



Appeal Decision

Site visit made on 5 June 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023.

Appeal Ref: APP/B3030/D/23/3318413

Land adjacent Cherry View, Bilsthorpe Road, Eakring, Nottinghamshire NG22 0DG

- 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 Dale Cross against the decision of Newark and Sherwood District Council.
 - The application Ref: 22/02194/HOUSE, dated 10 November 2022, was refused by notice dated 20 February 2023.
 - The development proposed is part retrospective (existing garage doors) and proposed 'cart shed' style extension to existing garage.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed 'cart shed' style extension to existing garage and planning permission is refused. The appeal is allowed insofar as it relates to the existing garage doors and planning permission is granted for the existing garage doors at Land adjacent Cherry View, Bilsthorpe Road, Eakring, Nottinghamshire NG22 0DG in accordance with the terms of the application, Ref: 22/02194/HOUSE, dated 10 November 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan as existing and Drawing ref: HH.E/2022/01 insofar as it relates to details of the existing garage doors only.

Preliminary Matter

2. The garage doors had been completed prior to the application to the Council.

Main Issue

3. The main issue in this appeal is the effect of the proposals on the character and appearance of the property and the Eakring Conservation Area.

Reasons

4. The appeal site includes a single storey dwelling known as Hawthorn House with a lawned garden and a garage which was a development allowed on appeal in February 2021 (ref: APP/B3030/20/3262031).

5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The conservation area includes Eakring's 15th century church and is characterised by its mediaeval street pattern, steeply banked sunken lanes and groups of red brick farmsteads. The Conservation Area Appraisal indicates that the village has a relatively unspoilt historic core in a totally rural setting. The transition from the more open character of development at the fringe of the village to the open countryside forms part of the special interest and significance of the conservation area.
7. The Inspector in the previous appeal indicated that the immediate area of the appeal site was characterised predominantly by residential properties of variant styles with space between the properties being a main aspect. He concurred with the Council's description of the area as representing transition from the open countryside, where isolated agricultural buildings and farmsteads predominate, to the inner core of the village, which is relatively dense. I see no reason to disagree with their findings because the appeal site is located at the western extremity of the village close to agricultural land. Moreover, the Inspector imposed a condition to remove permitted development rights on the development granted permission on appeal as he had noted that the conservation area was characterised by the open space between buildings. He considered that further extending the proposed development could reduce the open space between buildings and potentially have a detrimental effect on the character and appearance of the conservation area.
8. The proposed "cart-shed" style extension to the garage would replicate an agricultural style of building. However, the garage and cart-shed would only leave a gap of around 4.73 m from the dwelling. The roof of the cart-shed would be seen from Bilsthorpe Road above the boundary hedging and the building would be visible from the access track at the rear of Hawthorn House and from Occupation Lane. Although the cart-shed has been designed as an open structure with appropriate roofing materials I find that it would unduly reduce the open character of the appeal site in this rural location. It would fail to conserve or enhance the character and appearance of the property and conservation area and would amount to harm to the significance of the designated heritage asset because of its proximity to the dwelling, and its size and scale.
9. However, the harm to the conservation area as a heritage asset would be less than substantial. Paragraph 202 of the Framework indicates that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The benefits from the proposal would primarily be private, with no public benefits sufficient to outweigh the harm from the proposal that I have identified above. This part of the proposal would therefore conflict with Core policies 9 and 14 of the Newark and Sherwood Amended Core Strategy Development Plan

Document, and policies DM5, DM6 and DM9 of the Allocations and Development Management Development Plan Document. It would further conflict with the expectation set out in paragraph 199 of the Framework that great weight should be given to the conservation of heritage assets, including conservation areas.

10. The development allowed on appeal involved the construction of a garage designed as an open-fronted cart shed to replicate an agricultural building. The Council has advised me that no garage doors have been approved. Two roller shutter doors in a composite horizontal wood effect style have been installed. The Council's conservation officer has indicated that timber vertical boarded doors were recommended at the pre-application stage to retain the agricultural design approach. The appellant has put forward reasons why such doors would be inappropriate, which I consider would not be insurmountable. However, in this particular case the garage doors are of a suitable colour and not prominent in public view, being mainly screened by the boundary hedging. Although timber doors are prevalent on the older buildings within the conservation area there are a range of garage doors in differing styles and colours within the village. Consequently, I find that the doors which have been installed have no significant harmful visual impact and preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and with the relevant development plan policies regarding heritage conservation.

Conditions

11. A single condition is imposed to confirm the approved plans but only insofar as they relate to the existing garage doors.

Conclusion

12. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be dismissed in relation to the proposed 'cart shed' style extension to existing garage but allowed in relation to the existing garage doors.

Martin H Seddon

INSPECTOR