



Appeal Decisions

Site visit made on 24 November 2023

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 January 2024

Appeal Refs:

APP/B3030/C/23/3322503 ('Appeal A')

APP/B3030/C/23/3322504 ('Appeal B')

58 Gainsborough Road, Winthorpe, Newark NG24 2NR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mr Raman Sharma against an enforcement notice issued by Newark & Sherwood District Council. Appeal B is made by Ms Shareenah Atwal against the same notice.
- The enforcement notice, numbered 23/00098/ENFB, was issued on 21 April 2023.
- The breach of planning control as alleged in the notice is *Without planning permission, operational development consisting of the erection of a timber outbuilding with pantile roof within the curtilage of a listed building*.
- The requirements of the notice are to remove the outbuilding and all associated materials from the land.
- The period for compliance with the requirements is three months.
- The appeals are proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended ('the 1990 Act').

Summary Decision: the appeals are allowed, the notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Main Issue

1. The main issue in the appeals is the effects of the development on heritage assets.

Reasons

2. The Dial House, so-called owing to an ornate sundial on its front elevation, is a Grade II Listed house lying at the junction of Gainsborough Road and Holme Lane in Winthorpe. It lies in a roughly triangular-shaped plot, with the historic front of the house facing onto the road junction and, across it, a small village green and beyond it the Lord Nelson public house. It is thus a particularly prominent property in the village, and lies at the centre of the village's Conservation Area.
3. To the rear, extensions have taken place to the dwelling, including a two-storey outrigger to the eastern side. To the west, single storey elements include a lean-to extension and what is described as an orangery which fills in the space next to the outrigger, giving the building an approximately square extended footprint. Whilst the outrigger and lean-to are finished in brick that approximately matches the historic core of the house, the orangery is finished in what appears as cream-coloured wood with extensive glazing elements to it.

4. The building that is the subject of these appeals lies to the north-western corner of the triangular plot, at the very rear of the garden. Two sides of it face into the garden, to the south and east. It lies adjacent to Holme Lane on the western side, and to the north it lies adjacent to a small triangular area of what appears to be public open space, consisting of grassland and trees falling away towards a small canalised beck running adjacent to Holme Lane off to the north. Behind that public open space, which includes the remains of the historic village cross, is an elevated lane leading from Gainsborough Road and giving access to the dwellings alongside it.
5. The building is a small timber-framed home office, consisting of cream boarding to the external sides and a pantile roof in a somewhat pyramidal form. It is approximately 4m³. The issues between the parties relate to its design and its finishing materials, with the Council contending that it is inappropriate to the Conservation Area and to the Listed Dial House.
6. The relevant provisions of the development plan, consisting principally of policy CP14 of the Core Strategy and DM9 of the Allocations Document, are consistent with national policy (including the iteration of the National Planning Policy Framework issued in December 2023) and with the legislative framework. The effects of development on the significance of heritage assets require special consideration when making planning decisions that affect those assets or their settings. Any harm requires justification, and may (unless substantial harm) be capable of being overcome by any public benefits of the proposal.
7. Here, although enabling the appellants to successfully work from home carries potentially general benefits to the wider economy, and appears to obtain some support from the emerging Neighbourhood Plan, the principal benefit arising from the proposal is one that is private to the appellants by creating more domestic space for them. If harm arises, therefore, it would not be overcome by the benefits of the development as these are not public in nature. Thus the question is whether harm to those heritage assets does arise. Any harm, however limited, should be given significant weight in my decision.
8. In the round I do not find that the home office causes the harm to heritage assets for which the Council contend. Viewed within the property's garden, it appears complementary to the orangery that is attached to the house, being constructed of materials that are similar in appearance, and avoiding any pastiche of the original brick-built dwellinghouse. Viewed from outside the site, looking back towards the house from Holme Lane this complementary relationship between the office and the orangery is similarly observed. They are both modern elements that are pleasant in their own right, have a harmonious relationship with each other, and which cannot be confused with the original historic assets.
9. Looking from Holme Lane across the site towards the area of public open space and the cottages behind, it is the case that the home office is of a different design and style from the other buildings there observed. However, it is evidently also of a different vintage. On the whole it is an inconspicuous and inoffensive domestic adjunct, well-suited to its purpose, and reasonably well-screened by tree and hedge cover, with the appellants having recently installed additional hedgerow planting. I agree with the Parish Council that the hedging both existing and planned results in a very limited view of the building from the roadside, and the maintenance of such planting will be secured by condition.

Formal Decisions

10. Therefore, having found that the Listed Building and its setting will be preserved and the Conservation Area appropriately conserved, the appeals are allowed and planning permission is hereby granted on the applications deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely the erection of a timber outbuilding with pantile roof at the Dial House, 58 Gainsborough Road, Winthorpe NG24 2NR subject to the condition that if any of the existing boundary hedging specimens should be lost within five years of the date of this decision, they shall be replanted within the first planting season following the loss with plants of the same species as those lost.
11. The appellants having succeeded on ground (a), the notice is hereby quashed and there is no need for me to consider the appeals made on ground (f).

Laura Renaudon

INSPECTOR