



Appeal Decision

Site visit made on 8 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/A2525/W/23/3329682

Rear of 14 Market Place, Spalding, Lincolnshire PE11 1SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by MJL Welding & Fabrication Ltd against the decision of South Holland District Council.
 - The application Ref is H16-0637-23.
 - The development proposed is the erection of a 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area, having particular regard to whether the development would preserve or enhance the character or appearance of the Spalding Conservation Area and whether it would preserve the setting of the adjacent Grade II listed buildings; and
 - the effect of the development on the living conditions of the residents of neighbouring properties, with particular regard to privacy, light and outlook; and
 - whether the proposal would provide adequate living conditions for future occupiers, with particular regard to light and outlook.

Reasons

Character and appearance

3. The appeal site comprises a disused rear yard associated with No 14 Market Place, to the north of the Gore Lane/Drapers Place car parks. It is bound on three sides by high-level brick walls and the blank rear elevation of the property itself to the northeast. An external staircase provides access to the first floor.
4. The appeal site forms part of the setting of the Grade II listed properties, Nos 11, 12 and 14 Market Place. Together these properties form a positive grouping of commercial buildings. In so far as is relevant to this appeal Nos 11, 12 and 14 derive significance from the scale and detailing of their built forms as well as their spatial and functional relationship with the prominent historic market street to the north and the service areas to the south.

5. Whilst I note that the proposal has been reduced in scale from the previous application¹, and that it would utilise traditional sash windows and materials, it would introduce a substantial two-storey building within the rear yard that would fill the majority of the site. Further, due to the lack of openings and architectural features, it would appear monolithic. When viewed from the south and west it would be dominant in relation to the adjacent listed properties, harming their setting and resulting in less than substantial harm to their significance.
6. In addition, the site lies within the Spalding Conservation Area (SCA). The SCA has an extensive coverage that embraces the whole of the historic town centre and riverside. The SCA derives its significance from its high-quality townscape with the rich collection of buildings of architectural and historic merit associated with merchants, mills, and warehouses. The appeal site is located within a backland area that has historically suffered from the addition of developments which do not positively contribute to the character or appearance of the SCA and have created a cluttered rear aspect to Market Place. In contrast, the appeal site, remains free from built development and maintains its historic service yard relationship with the rear of the commercial properties and as such preserves the character and appearance of this portion of the SCA.
7. Consequently, the proposal would contribute to the cluttered appearance, detracting from the historic pattern of development and diminishing the appeal sites historic service relationship with the commercial properties fronting Market Place. Therefore, it would fail to preserve or enhance the character or appearance of the SCA and would cause less than substantial harm to its significance.
8. Paragraph 208 of the National Planning Policy Framework (the Framework) states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, as in this case, then the harm should be weighed against the public benefits. The proposal would provide one dwelling in an accessible location. In addition, the appellant asserts that the proposal could be utilised for rental purposes in conjunction with emergency housing and would conceal the existing rear elevation of No 14.
9. Whilst the Framework seeks to boost the supply of housing, the social and economic benefits of a single dwelling would be limited. Moreover, I have no mechanism before me which would secure the use of the property as described or that additional emergency housing is required in the area. I note the poor condition of the rear elevation, however the appeal proposal is not the only way to improve its appearance. Consequently, I find that the great weight I attached to the identified harm with respect to the designated heritage assets would not be outweighed by the benefits of the proposal and the proposal would conflict with the Framework.
10. Therefore, I conclude that the proposal would harm the character and appearance of the area and would fail to preserve the character and appearance of the SCA and the setting of Nos 11, 12 and 14 Market Place. It would conflict with Policy 2,3 and 29 of the South East Lincolnshire Local Plan 2011-2036 (March 2019) (SELLP). Amongst other things they require development to create a sense of place by conserving and enhancing the

¹ Application Reference: H16-0323-23

character and appearance of designated heritage assets, historic street patterns and respecting views and massing of neighbouring buildings.

11. The proposal would also conflict with the Framework where it requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions – neighbouring residents

12. There are several residential properties flanking the appeal site as well as ongoing conversion works within the host property to provide additional residential units. Several flats within No 30 Gore Lane directly overlook the appeal site from the northwest while the first floor flat to the rear of No 12 Market Place has oblique views with its primary outlook being of the carpark towards the southwest.
13. The proposal would be visible from the flats within No 30 Gore Lane and would extend along much of the shared boundary. Due to its proximity and scale, it would dominate the outlook from these flats, and result in a harmful loss of light for the residents. Notwithstanding this, the northwest elevation would be devoid of openings and as such would not result in a loss of privacy.
14. Whilst there would be windows on the southeast elevation, any views between the proposal and the first floor flat to the rear of No 12 would be perpendicular to one another. Although views over the car park directly to the southwest would be maintained and the proposal would be offset in relation to No 12, the proposal would extend significantly to the rear of No 12 and due to its proximity would result in a harmful loss of light. In addition, it would have an enclosing effect, ultimately harming the relatively open outlook currently afforded to the residents of No 12.
15. Consequently, I conclude that the proposal would harm the living conditions of the residents of neighbouring properties, with particular regard to light and outlook. It would conflict with Policies 2 and 3 of the SELLP which collectively seek to ensure that development does not detrimentally impact upon neighbouring amenity.
16. For the avoidance of doubt, I do not find that the proposal would harm the privacy of the residents of neighbouring properties.

Living conditions – future residents

17. The proposal would fill the majority of the rear yard of No 14, with limited space surrounding the building and high-level brick walls enclosing the boundary.
18. The ground floor windows would be orientated towards the southeast/southwest. However, due to the proximity of the high-level boundary walls, there would be minimal natural light able to enter the building to the detriment of the future residents living conditions. In addition, the outlook from the ground floor windows would consist entirely of the brick boundary walls with little room remaining for any type of visual relief to be provided. Whilst the first floor windows would overlook the blank flank wall of No 11, due to the larger separation distance afforded at this level, the outlook would be somewhat more open and there would be fewer obstructions to light.

19. Nevertheless, when considered as a whole, the proposal would fail to provide adequate living conditions for future occupiers, with particular regard to light and outlook. It would conflict with Policies 2 and 3 of the SELLP where they require development to secure residential amenity.

Other Matters

20. I note that there have been no highways or archaeological concerns raised. However, this is a neutral factor, which neither weighs in favour of nor against the proposal.

Conclusion

21. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework or other legislation, that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR