



Appeal Decision

Site visit made on 17 April 2023

by C Harding BA(Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/E2530/D/23/3315182

1 Peck Hill, Ropsley, Lincolnshire NG33 4BL

- 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 Mrs Elizabeth Hicks against the decision of South Kesteven District Council.
 - The application Ref S22/1844, dated 20 September 2022, was refused by notice dated 2 December 2022.
 - The development proposed is extensions and alterations to existing house. Conversion of existing outbuilding into a residential annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although Mr and Mrs Hicks are identified on the application form, the appeal form indicates that the appeal has been made by Mrs Elizabeth Hicks only. Accordingly, I have proceeded with the appeal on this basis.
3. The appeal site is partially located within Ropsley Conservation Area ('the CA'). As such, I have had regard to the duty set out at Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance.

Main Issue

4. The main issue is the effect of the proposal on the character or appearance of the CA and non-designated heritage assets.

Reasons

5. The CA comprises a designated heritage asset, the significance of which is derived, insofar as it relates to this appeal, from its traditional rural layout, as well as the number and variety of historic dwellings of traditional rural proportions and materials. The appeal site occupies a hill-top location at the northern entrance to the village, and at the edge of the CA. It is therefore prominent in a number of views from within, as well as when entering, the CA.
6. The appeal property itself is of a traditional stone and pantile construction, reflective of many properties within the CA and is of modest proportions. Although I understand that it has only recently been reoccupied following a period of disuse and its current condition is reflective of this, it nevertheless remains a positive focal feature within the CA. Accordingly, although there is no

evidence to indicate that the appeal property is included on any local list, its identification by the Council as a non-designated heritage asset is reasonable.

7. The proposed two-storey extension would represent a significant addition to the building, in terms of its height and projection, and would fail to remain subservient to the host dwelling. Furthermore, although the use of red brick in the construction of this element would allow contrast with the existing stone construction of the appeal property, it would also serve to highlight the proposed extension as an addition of significant scale in comparison to the host property. Overall, it would not be sympathetic to the existing building, and would appear as an incongruously large and modern addition to the appeal property. This harm would be accentuated by the appeal property being prominently located at the entrance to the CA.
8. The extension to the southern elevation would be smaller in scale and of stone construction to match the existing building. However, its situation near to the boundary of the appeal site with the road, along with the relative height of the southern garden in comparison to the footway and road of Peck Hill, means that it would be situated in an elevated and prominent position. Furthermore, there is currently an open aspect across this part of the site which allows the appreciation of the existing property and its setting. The situation of this element of the appeal scheme close to the boundary with the road, and projecting several metres into the garden, would erode this open aspect and the positive contribution that it makes to the CA.
9. I understand that a structure historically existed within the southern garden, close to the existing dwelling. However, I have only limited details of this structure, it is not clear when it was removed, and in any event, the evidence indicates that it appears to have been located towards the western boundary of the garden. The proposed single storey element of the appeal scheme would be located close to the boundary with Peck Hill and would not, therefore, be in a comparable location. Accordingly, this previous structure does not form a precedent to which I can attach significant weight in my considerations.
10. The Council has raised no concerns with regard to the proposed conversion of an existing outbuilding located at the northern extent of the appeal site, which lies outside of the CA, but within its setting. There is no evidence before me which would lead me to disagree with this conclusion. However, when considered as a whole, the appeal scheme would lead to harm to the CA. Furthermore, it would also lead to harm to a non-designated heritage asset.
11. Paragraph 199 of the National Planning Policy Framework ('the Framework') advises that when considering the impact of development upon the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 of the Framework goes on to advise that harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. In terms of the Framework, I find the harm of the proposal to be less than substantial in this instance, but nevertheless of considerable importance and weight.
12. Paragraph 202 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of 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 Framework also states that great weight should be given to the conservation of

the asset, and the public benefits identified would not outweigh this harm. Additionally, Paragraph 203 of the Framework advises that a balanced judgement will be required with regard to proposals that affect non-designated heritage assets.

13. I acknowledge that the property was previously unoccupied for a number of years, that it would benefit from further modernisation, and that the appeal proposal would improve the standard of accommodation such that it would be more appropriate for modern living. However, in its present condition the appeal property nevertheless contributes positively to the character of the CA and there is no substantive evidence before me which indicates that work to otherwise modernise or maintain the appeal property would be directly reliant upon the appeal proposal being carried out. Furthermore, the appeal property is currently occupied for residential purposes, and there is no indication that this use would cease in the absence of the appeal proposal. Accordingly, I afford these factors minor weight as benefits of the appeal scheme.
14. Whilst there might currently be some reliance on on-street parking for visitors to the appeal property, there is no substantive evidence before me which would indicate that this arrangement is inherently unsafe or unable to operate acceptably at present. Accordingly, I afford any improvement to on-street parking provision as a result of the appeal scheme only very modest weight as a benefit of the appeal scheme.
15. The appeal proposal would allow a family member with a protected characteristic to live independently whilst having support from the appellant's family. I have therefore had regard to Article 8 of the Human Rights Act 1998 and the Public Sector Equality Duty set out at Section 149 of the Equality Act 2010. However, I am not persuaded that the appeal proposal is the only means by which such support could be provided, and there is no indication that if pursued separately, that the proposed annexe could not be provided. Furthermore, even if there was a need to progress the development as a whole, there is no indication that a scheme of differing form would provide insufficient accommodation. Given these factors, I give the personal circumstances modest weight in favour of the appeal.
16. The harm to the CA and the non-designated heritage asset that would be caused by the proposed development outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristic of disability, advancing equality of opportunity for those persons and fostering good relations between them and others, as well as the other benefits I have identified.
17. The proposed development would fail to preserve or enhance the character of the CA. It would also have an adverse effect on a non-designated heritage asset. Accordingly, the development would be contrary to Policies DE1 and EN6 of the South Kesteven District Local Plan and Policies R&D4 and R&D7 of the Ropsley Neighbourhood Plan which together, and amongst other criteria, seek to protect and enhance heritage assets and their settings, and expect new development to make a positive contribution to the character of the area. It would also fail to accord with advice within the Design Guidelines for Rutland and South Kesteven Supplementary Planning Document which advises that residential extensions should respect wider surroundings in terms of their scale, position, design and building materials, as well as respect the scale and

character of the existing dwelling. As a result, the proposal would not be in accordance with the development plan.

Other Matters

18. I have had regard to representations received from local residents, the majority of which express support for the appeal proposal. However, the views expressed do not introduce any additional evidence that would lead me to conclude that the proposed development would not result in harm to heritage assets.
19. Although not a matter of dispute between the main parties, even if I were to agree that the appeal scheme would not lead to harm to the living conditions of occupiers of neighbouring properties, this would only be a neutral factor and does not weigh in favour of the development.

Conclusion

20. For the above reasons, I conclude that the proposal would conflict with the development plan and there are no material considerations, including the Framework and the appellant's personal circumstances, that would outweigh that conflict. Therefore, the appeal is dismissed.

C Harding

INSPECTOR