



Appeal Decision

Site visit made on 22 February 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/R2520/W/22/3309774

Castle Hill House, Main Street, Boothby Graffoe, Lincolnshire LN5 0LE

- 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 Alun Pepper against the decision of North Kesteven District Council.
 - The application Ref 22/0897/CADEM, dated 6 June 2022, was refused by notice dated 26 October 2022.
 - The development proposed is demolition of part of a wall to facilitate dropped kerb extension
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice in the interests of brevity and clarity.
3. The appeal results from the refusal of planning permission for relevant demolition of part of a boundary wall in a conservation area.

Main Issue

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

Reasons

5. Boothby Graffoe is a village in an attractive rural setting. The CA covers much of the village and is characterised by the prevalence of distinctive random coursed limestone (and on occasion, brick) boundary walls. These line Main Street for much of its length and also extend along parts of Far End and Blacksmith Lane. Those along Main Street are only broken by driveway and pedestrian openings which are typically modest in scale.
6. Owing to their distinctive nature and consistency, the boundary walls are features that contribute highly to the significance of the CA. This is reinforced by the Boothby Graffoe Village Appraisal (1983), referred to by the Council, which sets out that the walls *'...characterise the roadside boundaries, linking buildings together and emphasising the gentle curves in the road'*.
7. The appeal site comprises of the rear garden of Castle Hill House, a period dwelling located on a corner, fronting Castle Hill Lane. Consistent with the

character of the CA, the limestone boundary wall extends along Main Street with a modest sized opening along its length. The wall forms part of the setting of Castle Hill House, which the Council state is a non-designated heritage asset. The appellant is silent on this matter. It is, however, a prominent building of buff brick and slate, with distinctive arched windows that contributes to the character of the CA. On the basis of the limited evidence before me, I am nonetheless satisfied that Castle Hill House has sufficient heritage significance to be considered as a non-designated heritage asset.

8. The Council sets out that the width of the existing opening in the boundary wall at Castle Hill House is suitable to accommodate a vehicle and has done so in the past. However, the appellant states that it is not wide enough to accommodate his new vehicle. He is therefore seeking to remove a length of three metres of the wall from the side closest to the dwelling.
9. Whilst the details supplied with the application are limited, the removal of three metres of the length of the wall, a substantial portion, would be a highly noticeable change to the streetscene that would have a negative effect on its character. The proposal would lead to the creation of a wide opening in the wall that is not typical in the CA. The loss of a considerable portion of the fabric of a defining and distinctive feature of the CA and its replacement with a wide driveway opening would have an adverse effect on the character and appearance of the CA. For the same reasons, it would also adversely affect the setting of the non-designated heritage asset. Whilst I have come to my own judgement as I am required to, this is reinforced by the comments of another Inspector at appeal¹, also commenting on the loss of wall at the appeal site, referred to by both parties.
10. I accept that the wall is not in good condition, particularly on the garden side, however I note that other sections of the wall have been repaired whilst this section has not. In my view, having regard to the comments of the Building Control Officer and that of the appellant's builder, were this section to be similarly repaired, it would not be in imminent danger of collapse. Moreover, the condition of the wall does not justify the harm to the CA that would arise from removing it entirely.
11. The appellant states that neighbouring properties have 'wider kerb openings' than is being sought here. However, I am not provided with any precise measurements, nor is it clear if these are recent planning approvals. This limits the weight I can give to this argument. Moreover, the harm identified above does not arise from the extent of dropped kerb, it is due to the loss of the wall as well as the proposed width of the opening. In this regard I note that two of the properties opposite have relatively extensive dropped kerbs but include curved stone walls extending back from the roadside into the site with recessed gates. The resulting access width is therefore significantly less than the extent of dropped kerb. Nonetheless, citing existing harm is not always justification for further loss of features that contribute to local distinctiveness and the character and appearance of the CA.
12. Nevertheless, there are many existing opportunities along Main Street to widen accesses in a similar manner to that proposed as part of this appeal. In my view, allowing the appeal would set a precedent for equivalent proposals to

¹ APP/R2520/A/12/2172802

remove similar-sized areas of wall which cumulatively would significantly alter the character of the CA over time, to the detriment of its significance.

13. For the above reasons, I therefore conclude that the proposal would fail to preserve or enhance the CA and would amount to less than substantial harm as set out in paragraph 202 of the Framework. It would also adversely affect the setting of a non-designated heritage asset. This would be contrary to Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan (2017) which seek to ensure new development is of a high-quality design that makes a positive contribution to the townscape, preserves local distinctiveness and ensures heritage assets are conserved in a manner appropriate to their significance.
14. Section 72(1) of the Act² requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
15. Notwithstanding the limited information in this regard, the proposal would inevitably free up parking on the road by allowing the appellant to park his vehicle here. It is understood that it would also provide access to off-street parking for the occupier of the neighbouring property. However, given the scale of the parking area, this would only be a limited benefit. The proposal would also allow the appellant to provide an off-street electric car charging point. Owing to the scale, this would similarly constitute a limited public benefit of the proposal.
16. Nonetheless, based on the information before me, the limited public benefits would not, when taken together, outweigh the harm to the character and appearance of the CA.

Other Matters

17. The appellant has raised concerns in relation to the credentials of the officers involved in assessing the application. However, those are procedural matters that do not affect the planning merits of the case, which I have assessed on the basis of the evidence before me.
18. The appellant states that the cost of repairing the wall is more expensive than removing it. However, I am not provided with evidence of this. Nonetheless, whilst I sympathise with the appellant in this regard, the issue of the cost of carrying out maintenance to the appellant's property does not justify the public harm to the CA identified above.
19. I note that only one objection was received from local residents. However, a lack of objection is not necessarily indicative of a lack of harm.

Conclusion

20. For the reasons given, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

² Planning (Listed Buildings and Conservation Areas) Act 1990.