



Appeal Decision

Site visit made on 18 July 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/N1025/W/23/3317864

Land Between 5a and 9, St Wilfrid's Road, West Hallam DE7 6HG

- 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 Justin Mooney (Meg Properties Ltd) against the decision of Erewash Borough Council.
 - The application Ref ERE/0622/0029, dated 8 November 2021, was refused by notice dated 15 September 2022.
 - The development proposed is a new bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the West Hallam Conservation Area and the setting of the adjacent non-designated heritage asset.

Reasons

3. The appeal site is a plot of land positioned between 5a and 9 St Wilfrid's Road. The site is elevated from the road to its centre and has a narrow frontage that widens to its rear. It has boundaries with numbers 5a and 9 St Wilfrid's Road, part of the car park of the Punch Bowl Public House and to modern housing development in Burncroft.
4. The appeal site is currently free from built form and creates a clear gap between the modern properties and the start of the West Hallam Conservation Area that the site sits within.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
6. The National Planning Policy Framework (Framework) in paragraph 199 states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation.
7. The West Hallam Conservation Area ('the CA') comprises narrow plot shapes, dense development and properties generally built close to the back of the pavement, with a shallow front forecourt enclosed by a boundary wall or railing. The significance of the CA lies in its architectural and historic interest.

8. The tight-knit arrangement of the buildings, their materials and appearance with positioning fronting the road are features which contribute to the significance of the CA.
9. On St Wilfrid's Road, modern properties are set back from the street, which is out of character with the historic pattern of development. However, the overriding character of development is that of properties following linear building lines with a street frontage and strong street presence, which contributes positively to the character of the area. The existing residential properties generally have rear gardens, which gives them a spacious character.
10. The proposal would consist of a detached single-storey bungalow on land beyond the rear building line of the existing development. Therefore, the proposal would not have a street presence in the way that the existing properties do. Although the roof height of the proposed bungalow would be comparable with existing dwellings in Burncroft and of 9 St Wilfrid's Road, the overall scale and massing of the proposed bungalow would be significantly large on this irregular shaped site and would be positioned close to its side and rear boundaries.
11. Although the backland siting of the proposed bungalow would, to some extent, limit its wider effect on the character and appearance of the area, its positioning in close proximity to the site's boundaries would be particularly prominent when viewed from neighbouring gardens and would disrupt the visual harmony of its surroundings.
12. Consequently, by virtue of its siting, scale and massing, the proposed bungalow would be out of keeping with the prevailing pattern of the existing development in the vicinity of the appeal site. The proposal would therefore fail to promote or reinforce the distinctive characteristics of the area and would adversely harm rather than positively contribute to the character and appearance of the CA.
13. The appeal site is located adjacent to 5 and 5a St Wilfrid's Road (No 5/5a). No 5/5a is recognised by the Council as a non-designated heritage asset. No 5/5a is a former farmhouse that was built during the 18th or early 19th century. Its significance relates, in part, to its age and architectural detail consisting of roughcast render elevations with elongated window openings beneath a gabled plain tile roof with oversailing eaves, making a positive contribution to the character and appearance of the surrounding area.
14. The appellant's submitted 'Statement of Significant and Heritage Impact Assessment (dated May 2022)' (Heritage Impact Assessment) includes historic mapping which illustrates that the appeal site was historically connected to the adjacent No 5/5a building and had a visual and functional relationship with the built form of the older core of the village.
15. Whilst the site no longer has a functional relationship with No 5/5a, its open, undeveloped characteristics continue to provide a visual relationship that contributes positively to the setting of the non-designated heritage asset.
16. The Framework states that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness. In terms of non-designated heritage assets, the Framework at

paragraph 203 requires that a balanced judgement is made when assessing the application, having regard to the scale of any harm or loss and the significance of the heritage asset.

