



Appeal Decision

Site visit made on 14 May 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/B3030/W/23/3334410

The Coach House, Church Hill, Bilsthorpe, Nottinghamshire, NG22 8RU

- 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 Mr A and Mrs J Brisendon against the decision of Newark & Sherwood District Council.
 - The application Ref is 23/01186/FUL.
 - The development proposed is described as 'demolition of existing structures on site to facilitate erection of a new dwelling: Garage = 342.7m³; Outbuilding = 69m³; Woodshed = 33.6m³; Greenhouse = 12.5m³'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing detached garage and outbuildings, and the erection of a single storey dwelling, at The Coach House, Church Hill, Bilsthorpe, Nottinghamshire, NG22 8RU in accordance with the terms of the application, Ref 23/01186/FUL, subject to the conditions in the schedule at the end of this decision.

Preliminary Matters

2. The proposed development was originally described as 'demolition of existing structures on site to facilitate erection of a new dwelling' followed by the volumes of the buildings that would be demolished. However, the application was determined by the Council on the basis of the following description 'Demolition of existing detached garage and outbuildings. Erection of single storey dwelling.' The appellant has agreed to this change of description which better describes the proposal. As a result, I have used it in the determination of this appeal.
3. The revised National Planning Policy Framework ('the Framework') was published on 20 December 2023, after the appeal had been made. However, as the changes it contains are not material to the main issue in this decision, the case of the appellants has not been prejudiced by not being able to comment on the revised Framework in their appeal statement. I have therefore determined the appeal on the basis of the statements and comments that have been received.
4. The appellant's surname has been spelt as either 'Brisenden' or 'Brisendon' on the documentation that has been submitted with the appeal. For the sake of consistency, I have used the spelling provided on the planning application form.
5. The Council's Draft Amended Allocations and Development Management Development Plan Document was submitted for examination in January this

year. As it has yet to be examined and there are unresolved objections to it, the position of the Council is that little weight can be afforded to its policies and that the proposal should be considered against the current development plan. I agree with that assessment.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on the character and appearance of Bilsthorpe Conservation Area.

Reasons

7. Located within the development envelope of Bilsthorpe, which is classified as a Principal Village in the settlement hierarchy, the position of the Council is that the proposed new dwelling is acceptable in principle subject to site specific considerations. I agree with that position.
8. The Framework is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.

Conservation Area

9. The appeal site is located within Bilsthorpe Conservation Area (CA). In the exercising of planning functions, the statutory test in relation to CAs is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the CA. Core policies 9 and 14 of the Newark and Sherwood Amended Core Strategy Development Plan Document ('Core Strategy') and policies DM5 and DM9 of the Allocations and Development Management Development Plan Document ('ADMDPD') require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.
10. The Conservation Area covers the historic core of Bilsthorpe with the Grade I listed church providing a focal point around which well-designed old buildings are to be found. Such buildings are also to be found along Church Hill and Kirklington Road. These buildings are a mixture of farmhouses and converted agricultural buildings, as well as the original rectory and its coach house where the appeal site is located. Use of brick, render or stone to form the walls of these buildings with pantiles or tiles for roofing is widespread. More recent infill housing development from the last few decades is also to be found within the CA. The significance of the Conservation Area and its older buildings, which date from the 13th century through to the 19th centuries, is therefore architectural and historical.
11. The appeal site consists of The Coach House and the large rectangular plot of land upon which it is sited. The eastern half of the plot where the proposed development would be located, other than for a large, detached triple garage and small outbuildings, is covered by lawn. To the east and south of the appeal site is a hedged agricultural field that forms the edge of the CA in this direction.
12. In design, the garage complements that of The Coach House. Largely screened by The Coach House and set well back from it, only glimpsed public views from Church Hill are possible of part of the northern side of the detached garage.

However, from an informal footpath to the south and east the large gabled sided garage is visible above the boundary hedge around the appeal site. From here, the garage competes visually with the central and tallest part of the Coach House and does not appear particularly subservient to it. The proposed development would involve demolishing the large 3 car detached garage and nearby outbuildings to make space for the proposed dwelling.

Siting

13. In terms of the siting of the proposed dwelling, historic maps indicate that the appeal site was an orchard in the past. Since the early 1970s it has formed part of the garden of The Coach House. It is evident from the information submitted by the appellant that since the CA was established plots identified as orchards on these maps within the CA have been developed for housing and that other plots have been subdivided to allow a new dwelling to be built (e.g. The Old Rectory). This demonstrates how the siting of new development can complement historic patterns of development. Given that these plots and the dwellings that have been built on them are more prominent in public views than that part of the appeal site where the proposed dwelling would be built, this leads me to the position that the siting of the proposed dwelling would not disrespect or undermine the pattern of development that characterises the CA.

Scale

14. As the proposed dwelling would be a flat roofed, single storey building, it would be approximately half the height of the existing garage. Moreover, its footprint would be similar in area to that of the ground and first floor of the detached garage combined, and not dissimilar to the floor area of neighbouring dwellings. Located slightly further to the south than the existing building, it would barely be noticeable in public views from Church Hill. In views from the informal footpath to the south east, with its green sedum roof the building would not be readily noticeable above the dense, tall hedgerow that encloses the site. The dwelling would be clearly visible from The Coach House and the neighbouring dwelling to the west, and by those who would live at, visit or deliver to the proposed dwelling. There would also be some limited views from Church Barn to the north. However, as it would be seen to be in keeping with the large size of its plot and the large, open, agricultural landscape to the south and east, it would be in scale with its surroundings.

