



Appeal Decision

Site visit made on 16 May 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 05 June 2023

Appeal Ref: APP/E2530/W/22/3312358

16 Exeter Gardens, Stamford PE9 2RN

- 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 & Mrs McCarthy against the decision of South Kesteven District Council.
 - The application Ref S22/1903, dated 28 September 2022, was refused by notice dated 23 November 2022.
 - The development proposed is change of use from outbuilding to independent dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site (the site) was the subject of a previous appeal¹ (the previous appeal) for a proposed dwelling and this is a material consideration.
3. The site visit had been arranged as an Unaccompanied Site Visit. However, just prior to my site visit I received a request from the appellant to enter the site. Whilst I was unable to comply with this request I was able to view the site and surroundings from the public realm and, from my observations on site, I am satisfied that I have the information required to proceed in determining the appeal.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with particular reference to the setting of the Stamford Conservation Area (the CA).

Reasons

5. The appeal site (the site) fronts onto the north side of Tinwell Road Lane (the lane). The lane is an unmetalled track. On the same side as the site the lane is largely undeveloped and has a peaceful, verdant character.
6. The predominantly open, spacious and green land to the north of Tinwell Road Lane is appreciated by persons passing along the lane as being part of the mainly garden land of the dwellings fronting onto Exeter Gardens. This spacious pattern of development and verdancy adds positively to the spacious, peaceful character and appearance of the area.

¹ PINS Ref: APP/E2530/W/21/3277132

7. The peaceful, verdant character of the land on the northern side of the lane, within which the site lies, is in stark contrast to the land on the opposite side, which is fronted by a number of outbuildings associated with the dwellings fronting Tinwell Road (A6121). Many of these outbuildings appear to serve as garages.
8. The site contains a substantial building with a mansard roof, clearly visible above the wall. The external appearance of the building would be unchanged by the proposal. The site is bounded to the lane by wooden gates set in a high brick wall, which provides a discordant element in the otherwise softer boundaries. Notwithstanding this, the appearance of the site and immediate area would not, therefore, be altered significantly by the proposal.
9. This notwithstanding, the character of the land to the north of Tinwell Road Lane is experienced as being less developed and quieter and more verdant than the land to the south. This provides a soft, verdant edge to the setting of the part of the CA which lies to the south of the lane.
10. During my site visit I observed that pedestrian and vehicular activity associated with the frontages on the northern side of the land was significantly less than that associated with the outbuildings and dwellings to the south. This is because the frontage properties on that part of Tinwell Road generally rely on the lane for vehicular access, whilst properties fronting onto Exeter Gardens have a greater level of vehicular access. This contributes to the overall feeling of tranquillity and peace of that land and is a positive feature of the area contributing to the setting of the CA.
11. The proposal, unlike the approved outbuilding, would create a dwellinghouse, independent of the host dwelling.
12. Although the appearance of the building would not be altered, the use as a separate dwellinghouse would be more likely to lead to a greater urbanisation of the site from the point of view of the provision of additional domestic paraphernalia. However, these would be concealed from public view behind the high wall and fences that bound the site.
13. It can be reasonably assumed that, since all comings and goings associated with the dwelling would occur through the lane, rather than being split between the two frontages that currently serve 16 Exeter Gardens, there would be an erosion of the peaceful nature of that frontage by the increased activity.
14. 16 Exeter Gardens currently has access to a large garden of significant length. It is reasonable to assume that outdoor domestic activity would be focussed on the area nearest to the dwelling. Following development any outdoor domestic activity associated with the new household would take place in the garden adjacent to the lane. Thus, there would be further erosion to the tranquillity of the area through an increase in residential outdoor activity in that area.
15. In this regard, the impact of the proposal on the character of the lane would differ from the use of the building as ancillary to the main dwelling. Thus, notwithstanding that the use of the building in association with the main dwelling would introduce disturbance to the area around the lane, I find that additional harm would result to the generally peaceful, undeveloped character of the garden land between the dwellinghouses off Exeter Gardens and the lane above and beyond this from its use as a separate dwelling.

16. This increased disturbance would result in unacceptable harm to the more tranquil, quiet, and rural character of the land to the north of the lane which I have identified above as making a significant positive contribution to the area and the setting of the CA.
17. Bringing these matters together, I find that the proposal would, whilst not causing harm to the appearance of the area, harm its character. The identified harm to its setting would undermine the significance of the CA, but would be less than substantial. Any harm to, or loss of, the significance of a designated heritage asset, including harm from development within its setting, should require clear and convincing justification.
18. I note that, overall, my conclusion in regard of impact on the character of the area is broadly consistent with that of the Inspector in the determination of the previous appeal.
19. The proposal would provide public benefits by providing an additional home to boost local housing supply and the additional household would provide economic and social benefits in the local area. However, irrespective of the Council's position in regard to the supply of housing land, the benefits from one dwelling would be limited in scale and so attract limited weight.
20. I have found material harm would result to the significance of a heritage asset and I attach significant importance and weight to the aims of the National Planning Policy Framework (the Framework) to conserve and enhance the historic environment.
21. Thus, I find that the material harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to designated heritage assets would not have clear and convincing justification and the Framework states that great weight should be given to a designated heritage asset's conservation.
22. In conclusion, whilst I have found that the proposed development would not result in harm to the appearance of the area I have found that it would harm its character, with particular reference to the setting of the CA. Thus the proposal would be contrary to the aims of policies DE1, EN6, SP2 and SP3 of the South Kesteven District Council Local Plan (2020), and Policy 8 of the Stamford Neighbourhood Plan (2022) in as much as these seek to ensure that new development is in keeping with the character of the area, reinforces local identity and makes a positive contribution to local distinctiveness, and protects and enhances heritage assets and their settings.
23. The proposed development would also be contrary to the aims of sections 12 and 16 of the Framework, which seek to achieve well-designed places and conserve and enhance the historic environment.

Other Matters

24. I am aware of representations by local residents opposing the proposal. The appellants also refer to local support. Whilst the participation of interested persons plays an important role in local democracy, development proposals must be determined in accordance with local and national planning policy, and this has been the basis of my decision.
25. The appellants identify that they have been subject to harassment because of the proposal and previous development. This is not, however, a planning matter.

Conclusion

26. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR