
Appeal Decision

Site visit made on 16 January 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/A3010/W/23/3316558

6 Thornfield House, Retford Road, Nottinghamshire, Mattersey, DN10 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Graham Smith, Graham Smith Design, against the decision of Bassetlaw District Council.
 - The application Ref 22/00937/HSE was approved on 22 November 2022 and planning permission was granted subject to conditions.
 - The development permitted is erection of single storey front and rear extension with additional chimney stack.
 - The condition in dispute is No 4 which states that: The garage door to be used in the development and the replacement garage door shall be of timber construction. The timber doors shall be retained thereafter.
 - The reason given for the condition is: To ensure the satisfactory appearance of the completed development and to preserve the setting of nearby heritage assets.
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Decision

1. The appeal is allowed and planning permission Ref 22/00937/HSE for erection of single storey front and rear extension with additional chimney stack granted on 22 November 2022 by Bassetlaw District Council, is varied by deleting condition 4 and substituting it for the following condition:
 - No development shall take place until full details of the composite material to be used in the construction of the new single garage door and the replacement double garage door have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. Both the garage doors shall be retained as such thereafter.

Procedural Matters

2. Whilst it does not match that given on the appeal form, having had regard to the correspondence submitted in this regard, I have taken the name of the appellants from the planning application form.
 3. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence provided by the main parties in relation to this appeal, since the revised Framework's approach to the main issue in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.
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Background and Main Issue

4. The appeal property is a large modern detached dwelling with a single storey front projecting garage with a pitched roof. The permitted front extension is to the existing garage and would provide a further single garage with a new timber garage door. The existing garage comprises two single garages with a central pillar and two tilt up metal doors. The permitted plans show the pillar to be removed and a new double up and over timber garage door inserted.
5. When planning permission was granted for the extension, condition 4 was imposed to ensure that both the new single garage door to the extension, and the replacement double garage door to the existing part of the building are constructed in timber. This was imposed in order to ensure the satisfactory appearance of the completed development and to preserve the setting of nearby heritage assets.
6. The appeal is made directly against condition 4. Whilst no alternative wording is suggested, the appellants have clarified through the appeal that they seek the use of composite for both the new single garage door, and the replacement double garage door to the existing part of the garage building, rather than timber doors. As a result of advice from the manufacturers, the appellants indicate that a single large span wooden door across two garages would be unfeasible since it would be too heavy to lift. A lighter composite wood effect sectional automated roll up door is sought for the replacement double doors instead. The new single garage door would be in composite to match this.
7. This background has led to my identification of the following main issue:
 - Whether the disputed condition is necessary to protect the character and appearance of the surrounding area and to preserve the setting of the nearby Grade I listed Church of All Saints (Ref: 1239190) and the setting of the Mattersey Conservation Area.

Reasons

The settings of the listed building and the conservation area

8. The nearby Church of All Saints is a Grade I listed Parish church dating to the 13th, 14th and 15th centuries and restored in 1866. Built of ashlar fragments of coursed rubble, with slate roofs and ashlar parapets, it has a distinctive diagonal buttressed tower. This attractive traditional building is of some considerable rural charm and sits in a key position behind a long churchyard which fronts Main Street in the centre of the settlement. It is a key feature of the village and a building of the highest national significance.
9. In so far as relating to this appeal, the significance of the church is derived from its architectural and historic interest as an important long standing place of worship, along with its role and status in the settlement and relationship with the rest of the village.
10. The appeal property is also adjacent to the Mattersey Conservation Area, the boundary of which runs to the east on the other side of Retford Road and continues to the north taking in the houses fronting Main Street. It includes much of the rural village incorporating its historic core along Main Street and Abbey Road and is characterised by late 18th to early 20th century farmsteads, cottages and houses.

