



Appeal Decision

Site visit made on 22 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/B3030/W/23/3316035

Grasmere, Back Lane, Eakring, Nottinghamshire NG22 0DJ

- 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 J Norris against the decision of Newark & Sherwood District Council.
 - The application Ref 22/01400/FUL, dated 14 July 2022, was refused by notice dated 26 August 2022.
 - The development proposed is proposed erection of 1 no. single-storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed erection of 1 no. single-storey dwelling at Grasmere, Back Lane, Eakring, Nottinghamshire NG22 0DJ in accordance with the terms of the application, Ref 22/01400/FUL, dated 14 July 2022, subject to the conditions set out in the attached schedule:

Main Issue

2. The main issue is whether the proposed dwelling would preserve or enhance the character or appearance of the Eakring Conservation Area.

Reasons

3. The appeal site comprises garden land to Grasmere and its access from Back Lane. Grasmere is a detached dwelling located to the rear of another dwelling Nanquidno. The proposed dwelling would be sited in an area of garden to the west of it and share the access from Back Lane but with separate driveways to the proposed dwelling and Grasmere.
4. Eakring is a rural village designated as a Conservation Area and characterised by its lanes and their hedgerows and vernacular buildings. Back Lane is a narrow lane running parallel, north to south, to Kirklington Road with Main Street and Church Lane crossing the village from east to west. Interspersed with the buildings are areas of open land and the whole of the village is surrounded by countryside. The Conservation Area includes the entire village including its road network, buildings and areas of open land. Most of the village comprises farm groups and houses with a few non-domestic buildings including St Andrew's Church and The Savile Arms.
5. The historical grouping of residential properties in this rural village with its narrow lanes and outlying countryside are significant characteristic of the

Conservation Area. The Conservation Area Appraisal¹ describes the village as centred upon its fifteenth century church and is characterised by its medieval street pattern, steeply banked sunken lanes and groups of farmsteads.

6. Furthermore, the Appraisal describes the still recognisable, original medieval layout of this farming settlement with the farmstead, or toft, set in a larger plot, or croft, comprising a farmyard, garden and orchard. It describes small enclosed fields within the village, usually facing a main thoroughfare with a back lane to the rear, an acknowledged characteristic. Therefore, the form of the village consists basically of two main streets, Kirklington Road and Main Street/Bilsthorpe Road with the back lanes, Church Lane and Back Lane running roughly parallel to them which would have provided access to the yards and crofts behind the houses.
7. Consequently, the boundary to the Conservation Area includes open areas which as well as the buildings and the road layout are notable contributors to the setting of the village which together establish the significance of the Conservation Area as a heritage asset.
8. Grasmere is a relatively modern building within the Conservation Area and, as stated above, the proposed dwelling would be built in what is currently part of its garden. It is enclosed by trees and from the appeal site there is little by way of views to the surrounding countryside. Likewise, from the nearby public footpath there is limited views of the appeal site. The proposed dwelling therefore would be located on land associated with the built-up village rather than the open land around it. I do not therefore consider that the proposed dwelling would erode the rural setting of the Conservation Area.
9. Therefore, although the proposed dwelling would extend the built form closer to the boundary of the Conservation Area, an area of open rural space would remain as a buffer between the built form and the open countryside. The established mix of buildings and open space would be retained.
10. Furthermore, although the proposed dwelling would not follow the linear pattern of development along Back Lane, the proposed dwelling would be located within garden land of a dwelling, Grasmere, that does not follow this pattern. Given the scale of the dwelling, its location and the fact that open land would remain between the appeal site and the western boundary of the Conservation Area, I consider that this would have a neutral effect.
11. Furthermore, the proposed dwelling would have a simple design and I consider that this would have minimal impact on the rural setting and character of the Conservation Area. The scale of the dwelling would aid its assimilation into an area at the edge of the built-up area of the Conservation Area and its open surroundings.
12. Whilst I appreciate that the Council consider that the proposed dwelling with its agricultural design conflicts with the narrative of the village, and that may be the case to a degree, the Appraisal makes it clear that the village developed as farm groups and houses. It states that agricultural buildings are prominent in Eakring and contribute significantly to the townscape of the village. Therefore, I consider that the design, scale and overall appearance of the proposed dwelling reflects the character of the village.

