

Appeal Decision

Site visit made on 19 March 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2024

Appeal Ref: APP/B3030/D/24/3336231

Riverlyn House, Main Street, Fiskerton, Nottinghamshire, NG25 0UH

- 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 D Elkington against the decision of Newark and Sherwood District Council.
 - The application Ref 23/01590/HOUSE, dated 7 September 2023, was refused by notice dated 17 October 2023.
 - The development proposed is demolition of existing garage and erection of triple garage, changes to driveway, landscaping and layout.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. One of the Council's reasons for refusal related to flood risk. The appellant has submitted information to suggest that this is a matter that could have been resolved by way of a planning condition and there is no substantive information before me to the contrary.
3. A previous application¹ to demolish the existing garage and erect a triple garage with a studio space above was refused in December 2022. That proposal was different to the application the subject of this appeal.

Main Issue

4. The main issue in this case is the effect of the proposed development on the character and appearance of the Fiskerton Conservation Area.

Reasons

5. The appeal property is a two and a half storey period detached dwelling with outbuildings set within a comfortable garden adjacent to the River Trent. A two storey outbuilding and a small attached single storey garage with a low lean-to roof are located to the front of the dwelling, between the dwelling and Main Street.
6. The appeal property's boundaries include tall brick walls and hedgerows and these features, together with the presence of outbuildings and mature trees

¹ Reference: 22/01977/HSE.

mean that views of the dwelling tend to be limited to those from entrances as well as over boundary features and glimpses between trees and buildings.

7. The outbuilding to the front of the dwelling is a substantial period brick and tile building of some visual interest. Its front gable is located close to the entrance to the appeal property from Main Street. The attached garage, which is set well back from the entrance to Main Street, is of less substantial and less attractive appearance, albeit its small size and set-back means that it does not draw particular attention to itself and provides for plentiful glimpses of the attractive period dwelling behind.
8. The appeal property is located at the very edge of Fiskerton, within the Fiskerton Conservation Area, characterised by the presence of attractive period properties, many of which, like the appeal property, which itself is identified as a building of local interest in the Fiskerton Neighbourhood Plan, comprise substantial buildings within comfortable grounds set between Main Street and the River Trent.
9. The presence of gardens, mature trees and boundary features including tall walls and hedgerows, provides for glimpses and views to attractive and occasionally imposing dwellings within a green and spacious setting.
10. The proposed development would replace the small single storey garage with a significantly larger single storey garage. Most notably, the proposed garage would be considerably longer and taller than the garage it would replace. It would be attached to the two storey outbuilding and the proposal's front entrance, with its large double garage doors and a tall front gable, would be set much closer to the entrance to Main Street than the existing garage.
11. I find that these characteristics would inevitably lead the proposed garage to draw attention to itself. Its significant scale and close proximity to the entrance to Main Street would lead it to appear intrusive. It would unduly dominate the appearance of the front of the appeal property.
12. Further to the above, whilst the existing garage appears considerably wider than the two storey outbuilding, its low height and considerable set-back means that it is the main dwelling and not the garage that appears imposing. By way of contrast, I find that by maintaining a similar width to the existing garage and being considerably taller, longer and being set well-forward, the proposal would appear as an unduly imposing feature. This would be to the detriment of views through to the dwelling as the main built element of the property.
13. In addition, I find that the overall scale of the proposed garage, together with its siting, would result in it dominating, to the point of overwhelming, the appearance of the two storey period building to which it would be attached.
14. Taking all of the above into account, I find that the proposed development would appear intrusive and incongruous and that this would be to the detriment of the Fiskerton Conservation Area's qualities. The proposal would not conserve the Fiskerton Conservation Area. Having regard to paragraph 208 of the National Planning Policy Framework (the Framework) and to Planning Practice Guidance, I consider that the harm to the character and appearance of the Fiskerton Conservation Area would be less than substantial. This needs to be balanced against any public benefits the development may bring.

15. In support of the development, the appellant states that the proposal would replace an unsightly garage. However, neither this nor anything else before me comprises or amounts to a public benefit that outweighs the harm identified.
16. The proposed development would harm the character and appearance of the Fiskerton Conservation Area, contrary to the National Planning Policy Framework; to Fiskerton Cum Morton Neighbourhood Plan Policy FCM5; to Core Strategy² Core Policies 9 and 10; and to DPD³ Policy DM5, which together amongst other things, seek to protect local character.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

² Newark and Sherwood Amended Core Strategy (2019).

³ Newark and Sherwood Allocations and Development Management Development Plan Document (2013).
