

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: 7 March 2023

Appeal Ref: APP/A3010/D/22/3310681

32 Highland Grove, Worksop S81 0JN

- 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 Stuart Thorpe against the decision of Bassetlaw District Council.
 - The application ref. 22/00912/HSE, dated 2 July 2022, was refused by notice dated 20 September 2022.
 - The development proposed is:
 - "1. Remove existing black metal garage door and replace with black metal garage door.
 - 2. Remove existing black gable end fascia to the left hand side of my house as you look at it and replace with black plastic fascia similar to those fitted on nearby properties".
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Decision

1. The **appeal is dismissed** insofar as it relates to *Remove existing black gable end bargeboards to the left hand side of my house as you look at it and replace with black plastic bargeboards similar to those fitted on nearby properties* and planning permission is refused for *Remove existing black gable end bargeboards to the left hand side of my house as you look at it and replace with black plastic bargeboards similar to those fitted on nearby properties*.
2. The **appeal is allowed** insofar as it relates to *Remove existing black metal garage door and replace with black metal garage door* and planning permission is granted for *Remove existing black metal garage door and replace with black metal garage door* at 32 Highland Grove, Worksop S81 0JN in accordance with the terms of the application ref. 22/00912/HSE, dated 2 July 2022, and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Preliminary matters

3. The 2 separate operational developments were completed in August 2021 according to information provided on the householder application form. The application for planning permission was made retrospectively.
 4. Boards fitted along the top of a gable end are more correctly referred to as bargeboards. I use that term in this appeal decision rather than fascia or fascia boards and I have altered the description of the proposed works in the formal decision above accordingly.
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Main issue

5. The appeal site falls within Mr Straw's Conservation Area (CA). The Council took exception to the replacement bargeboards only. The main issue is the effect of the replacement bargeboards upon the character and appearance of the CA.

Reasons

6. The appeal site includes a sizeable detached house set within generous grounds. The surroundings of the site within the CA are predominantly residential in character. Indeed, the CA encompasses a small, largely residential suburb which was originally constructed at the edge of the town mostly between 1850 and 1920. This area is covered by an Article 4 Direction (made and confirmed in 2013) restricting permitted development rights for various external extensions or alterations to the front or sides of buildings. Hence the need for planning permission for the appeal bargeboards on the east-facing side gable of the house. I am aware that the appellant submits as a secondary consideration in this matter that the proposal would constitute permitted development even when the Article 4 Direction is considered. I shall return to this point later on.
7. The appellant explained in his Design and Access Statement that the black wooden bargeboards were in a dangerous condition. They were rotten with paint peeling off and difficult to maintain due to the height of the property. He feels that the black plastic bargeboards have enhanced the CA and will continue to do so for years to come and points to other properties with plastic bargeboards and fascias that were installed after the designation of the CA in 2011.
8. In a comprehensive consultation response, the Council's Conservation Officer sets out a clear discussion of the case, parts of which I repeat here: "*The finer decorative elements of architectural design are often an important contributory factor to the overall significance of historic buildings. Examples of traditional craftsmanship such as historic joinery or detailed moulded timbers not only compliment (sic) the overall aesthetic of historic buildings and places, but also act as a visual reference to the age and typology of historic buildings. ...the replacement fascia boards fail to reflect the traditional materials and historic craftsmanship of the original moulded timber fascia's (sic). ... In granting permission for this aspect of the scheme, Conservation would essentially be establishing the precedence for the removal of architecturally significant features within the conservation area. This action would undermine the very reason as to why the article 4 direction was implemented in the first place.*"
9. Just like the Council, I have a statutory duty, under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, a designated heritage asset. This is reflected in Policy DM8: *The Historic Environment* of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document December 2011 (DPD) which makes a presumption against development or alteration that will be detrimental to the significance of a heritage asset and says that proposed development affecting heritage assets including alterations that are of an inappropriate design or material will not be supported. It is a matter of planning law that the determination of the appeal is to be made in accordance with the development

plan, unless material considerations indicate otherwise. Therefore, DPD Policy DM8, together with the duty under section 72(1), are the starting points for the consideration of this appeal.

