of the roof space avoiding adding to the ground floor footprint, providing improved access and making better use of the house, and to improve the security of Home Farm Cottage. However, these are all private benefits.
25. There would, therefore, be insufficient public benefit arising from the proposal to offset the identified harm to which I must attach considerable importance and weight. The revised design of the garage would therefore have a harmful effect on the character and appearance of the surrounding area, including the setting of a Listed Building. It would therefore be contrary to Policies EN6, DE1 and SP3 of the South Kesteven District Council Local Plan 2020, which seek to ensure that development is appropriate to the character of the area and protects and enhances heritage assets. It would also be contrary to guidance in the Framework (2021) relating to design and designated heritage assets.

### **Other Matters**

26. The principle of development has previously been established, the proposal is said to make best use of the plot and it would allow adequate off-street parking and turning facilities. I recognise also that the development would not unacceptably harm neighbours and that drainage proposals are satisfactory. Be that as it may, these matters do not outweigh the harm I have identified nor provide justification for development that conflicts with the development plan.
27. I have had regard to the concerns raised by interested parties, including materials and overshadowing. However, as I am dismissing the appeal on the main issue for the reasons given above it has not been necessary to consider these matters further.
28. The appellant raises concerns over the conduct of the Council during the application process. Such concerns should normally be addressed through the Council's own complaints service as these points are not related to the merits of the appeal before me.

### **Conclusion**

29. I conclude that the proposal would be contrary to the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G Bayliss*

INSPECTOR