17. As the proposal would be set further back than No 5/5a, it would appear subservient to the non-designated heritage asset when viewed from the road. However, the proposed driveway would extend from St Wilfrid's Road into the site, cutting through the site's frontage. The driveway would lead to a wide parking area and a turning bay screened by a brick wall. These proposed hardstanding features would be sited adjacent to the existing building at No 5/5a. Furthermore, the proposed bungalow would be sited close to the rear garden boundary of No 5/5a. Therefore, the proposal would result in an urbanising change to the setting of this non-designated heritage asset by diminishing the undeveloped qualities of the site, which would detract from the site's sense of space and openness.
18. The gap created by the appeal site serves as a visual break between the non-designated heritage asset and the more modern development. The proposal would remove this existing gap, which separates the CA's historical built form from the modern development that is visually stood apart. As a consequence, the previously unobstructed gap, devoid of any built structures, would be eroded, thereby compromising the overall setting and visual integrity of the non-designated heritage asset and the CA.
19. I have considered the appellant's arguments that the proposal has been carefully considered in order to provide a design solution to the development of the site and to minimise any impacts on the adjacent properties and the area. However, whilst the proposal would be of traditional design and its use of materials together with the boundary treatment and grass verges would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
20. Given the location of the appeal site within the CA, special attention has to be paid to the desirability of preserving or enhancing the character and appearance of the area. Similarly, a balanced approach is required to assess the effect on the setting of No 5/5a as a non-designated heritage asset, in accordance with the Framework. I consider that the proposal, by virtue of its siting, scale and visible influence, would have a negative material impact and would fail to preserve or enhance the CA and would cause harm to the setting of the adjacent non-designated heritage asset. I would qualify that the degree of harm to the CA would be less than substantial. In accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
21. I note the appellant's desire to provide a bungalow to meet the local housing needs. The proposal would also make effective use of a vacant and overgrown site and assist to tidy it up. However, I find insufficient public benefits arising from this proposal to offset the identified harm to which I attach significant weight.
22. Consequently, the proposal would have a harmful effect on the character and appearance of the area, including the Conservation Area and the setting of the adjacent non-designated heritage asset.

23. In reaching my decision, I have had regard to the Heritage Impact Assessment (dated May 2022) submitted by the appellant. However, notwithstanding this evidence, I have found that harm would result from the proposal for the reasons stated.
24. Therefore, I conclude that the proposed development would fail to preserve or enhance the West Hallam Conservation Area and would cause unacceptable harm to the setting of the non-designated heritage asset. The proposal would therefore conflict with the conservation objectives of Section 16 of the Framework. It would also fail to accord with Policies 10 and 11 of the Erewash Core Strategy (2014), and Policy EV5 of the Erewash Borough Saved Policies Document (2008, amended 2014). These policies, amongst other things, seek to enhance local identity and conserve and enhance the historic environment, which is consistent with the Framework.
25. In reaching this conclusion I have had regard to the guidance contained within the Erewash Borough Council's Design Supplementary Planning Document (2006), which sets out design guidelines for the borough.

Other Matters

26. The War Memorial, the Village Hall and St Wildrid's Church are the closest listing buildings to the appeal site, and are all Grade II. I am required to have regard to the preservation of the setting of these listed buildings. However, given that I am dismissing the appeal, the proposed development would not result in a change to the way in which these heritage assets are experienced. Therefore, I do not need to give this matter further consideration.
27. My attention has been drawn to examples of backland developments located elsewhere in the local area, such as the Church and Tesco Express. Though there are some exceptions where development has been constructed deviating from the linear form, the overriding character in the immediate vicinity of the appeal site is predominantly of linear form fronting the road.
28. My attention has also been drawn to an existing bungalow at No 3. Whilst this is within the Conservation Area, it is sited close to and fronting the road. It is not therefore directly comparable to the proposal before me, which would be sited further away from the road. In any event, I have determined this appeal its own merit.

Conclusion

29. The proposal conflicts with the development plan when read as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

H Smith

INSPECTOR