10. Nos 30 and 32 are detached houses on the southern side of Highland Grove. Understood to have been designed together in 1909, they address the road in the traditional manner and have tall, front-projecting gables on opposite sides with canted bay windows. They are typical of the well-preserved Edwardian domestic architecture hereabouts that lends significance to the CA. It is of little surprise to read that they are identified as positive buildings in Mr Straw's Conservation Area Appraisal. Such an appraisal cannot highlight every feature of every building in the CA. The absence in that appraisal of any reference to the bargeboards on the side gable ends is not of any great significance in itself.
11. There are fairly open views of the black plastic bargeboards on the east-facing side gable at various public vantage points along Highland Grove when approaching westwards from its closed end. Looking at the retained timber bargeboards on the west-facing gable end, it is more likely than not that the previous timber bargeboards on the east-facing gable did not exhibit any exceptionally decorative joinery such as ornate fretwork. Still, even though physical changes will have taken place over the last century or so, an important aspect of the CA is the consistency of original architectural features and materials. High-quality architectural detailing such as the original timber moulded fascia boards and bargeboards are important in appreciating the Edwardian origins of this and other nearby buildings in the CA.
12. The majority of dwellings along Highland Grove in the CA have retained their original timber moulded fascia boards and bargeboards. This includes the west-facing gable end and the front elevation of no. 32. The few in the CA that have not done so are not sufficient in number to make a telling contribution to the character and appearance of the CA when viewed in the round. The texture and surface appearance of a painted timber finish has not been replicated in the subject black plastic replacement bargeboards. Nor has the finer moulded detailing been properly reproduced. This part of the scheme amounts to an alteration with an inappropriate design and material that is detrimental to the significance of the designated heritage asset. The addition of plastic bargeboards falls short of the expectations behind the Article 4 Direction.
13. The appellant claims the bargeboards are permitted development. In essence, looking at the Article 4 Direction, this argument is based on a bargeboard being treated as *Any other alteration to the roof of a dwelling house* (Class C), rather than it relating to *The enlargement, improvement or other alteration of a dwelling house* (Class A). There could be grounds for argument under both Classes. The householder appeal procedure is based on the assumption that the process does not allow any opportunity for the Council to comment on the grounds of appeal. With this in mind and noting the absence of any lawful development certificate for the bargeboards or clear judgements of law from like for like cases, I attach little weight to the appellant's claim in the context of this appeal made under section 78 of the 1990 Act. This would not prejudice any future application under section 191 of the 1990 Act for a lawful development certificate which is the correct process to follow, in the first instance, should an appellant wish to ascertain whether existing development is lawful.

Conclusions

14. Where black plastic bargeboards, attempting to replicate the original timber bargeboards as far as possible, have been used, they fail to preserve the character and appearance of the CA. Each time such changes occur, as in this case, additional harm is added to that which has already resulted from the changes over time. As such, any existing harmful replacement bargeboards or fascia boards should not be seen as a positive precedent for the appeal proposal. Put another way, granting planning permission for the replacement bargeboards could legitimately result in neighbouring occupiers in the immediate area seeking to do the same. Even though each planning application should be judged on its own merits, the Council would find similar subsequent proposals difficult to resist, thus compounding the harm I have identified. The Article 4 Direction is very much a long-term strategy. Over time, and with strong backing for its aims, the character and appearance of the CA will gradually improve.
15. The character and appearance of the CA would not therefore be preserved or enhanced. The National Planning Policy Framework (the Framework) advises 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the Framework's terms, it is clear in this case that the harm to the significance of the CA as a designated heritage asset would be less than substantial. In such circumstances, the Framework goes on to explain that this harm should be weighed against the public benefits of the proposal. I cannot identify any tangible public benefit that would outweigh the harm to the CA that I have found, to which I must attribute great weight.
16. I find on the main issue that the replacement bargeboards fail to preserve or enhance the character or appearance of the CA. There would be conflict with DPD Policy DM8 and the Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment. The harm cannot be mitigated by the imposition of planning conditions. The appeal will be dismissed insofar as it relates to the bargeboards.
17. The Framework advises that local planning authorities should approach decision making on proposed development in a positive and creative way. The Council has no objection to the replacement black metal garage door. It is almost identical to the previous door and as a like for like replacement, it was considered to be of no detriment to the character and appearance of the CA. I have no reason to reach a different view. So, planning permission ought to be granted for that part of the development proposed in the planning application.
18. I shall issue a split decision on this appeal which will permit the replacement black metal garage door but not the replacement bargeboards. I have considered all the evidence from all the parties but no other matters outweigh the findings that have led to my decision on this appeal.

Andrew Dale

INSPECTOR