

Appeal Decision

Site visit made on 7 February 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01st March 2023

Appeal Ref. APP/R1010/D/22/3310301

12 Park Steet, Barlborough, Chesterfield S43 4ES

- 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 Jonathan Bennett against the decision of Bolsover District Council.
 - The application ref. 22/00135/FUL, dated 9 March 2022, was refused by notice dated 23 August 2022.
 - The development proposed is described on the application form as "*Widen the existing opening from 2 metres to 4 metres to allow safer access to & from our drive. Increase the wall height using existing materials to give added security to the property. Fit a new set of electric double gates & one new electric pedestrian gate.*"
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Decision

1. The appeal is allowed and planning permission is granted for *Widen the existing opening from 2 metres to 4 metres to allow safer access to & from our drive. Increase the wall height using existing materials to give added security to the property. Fit a new set of electric double gates & one new electric pedestrian gate* at 12 Park Steet, Barlborough, Chesterfield S43 4ES in accordance with the terms of the application ref. 22/00135/FUL, dated 9 March 2022, and the photographs and plans - *Site Location Plan DRG.01, Site Location Plan DRG.02* and *Proposed Layout* (unnumbered) - submitted with it.

Preliminary matters

2. The description of the proposal given on the householder application form is to be preferred to those provided on the Council's decision notice and the appeal form. This is because it mentions the pedestrian gate.
3. The works that make up the appeal scheme were completed in December 2021 according to information provided on the application form. The application for planning permission was made retrospectively.

Main issue

4. The main issue, derived from the reasons for refusal on the Council's decision notice, is the effect of the development upon designated heritage assets, and more specifically whether it preserves or enhances the character or appearance of the Barlborough Conservation Area (BCA) and its effects on the setting of
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South View Lodge (grade II listed building) and the wider historic setting of Barlborough Hall (grade I listed building) and its grade II registered park and garden. For the avoidance of doubt, I am duty bound to also consider the setting of Park Street Farmhouse (grade II listed building), the details of which have been supplied by the appellant's own heritage case officer.

Reasons

5. The part of the BCA on Park Street, within which the appeal site is located, falls close to where the built-up old historic townscape of the village gives way to the open pastures of the southern part of the registered park and garden. The appeal property falls squarely within the former, the boundary being effectively marked by the entrance drive to Barlborough Hall to the north where sits the 19th century lodge (South View Lodge) to the Hall. The Hall itself is set way back into the landscape of its registered park and garden.
6. In general, with its medieval origins and subsequent key developments through the centuries, of which Barlborough Hall dating from the 16th century is one, the settlement is a repository of the form and evolution of an historic village. It has historic and evidential significance. The variety of high quality buildings also provides architectural interest.
7. There are parts of the BCA where the sense of place is not especially strong and where the buildings cannot be said to be key townscape buildings. As the appellant and the Council's BCA Appraisal 2021 make clear Park Street is short in length, rather understated for its role as a key historic thoroughfare to Barlborough Hall and contains buildings that vary in terms of their interest and quality. Although South View Lodge and Park Street Farmhouse, a late 16th century farmhouse that appears to be very much neglected, are included amongst them, Park Street sees a high percentage of modern dwellings which, together with the extensive parking area to the rear of the Rose and Crown public house, have diluted the street's historic character. No. 12 is a much altered cottage, thought to date from around the late 19th century, which stands with its western gable end abutting the street. It is not a key townscape building as such, although its principal southern elevation is a dominant feature when approaching from the south.
8. A considerable amount of stone boundary walling can be found in the village. The walls make a significant contribution to the townscape. Importantly, the appellant has retained a stone boundary wall, thus respecting that historic tradition. It has been increased in height by only 0.35 m to 1.6 m high. The 2 piers next to the main gates are not unduly dominant being only about 50 cm higher than the wall. Noting the careful reuse of stone materials, the deployment of half-round coping stones and the excellent workmanship, the boundary walling, in itself, represents a rather limited, yet high-quality, intervention into the street scene.
9. Whereas the former access gates were about 2 m wide and set back behind splayed sections of walling, the new main gates are adjacent to the back edge of the road and are about 4 m across. However, the actual overall gap in the walling there, as measured along the back edge of the road, may not be materially different to the former situation. Both the pedestrian gate and the main gates are manufactured from recycled materials in the form of high

