



Appeal Decision

Site visit made on 4 October 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 OCTOBER 2022

Appeal Ref: APP/D2510/W/22/3294585

Keepers Cottage, Alford Road, Mawthorpe, Alford, Lincolnshire, LN13 9LX

- 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 and Mrs Search against East Lindsey District Council.
 - The application Ref N/198/01642/21, is dated 22 July 2021.
 - The development proposed is extensions and remodelling of existing dwelling.
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Decision

1. The appeal is dismissed and planning permission for extensions and remodelling of existing dwelling is refused.

Procedural Matters

2. The description of development is taken from the Application Form, but I have omitted superfluous information, including the site address.
3. The appeal is against the Council's failure to determine an application for planning permission. The Council's Statement of Case outlines the reasons it considers the proposal would be unacceptable but, these are not formal determinations of the Council, as the jurisdiction to determine the application transferred from the Council upon valid receipt of the appeal. Nevertheless, the Council has set out that it would have refused the application had it been empowered to do so. I have therefore taken its reasons into account in determining the main issues.

Main Issues

4. The main issues are whether the proposed development would preserve a Grade II registered park and garden, Well Hall Park and Garden, and any features of special historic interest that it possesses; the extent to which the proposal would preserve the significance of a non-designated heritage asset, Keepers Cottage; and the effect of the proposal on the setting of the Grade I listed Church of St Margaret, the Grade II* listed Wellvale House, and the Grade II listed buildings known as 'Coach House to Wellvale House' and 'Gates and Piers to Park, Beside Walled Garden'.

Reasons

Significance and Setting

5. The private drive from the B1196 provides access to the site and grassland paddocks situated within the Well Hall Park and Garden, a Grade II registered park and garden (WHPG). The WHPG covers a significant area of land, as far

- north as the village of Well and along the wooded route leading from the village northwest to the A1104.
6. The formal gardens are situated to the south and east of Wellvale House, a Grade II* listed building, within a square enclosed by a brick ha-ha and comprise separate enclosures. At the edge of the grounds, to the northeast, is a kitchen garden.
 7. The listing suggests that James Bateman acquired Well Hall and its estate in the early 18th Century and, shortly after, the neighbouring manor of Claxby. The park was subsequently laid out with two lakes, but the land further south was not incorporated into the park until the late 19th Century. The land around the site was not added until later, by the early 20th Century. Whilst pastureland within the park is demarcated by planting or fencing, it remains largely open between tree belts at the perimeter of the park.
 8. Despite changes in ownership and the use of buildings therein, the significance of the WHPG today is derived from its special historic interest, as an early 18th Century designed landscape. In particular, formality of the House and gardens contrasts with the open and undeveloped mature landscaped enclosed pastureland within the park to the south. However, the presence of buildings and their interaction with the WHPG are also important to understanding the origins and development of the estate.
 9. The listing description suggests Wellvale House is of early 17th Century origin but was subsequently remodelled for James Bateman in the 1730s, extended in the late 18th Century for Francis Dashwood and partly rebuilt in the 1920s. It is a striking building of eight bays, with typically elaborate architectural detailing. As far as it is relevant to this appeal, its significance principally lies in its architectural and historic interest as a small country house but is also drawn from its setting within the WHPG and its physical relationship with the Grade I listed Church of St Margaret, and Grade II listed Coach House and Gates and Piers.
 10. The church is of 18th Century origins, with 20th Century alterations. Its form is of a Palladian temple, constructed of red brick and painted ashlar dressings and stucco, and lies to the northwest of the WHPG in alignment with the front of the House. It too draws significance from its setting within the WHPG and its elevated position and relationship with the House, but also from its architecture which is notable and elegantly composed, particularly its bell cupola.
 11. The listing description for the WHPG and those for the separately Grade II listed 'Coach House to Wellvale House' and 'Gates and Piers to Park, Beside Walled Garden', indicate they were constructed just after James Bateman purchased the House. They are described as being typical of the architecture of the estate and so make an important contribution to its history, the setting of the other listed buildings and vice versa. Moreover, the main route to the House passes the Coach House and the Gates and Piers likely formed a garden feature on a former terrace.
 12. The appeal site comprises a dwelling set within a spacious garden nestled against the tree belt at the outer eastern edge to the south of the WHPG. While it is not listed, the Council consider the dwelling to be a non-designated heritage asset, on the basis that it was formerly a pair of estate workers

cottages for Wellvale House. This is not disputed by the appellants and there is common ground that its design reflects the estate architecture.