¹ Newark & Sherwood District Council – Eakring – An Appraisal of the Character & Appearance of the Conservation Area 2001. Adopted by the District Council as Supplementary Planning Guidance on 15 January 2001.

13. Consequently, I consider that the proposed dwelling would preserve the character and appearance of the Eakring Conservation Area and it would not harm its significance as a designated heritage asset. In reaching this conclusion, I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Core Policy 14 of the Core Strategy² and Development Management Development Plan Document³ Policy DM9. It would also not conflict with the objectives of the National Planning Policy Framework⁴, which amongst other things, established that great weight should be given to the conservation of a heritage asset.
14. I have also considered Spatial Policy 3 of the Core Strategy and for the reasons already set out above, I do not consider that the proposal would conflict with this policy in terms of its location, scale and character. Furthermore, as stated above, I do not find the design of the proposed dwelling unacceptable and therefore find no conflict with Core Policy 9 or Development Management Development Plan Document Policy DM5 would occur.

Other Matters

15. Concerns have been raised about various matters. With regard to noise and disturbance during the construction period and congestion caused by the parking requirements of contractors' vehicles, I accept that there may be some disturbance caused at construction stage but this would be for a limited period only. There is no indication that the proposal is for commercial purposes as the appeal relates to a residential use only and it is unclear how the proposal could have an adverse effect on the local community, concerns in this regard are not explained. Any effect on property prices is not a matter that affects my determination of this appeal. I have considered these and all other matters raised but afford these little weight.

Conditions

16. Conditions have been suggested by the Council which I have considered in the light of the Planning Practice Guidance⁵ and the Framework. In addition to the standard time condition, conditions requiring the development to be carried out in accordance with the submitted plans and the submission and approval of external facing materials is necessary for the avoidance of doubt and in order to achieve a satisfactory appearance. Given that the site is within a Conservation Area, specific details regarding window details, rainwater goods and other details listed by the Council are required as no details are included and satisfactory details are necessary to achieve a satisfactory appearance (I have omitted chimneys from this list as none are shown on the submitted plans).
17. A condition requiring details of boundary treatments is necessary as no details have been submitted and details are necessary to ensure that boundary treatments are reflective of the site's surroundings. A condition requiring

² Newark & Sherwood District Council – Plan Review – Review of the Newark & Sherwood Local Development Framework Core Strategy & Allocations Amended Core Strategy, Adopted March 2019.

³ Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document, Adopted July 2013.

⁴ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

⁵ Planning Practice Guidance, Published 6 March 2014, Updated 23 July 2019.

landscaping details is not necessary as this proposal is for a single dwelling and no specific landscaping details are required above that which would be reasonably expected for a residential property. However, there are trees on the site and the appellants arboricultural report makes recommendations which include their protection during the construction stage. I therefore consider that it is necessary that the details are carried out in accordance with the details set out in the submitted report. I have amended some of the wording for clarity or conciseness in accordance with the PPG and the Framework.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

J D Clark

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans / document:
 - *Drawing Nos: - 2211(P)00; 2211/(P)01; 2211(P)02; 2211(P)03; and 2211(P)04.*
 - *Arboricultural Survey by Forest Farm Tree Services, dated 14 June 2022.*
- 3) No development above damp proof course shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority:
 - i) external windows including roof windows, doors and their immediate surroundings including details of glazing and glazing bars;
 - ii) window and door heads and cills;
 - iii) verges and eaves;
 - iv) rainwater goods;
 - v) coping;
 - vi) extractor vents;
 - vii) flues;
 - viii) meter boxes;
 - ix) airbricks;
 - x) soil and vent pipes;

Development shall be carried out in accordance with the approved details and retained thereafter.

- 5) Prior to the first occupation of the dwelling hereby permitted, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the approved details retained thereafter.