11. Insofar as relating to this appeal, I consider that the significance of the conservation area is derived for the most part from the attractive rural character of the townscape including the traditional historic buildings there, and their relationship with each other and the spaces around them.
12. The settings of both the church and the conservation area, and the contribution that these make to the significance of those assets, in so far as relating to this appeal, arises mainly from the rich historic character of the village townscape and its traditional buildings, as well as from their relationship to each other. These factors contribute positively to the understanding and the special interest and significance of the church and the conservation area, along with the ability to appreciate them.
13. The Framework defines setting as the surroundings in which a heritage asset is experienced. The appeal property is some distance to the south of the church and separated from it by other buildings. Nevertheless, the church's distinctive tower is seen beyond the intervening houses in longer range views taken from the appeal property northwards along Retford Road. As such, some contextual views of the church taken on Retford Road on approach to the village include the appeal property. They also include the conservation area. Additionally there is clear intervisibility between the appeal property and the conservation area where it extends southwards to take in the area directly to the east of the appeal property. Here, the appeal property is seen on the other side of Retford Road from the conservation area when travelling in both directions.
14. Accordingly, and since it forms part of the village townscape, the appeal property contributes to some extent to the settings of both the listed church and the conservation area. I have had special regard to these matters in considering this appeal.

The effect of the proposal

15. The officer's report indicates that both the garage doors (new and replacement) should be of timber construction to preserve the setting of nearby heritage assets and in the interests of the character and appearance of the area. Whilst no further explanation is given, I appreciate that timber is a traditional material sympathetic to the historic buildings and townscape nearby.
16. That said, the appeal property is a modern detached dwelling where the use of more contemporary materials would not necessarily appear out of place. As described above, the existing double garage doors are made of metal. The new single door and the replacement double garage door would face northwards at right angles to Retford Road in the forward projecting part of the building and would be set back from the immediate road frontage. As such they would be appreciated only in views from Retford Road when travelling south out of the village and would not be prominent there.
17. As set out above, the appeal property is at some distance from the church, the tower of which is only seen in the context of the appeal property in views travelling north along Retford Road. Given their siting and orientation the doors would not be visible in these views. Whilst the garage doors would be seen in the context of the adjacent conservation area in views from Retford Road travelling south, they would not be obvious features there, and to my mind, any sense of their wood effect composite rather than timber construction would not be readily discernible.

18. Accordingly, whilst appreciating that it is not a traditional material, I am content that in this instance, the use of composite for the doors as proposed would sit comfortably on the host dwelling and would not appear at odds with the surrounding area or detract from the village townscape. The particular nature of the composite material to be used for the door (including details relating to its finish and colour) can be controlled via an amended version of the disputed condition.
19. The officer's report refers to a number of Grade II listed buildings to the north-east and north-west of the appeal property. No further details are provided. However, having regard to the Mattersey Conservation Area Designation Statement (which shows the location of listed buildings), and based on my own observations on site, I am also content that the proposal would cause no harm to the settings of other listed buildings in the settlement.
20. I therefore conclude on the main issue that the disputed condition is not necessary in the interests of protecting the character and appearance of the surrounding area, or preserving the settings of the nearby heritage assets. Accordingly, I am satisfied that the amendment of the condition to allow the use of composite rather than timber for the doors, would preserve the settings of the nearby listed building and the conservation area and cause no harm to the character and appearance of the surrounding area.
21. This being so, the variation of the condition would not be contrary to the policies in the Framework which seek to protect heritage assets. It would not be at odds with Policy DM4 of the Bassetlaw Core Strategy (CS) which states that proposals need to be in keeping with the character and appearance of the wider area, and when they are in historic locations, they should respect existing development patterns. Furthermore it would support CS Policy DM8 which expects development proposals within the setting of heritage assets to consider their scale, design, materials and siting and views away from and towards the heritage asset, and sets out a presumption against development that will be detrimental to the significance of a heritage asset.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be allowed and the condition modified as sought. Accordingly I remove condition 4 and replace it with a modified version which allows the use of composite doors (subject to the approval of the details by the Council), as sought by the appellants.

E Worthington

INSPECTOR