13. The floor plan layouts in the appellants' Historic Impact Assessment illustrate that the cottages were oriented east west, but they have since been converted, altered, and extended to a single house. Despite extensions to the east and south, the cottages remain discernible and the extensions have legibility and a hierarchy in relation to the original building. There is also some space to the east of the dwelling, between it and planting beyond the site.
14. While the appeal property and its spacious grounds are in different legal ownership to the WHPG and listed buildings, it remains visually and historically an essential part of the WHPG. Moreover, they continue to contribute to the understanding and significance of the WHPG, particularly as the dwelling remains of a scale that is respectful to its status as a building of lesser significance within the WHPG in both form and stature. This is reflected in the statutory designations afforded to other buildings referred to above.
15. Notwithstanding this, although the WHPG contributes to the setting of the listed buildings, the evidence before me does not suggest the appeal property would be prominent in views from them, so has little or no effect on their settings.

Effect of the Proposal

16. Although the proposed extensions would be of modest width, commensurate with or lesser than the original pair of cottages, the proposed first-floor and two-storey extensions would further enclosure of their rear façade. The dwelling and its simple form would be overwhelmed by the cumulative scale of existing and proposed extensions.
17. The existing single-storey extension east currently incorporates a complicated roof and building form due to its setbacks, projections, and varied roof heights, but it is relatively unassuming given its height and scale. When viewed from the north, the first-floor extension to the east would follow the layout beneath. However, the scale that would inevitably accompany the additional storey and the further projections to the south would appear uncomfortable alongside the original property. Furthermore, the gabled two-storey extension to the south would project beyond the southern hipped end of the former cottages.
18. The proposed carport to the east would also fundamentally close the gap between the appeal property and its eastern boundary, which would reduce the space around the property and draw further attention to the other elements of the scheme. The proposed tall glazing to the west elevation of the existing single storey extension would also detract from the simple and consistent proportions of existing openings found in the former cottages and extension.
19. I note that the appellants have carefully considered the proposed palette of materials, but the proposal would be unlikely to appear cohesive with the aesthetic qualities of the original cottages, which the appellant recognised as being of estate origin. In contrast, it would encompass a jumbled assortment of architectural forms, particularly in its roof, that would fail to enhance the appearance of the existing house.
20. The resultant property would move considerably further away from its origins as a modest pair of cottages that were of a design and scale subsidiary in the estate of Wellvale House and the WHPG. Hence, it would undermine the place

of this former pair of cottages in the former estate hierarchy, which would be of detriment to the understanding and significance of both heritage assets.

21. Notwithstanding my findings in relation to the design of the proposed extensions and alterations to the appeal property, as I outlined above, the proposal would be unlikely to be perceptible from the immediate surroundings of the listed buildings, so would not have a harmful effect on their settings, which would be preserved.

Public Benefits and Conclusions on the Main Issue

22. Paragraph 197 of the National Planning Policy Framework (the Framework) states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Meanwhile, paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 203 is also relevant given that the appeal property is a non-designated heritage asset. Moreover, it is made clear that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
23. The harm that would be caused by the proposal to appeal property by way of the proposed extensions and alterations would fail to preserve the significance of the non-designated heritage asset, Keepers Cottage. Similarly, while harm to the significance of the WHPG would be localised due to the planting to the south and east of the site, it would nevertheless be harmful to its designed landscape and the history of the estate that formed it.
24. In my view the harm that I have identified to the WHPG equates to less than substantial harm to the significance of this designated heritage asset. In such circumstances, paragraph 200 of the Framework identifies that this harm should be weighed against the public benefits of proposals.
25. The evidence before me does not refer to any public benefits associated with the proposal. In accordance with paragraphs 199 and 202 of the Framework, considered together, the absence of any such substantiated benefits would fail to outweigh the great weight to be given to the less than substantial harm that I have identified.
26. Despite my findings in respect of the settings of the listed buildings, given the above and in the absence of any substantiated public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Well Hall Park and Garden. It would also be harmful to the significance of the appeal property as a non-designated heritage asset. Hence, it would be contrary to the design and heritage aims of Policies SP10, SP11 and SP23 of the East Lindsey Local Plan Core Strategy (2018); and paragraphs 130, 174, 197, 199 and 203 of the Framework.

Other Matters

27. I acknowledge the appellants' concerns with the Council's handling of the application, including the information required to be able to determine the application, and the timeframe that elapsed without a decision being taken.

However, these are primarily not matters for me to consider as part of this appeal and, in reaching my decision, I have been concerned only with the individual merits of the appeal scheme in relation to the relevant policies and evidence before me.

Conclusion

28. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed and planning permission is therefore refused for the appeal scheme.

Paul Thompson

INSPECTOR