



Appeal Decision

Site visit made on 21 December 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2023

Appeal Ref: APP/Y2003/W/22/3304903

Winterton Junior School, West Street, Winterton DN15 9QG

- 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 North Lincolnshire Council against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1683, dated 20 September 2021, was refused by notice dated 11 February 2022.
 - The development proposed is erection of statue and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of statue and associated external works at Winterton Junior School, West Street, Winterton DN15 9QG in accordance with the terms of the application, Ref PA/2021/1683, dated 20 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NL2106-APP-00-GF-DR-A-01 Rev P1; NL2106-APP-00-GF-DR-A-03 Rev P1; NL2106-APP-00-GF-DR-A-04 Rev P1 with the exception of the materials of the sculpture which shall be constructed from cast corten steel; and NL2106-APP-00-GF-DR-A-10 Rev P1.

Preliminary Matters

2. The Council has confirmed that the correct name for the appellant is North Lincolnshire Council and I have used that in the banner heading above rather than the name on the application form.
3. The documentation submitted with the appeal referred to different materials for the proposed statue. The Council has confirmed the statue would be constructed from cast corten steel and I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Winterton Conservation Area (CA).

Reasons

5. The appeal site lies within the CA where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. This requires that "special

attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The CA encompasses the historic core of Winterton and, insofar as is relevant to this appeal, derives its significance from the strong pattern of development fronting directly on to the street and the high quality of the buildings. Although the buildings were developed at different points in time and from a range of varying materials, they have an overall cohesiveness which stems from the layout and generally domestic scale of the buildings.

6. The modern single storey part of Winterton Junior School is identified in the Winterton Townscape Analysis (WTA) as having a neutral effect on the townscape. It is attached to a two storey building, set in a forward position, which the WTA identifies as being of townscape merit. The buildings to the other side of the appeal site are also assessed as having a neutral effect, while the opposite side of the street is outside the CA.
7. The appeal site occupies the space directly in front of the single storey part of the school 'behind' the front elevation of the two storey building. It is a modest sized cobbled area containing three large planters.
8. The proposed development is the siting of a statue of Wallace Sargent, an eminent astrophysicist who grew up and was educated in the area. It would be 'life-sized' (approximately 2m high) and made of cast corten (weathering) steel which would give the statue a rust coloured patina in time. It would be placed at ground level next to the planters, on Yorkstone paving flags, with associated minor groundworks.
9. The proposed statue would be screened in views from the west by the existing older building and viewed against the side elevation of that building in views from the east. The proposed materials would integrate into the palette of the street scene, given the range of materials and colours clearly visible in proximity to the site. The proposed siting would not appear awkward or incongruous as the cobbled area does not form part of the pavement and the proposed statue would be adjacent to the existing planters. It would not appear disproportionate in relation to the buildings and structures against which it would be viewed or overly prominent in the street scene given its 'life-sized' appearance.
10. The Council has suggested that an alternative location outside of the CA could result in a more acceptable scheme. However there is no evidence before me of any policy requirement for development of this nature to undertake any form of assessment of alternative schemes or site selection. In any event, for the reasons stated, the proposed development would not have a harmful effect.
11. For the reasons given above, the proposed statue would have a neutral effect on the significance of the CA. I therefore conclude the proposed development would preserve the character and appearance of the CA. It would be in accordance with the requirements of North Lincolnshire Local Plan adopted May 2003 Saved policies HE2 and DS1 and North Lincolnshire Local Development Framework Core Strategy adopted June 2011 policies CS5 and CS6. These require development to be of a high quality which respects the character and appearance of the CA with regard to siting and matters of design and not spoil attractive views and vistas which are important to the character of the CA. The Council also referred to the WTA in its reason for refusal. This appears to solely comprise a map and does not contain any written guidance. Nevertheless, I am

satisfied that the proposed development is not contrary to the WTA. It would also be in accordance with the requirements of section 16 of the National Planning Policy Framework July 2021 (the Framework) which requires heritage assets to be conserved in a manner appropriate to their significance.

Other Matters

12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building (LB) or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Concern has been raised by an interested party that the proposed development is close to a listed building. The Council's Committee report identifies two listed buildings within approximately 100m and 200m of the appeal site but conclude there is no effect on their setting due to the lack of inter-visibility with the proposed development. Given the nature and scale of the proposed development and the position of the appeal site relative to the listed buildings, I have no reason to disagree with this and find no harm to the setting of either of the listed buildings.

Conditions

13. I have had regard to the conditions suggested by the Council. I have imposed an approved plans condition in the interests of certainty. However, I have included an alteration to one of the plans to confirm the materials to be used for the construction of the statue in accordance with those confirmed by the Council.

Conclusion

14. For the reasons given above, the proposed development complies with the development plan when read as a whole and there are no material considerations that lead me to a decision otherwise. As such, the appeal should be allowed.

J Downs

INSPECTOR