Design

15. The residential use of the proposed building would be in keeping with the quiet residential character of the CA. Whilst in appearance the building would be distinctly contemporary, its rectangular floor plan and horizontal emphasis would complement The Coach House and the large bungalow to its rear. Its low flat green roof would also allow it to be unobtrusive in public and private views. As a result of these design features, it would successfully manage the transition from built areas of the CA to open undeveloped periphery of the CA. With the control that can be exerted by condition in relation to the brickwork, other external materials and detailing, the proposed development would be a high quality design that would be sympathetic to its surroundings.
16. The proposed development would change this part of the CA by dividing a residential plot in two and replacing a large garage with a contemporary dwelling. However, for the reasons given above, its design would not harm the

significance of the CA and the appearance of the CA would be enhanced. As a result, the statutory test would be complied with. The proposal would therefore comply with policies 9 and 14 of the Core Strategy, policies DM5 and DM9 of the ADMDPD and the Framework.

Other Matters

17. St Margaret's Church is a Grade I listed building and its boundary wall and steps are Grade II listed. Although that half of the appeal site where the proposed dwelling would be located was owned by the dioceses until the 1970s it is located out of view of the listed buildings to the south east. It forms no part of the Councils case that the proposed development would harm the setting of these listed buildings and I agree with that position.

Conditions

18. In the interests of certainty, I have imposed a condition specifying the relevant plans that the development is to be carried out in accordance with.
19. In order to ensure that the development complements its surroundings, further details of external materials, the detailing of features and types of boundary treatment are required. To this end further details on boundary treatments and landscaping are also necessary. To ensure that any planting becomes well established, and contributes to the quality of the development into the future, it needs to be well managed and maintained. Furthermore, the trees which contribute to the mature landscaping and are to be retained need to be protected with, amongst other matters, details of any proposed underground works and a tree protection scheme.
20. To protect any bats on the site, the precautionary approach set out in the submitted Protected Species Survey needs to be followed. To protect the privacy of neighbours, high level windows in the north elevation of the building need to be obscurely glazed. In the interests of highway safety, the provision of parking and turning in relation to the property needs to be provided.
21. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
22. In their final comments, the appellants confirmed that they had no objection to the conditions proposed by the Council. This includes condition 3 which is a pre-commencement condition.

Conclusion

23. For the reasons given above, I therefore conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 03A Revised Proposed Site Plan, 04 Ground Floor, 05 Site View & Location Plan, 06 Concept Visual South East and West, 08 Proposed South & East Elevations, 09 Proposed North & West Elevations.
- 3) Notwithstanding the submitted details, no works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been submitted and approved in writing with the Local Planning Authority. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall thereafter be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

- 4) Notwithstanding condition 2, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.
 - a) External windows including roof windows, doors, and their immediate surroundings, including details of glazing and glazing bars
 - b) Treatment of window and door heads and cills
 - c) Flat roof
 - d) Rainwater goods
 - e) Other external accretions – flues, meter boxes, air bricks etc.
 - f) Garden wall and gate
 - g) Bin store
- 5) The development hereby permitted shall be carried out in strict accordance with the precautionary approach set out in Section 6 of the Protected Species (Bats) Survey Report (BJ Collins, 30/06/2023) in accordance with the timescales embodied within the report.

For the avoidance of doubt, written confirmation of the following from the applicant's appointed ecologist shall be submitted to and approved in writing by the Local Planning Authority:

 - a) They have attended site and given a toolbox talk to contractors on site to advise of the potential roost features and how to protect roosting bats from harm;

- b) A suitable bat box has been installed on a suitable tree to provide a refuge for any rescued bats in advance of works; and
- c) They have attended site and undertaken a search for bats immediately prior to demolition of the detached garage.

Development shall thereafter be carried out in accordance with the approved details.

- 6) Notwithstanding condition 2, no new build development above damp-proof course (DPC) shall commence until details of the following (including samples or specifications as required) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
 - Bricks – including brick choice, brick bond and mortar finish for all proposed external walls.
 - Roof materials.
- 7) The high-level windows to the north facing elevation of the dwelling shall be obscurely glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be installed prior to the development being occupied and thereafter be retained for the lifetime of the development.
- 8) No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill, light pollution and impacts on nocturnal wildlife in accordance with paragraph 5.3 of the Protected Species (Bats) Survey Report (BJ Collins, 30/06/2023). The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.
- 9) No part of the development hereby permitted shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design, and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall thereafter be implemented prior to the occupation of the dwelling and retained for the lifetime of the development.
- 10) No part of the development hereby permitted shall be first occupied until the parking and turning space/driveway has been provided in accordance with the Proposed Site Plan approved under Condition 02. The parking, turning space and driveway shall thereafter be retained for the lifetime of the development.
- 11) Prior to first occupation of the dwelling hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: - full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and

details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme under Condition 04;
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials (which must include provision of two on-site car parking spaces);
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

- 12 The soft landscaping approved under condition 11 shall be completed during the first planting season following first occupation of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1- Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984- Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use of the approved dwelling.

-----End of Schedule -----