density polyethylene with the external finish bearing a striking resemblance to solid, vertically-boarded, smooth timber gates. I did not find the composite material or the slightly bowed top to the main gates to be objectionable. The gates blend in well and complement the local vernacular. I have also borne in mind that, without an Article 4 Direction being in place, gates, fencing or other means of enclosure up to 1 m high could have been erected along the front boundary in any material or design.

10. I would accept that the development, when viewed as a whole, is different to the lower stone boundary walls on Park Street. However, these are most obvious where they appear together along the western side of the road in front of 3 bungalows. The front boundaries to the east side present a significantly more diverse character as they include 3 sizeable roadside buildings (no. 12, Park Street Farmhouse and the gable end of 1-3 Church Street), a wide open road junction to Park View, a high brick wall to Old Hall, and open metal railings and gates reaching 1.8 m high in front of no. 14 and on the northern side of no. 12. The subject front boundary structures simply add to this diversity. The walling at no. 12 is only about 0.35 m higher than the adjoining stone wall in front of the bungalow at no. 12a. The change in height is unremarkable and, if anything, is an appropriate reflection of the comparatively higher status, greater height and more dominant position of the host dwelling.
11. I find the siting of the host dwelling to be significant in this case. It is not unusual to find relatively higher roadside boundary structures associated with residential properties that are sited at right angles to a road, as is the case at no. 12, so as to reasonably provide for a private garden space and security. Whatever the history, this type of layout and roadside boundary walling is very much in evidence along the section of Clowne Road that falls within the BCA. The key link to heritage protection is this; the original front boundary arrangements would have afforded clear views of the property's driveway, garage building, parked vehicles, side garden, back garden and various domestic paraphernalia, such that there would have been a leakage of views away from the main thoroughfare of Park Street. To my mind, the appeal scheme, by seriously limiting this visual distraction, has created an improved corridor of view along the street, especially for those looking north towards South View Lodge and the entrance to Barlborough Hall and its registered park and garden.
12. I consider that the development represents a visually attractive solution to the front boundary of 12 Park Street, exhibits a high standard of design and is sufficiently complementary to and in keeping with the scale and character of the host building and the site's wider setting and location within the BCA. The visual harmony and historical integrity of Park Street, insofar as they exist, have not been harmfully disturbed. The character and appearance of the BCA is preserved. Moreover and quite simply, the development is not on such a significant scale or in such a location that it adversely affects the ability of the public to experience the evidential, aesthetic and historic value and special interest of South View Lodge, Barlborough Hall and its registered park and garden and Park Street Farmhouse. I refer again to the improved corridor of view. The settings of those designated heritage assets are preserved.
13. I conclude on the main issue that the development preserves the character and appearance of the BCA, all the relevant listed buildings to which I have referred

and their settings and the special historic landscape character and interest of the registered park and garden including its setting. The significance of the BCA, the listed buildings and the registered park and garden has not been harmed. As such, the scheme adheres to the expectations of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, a conflict with Policies SC16, SC17 and SC20 of the Local Plan for Bolsover District March 2020, and the designated heritage asset protection policies in the National Planning Policy Framework, would not occur.

14. The scheme has enhanced the quality of life for the occupiers of 12 Park Street as it has created a more secure front boundary, offered greater privacy to the dwelling and garden, enhanced the capabilities of the vehicular access to accept larger vehicles and allowed for the storage of the appellant's motorhome within the curtilage of the site. These are important material considerations that weigh in favour of granting planning permission, as is the absence of objections from any local residents or organisations.
15. The Council has not suggested any planning conditions in the event of the appeal succeeding. I would concur that no such conditions are necessary.
16. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR