



Appeal Decision

Site visit made on 27 June 2023

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/N3020/D/23/3320716

Ivy Dene, Moor Road, Bestwood, Nottinghamshire NG6 8TL

- 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 and Mrs Darryl Blake against the decision of Gedling Borough Council.
 - The application Ref: 2022/1296, dated 16 November 2022, was refused by notice dated 14 April 2023.
 - The development proposed is described as New Facade To Front Elevation, Two Storey Side Elevation Extension And Porch To Front Elevation, Render To Existing rear Elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property as a non-designated heritage asset and whether the character or appearance of the Bestwood Village Conservation Area (BVCA) would be preserved or enhanced.

Reasons

3. The appeal site is a dwelling and non-designated heritage asset within the BVCA which is a mining village developed in association with the Bestwood Colliery.
4. The BVCA is characterised by dwellings in a dense grid layout, with larger service buildings dispersed across the village, along with associated areas of open space. The statutory requirement¹ requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. Insofar as is relevant to this case, I consider that the significance of the BVCA derives from its historic mining association, the pattern and form of development, and the architectural detailing of its buildings.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. The appeal site is a two-storey detached dwelling of early C20 construction, set back from Moor Road. The dwelling comprises brick walls and a gabled slate roof. The main architectural features of interest are within its front elevation, which includes a projecting two-storey bay window, that includes two timber one-up/one-down sash windows at both ground and first floor, set between timber pilasters; a recessed front doorway with brick pillars and a prominent arched architrave; and, sash windows at ground and first floor level which are a mix of timber and UPVC.
6. The site is located at the edge of the BVCA, and appears physically separate from other development of similar age. Post-war development lies to its north, and the cemetery of St Mark's Church to the south. The mature trees within the cemetery, and those on the site frontage screen the appeal dwelling, which provide partial screening but enable glimpsed views of the dwelling from the road. The building's siting, context and architectural detailing is such that it contributes positively towards the character and appearance of the BVCA, and to its significance as a non-designated heritage asset. As required by paragraph 203 of the National Planning Policy Framework 2021 (the Framework), in weighing proposals a balanced judgement is required having regard to the scale of harm or loss of the significance of the heritage asset.
7. The proposal is a two-storey side extension, rebuilding of the front façade, erection of a porch and the rendering of the rear elevation. The Council raised no objection to the two-storey side extension and I see no reason to disagree with this assessment.
8. The rebuilding of the front elevation is proposed in its entirety, and would remove the existing architectural features and detailing that I have identified above. The proposed porch would be an enclosed projecting brick porch structure, with gable roof. It would project forward of the front elevation, while the roof pitch fails to match that of the existing roof. The projecting bay would be reconstructed in a similar position to the existing.
9. However, the existing full width windows with wide timber pilasters, would be replaced with ground and first floor centrally positioned windows surrounded by brickwork. Proportionally the openings would fail to respect the existing bay windows and their design would contrast with other openings within the elevation. The flat roof detailing of the bay adds to this incongruity. Therefore, I find that the proposed porch and replacement bay window would, both individually and cumulatively, have an awkward and visually discordant appearance.
10. The porch and bay windows are architectural elements of significance to this particular building. Their removal in lieu of the replacements as proposed, would be to the detriment of the overall character and appearance of the building. While the dwelling is not prominent from Moor Road, I consider that the incongruity of the alterations proposed would result in a dwelling which would sit less comfortably within its immediate setting.
11. For the above reasons, I consider that the proposal would harm the character and appearance of the host property as non designated heritage asset and would fail to preserve or enhance the character or appearance the BVCA harming it's significance as a whole. The proposal is therefore contrary to Policy 11 of the Aligned Core Strategies Part 1 Local Plan (2014) and Policies LPD26

and LPD31 of the Gedling Borough Local Planning Document Part 2 Local Plan (2018), and the guidance contained within the Framework. These, amongst other things, seek to preserve or enhance heritage assets.

12. The harm to the BVCA identified above would be less than substantial. The Framework makes clear in paragraph 202 that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal and I return to this in the overall planning balance.

Other Matters

13. The appeal has been supported by two structural surveys² which identify structural defects of the building from historic subsidence and/or the effects of the mature trees within the cemetery. On my site visit I was able to observe the visible defects, both externally and internally. The building has an obvious lean, while the windows are clearly uneven. Internally, the floors are also uneven as a result of the ground movement. Therefore, from what I have observed, I have no reason to disagree with the findings of the surveys.
14. These defects have affected the appellants' living conditions and quality of life and it is the appellants' view that the building is no longer serviceable or fit for purpose as a dwelling. The structural reports do not definitively state that the front elevation needs to be replaced for structural reasons. However, it is the appellants' intention that the dwelling needs to be made level to enable it to become serviceable. Due to the existing uneven nature of the building, any replacement of existing windows would be difficult to achieve, and there would be a visually and structurally disjointed relationship with the proposed two-storey side extension.
15. The appellants have explored options to resolve their issues including options of jacking up the property³ and lifting through resin injection⁴. However, there is no guarantee that the works to level the property would be successful, and could ultimately result in further damage. The appellants consider that the replacement of the façade in its entirety is their only viable option.
16. Notwithstanding this, I see no reason why the reconstruction of the front façade could not be done in a manner which is more sympathetic to the character of the existing building. It has been suggested that architectural features could not be retained, however, even if existing features could not be salvaged, they could be replaced or replicated, or a design approach adopted which is more sympathetic to these defining characteristics of the building.
17. It has been suggested that the installation of UPVC windows and a porch could be carried out under permitted development rights. I have no details of the scale of porch that would be permitted development, while any windows would need to be of a similar appearance to the existing building⁵. Notwithstanding what could be done under permitted development, I have considered the effects of the proposals in their entirety and on its merits, as I am required to do.

² ML Consulting Structural Engineers dated 16 February 2022 & P&M Structural Design dated 08 February 2023

³ Morcon Foundations email

⁴ Mainmark Ground Engineering quote 19 September 2021

⁵ Schedule 2, Part 1, Class A.3(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015

18. Concern has been made with regard to the manner in which the application was handled and the Council's understanding of the proposals. However, I confirm I have had regard only to the planning merits of the case.

Planning Balance and Conclusions

19. I have identified that the proposed development would cause less than substantial harm to the significance of the BVCA. However, the scheme would deliver some benefits through improvement to the existing housing stock. However, such benefits are essentially private to the appellant. Therefore, all the public benefits combined are relatively modest and insufficient to outweigh the great weight which must be attached to the harm to the BVCA I have identified. The harm I have identified to a non-designated heritage asset, only carries further weight against the scheme.
20. For the above reasons, the development conflicts with the development plan and with the provisions of the Framework in relation to heritage assets, and there are no material considerations, which indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

D Cleary

INSPECTOR