



Appeal Decision

Site visit made on 28 May 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI
an Inspector appointed by the Secretary of State
Decision date: 10 June 2024

Appeal Ref: APP/M2840/W/23/3326530

38 Broad Green, Wellingborough, Northamptonshire NN8 4LH

- 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 smartAmove Ltd against the decision of North Northamptonshire Council.
 - The application Ref is NW/23/00285/FUL.
 - The development proposed is described as demolition of existing Garage. Proposed new detached dwelling on site adjacent to and currently part of, 38 Broad Green Wellingborough NN8 4LH with off road parking for two vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, this differs from that used by the Council in their Decision Notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application form.
3. The appeal site is situated within the Wellingborough Town Centre Conservation Area and is proximate to a Grade II listed building. I have therefore borne in mind the statutory requirements placed upon decision-makers by section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).
4. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

5. The main issues are:
 - i) whether the proposed development would preserve the setting of the Grade II listed building, No 38 Broad Green;

- ii) whether the development would preserve or enhance the character or appearance of the Wellingborough Town Centre Conservation Area (CA); and
- iii) whether the proposal would provide appropriate living conditions for existing occupiers, with particular regard to the provision of external amenity space.

Reasons

Listed building setting

6. No 38 Broad Green is a Grade II listed building (List Entry No 1190839) and comprises a two-storey house with attic set within a large irregular shaped plot. It is a fine example of a Georgian house, of a relatively high status, which is prominently located on Broad Green. It retains much of its external historic fabric and traditional detailing, including slate roof, ashlar gable parapet, brick chimneystacks, and timber sash windows. The frontage of the listed building sits directly at the back edge of the pavement with its flank wall tight up to the appeal site access.
7. The significance of the listed building is derived in part from its architectural and historic interest. The special interest of a heritage asset derives not only from its physical presence and historic fabric but also from its setting which comprises the surroundings in which it is experienced.
8. The existing dwelling is set within a large plot. From the evidence before me the historic maps show the plot to be largely unaltered save for the modest twentieth-century garage. Although not highly visible within the street scene the large garden, nevertheless, contributes to the significance of the heritage asset as a relatively high status late-eighteenth century house, setting it apart from the lower status and smaller cottages and terraced houses to the south which are set in much smaller plots with rear outbuildings.
9. The proposed dwelling would be sizeable when compared to the single storey garage it would replace. As a separate dwelling, rather than an ancillary domestic structure these changes would erode the spacious setting of the listed building and would be harmful to its character and appearance. Furthermore, the proposed subdivision of land to the rear of the designated heritage asset would result in the loss of part of its setting, which makes a positive contribution to its significance and the ability to appreciate that significance.
10. Through development within the setting of the Grade II listed building there would be some harm to significance. Accordingly, the proposal would fail to comply with the policies of the development plan insofar as it seeks to ensure development sustains, and where possible, enhances the significance of heritage assets, including listed buildings.
11. Bearing in mind the scale and nature of the proposal relative to the listed building, the degree of harm to its significance would be less than substantial, which I consider further in the overall heritage and planning balance.
12. Although there have been recent developments nearby to the listed building, due to the limited evidence before me I cannot be certain that their circumstances are directly comparable to the appeal scheme. In particular, the residential flats brought to my attention relate to a different form and design of

development than that before me. Moreover, I observed this development to be located some distance from the listed building and therefore its relationship differs. In any event, I have determined the appeal on its own merits based on the evidence before me.

13. For the reasons stated above, I conclude that the proposed development would fail to preserve the setting of the Grade II listed building, No 38 Broad Green. Accordingly, I find conflict with Policy 2 (a) and (b) of the Northamptonshire Joint Core Strategy Adopted 2016 (Core Strategy) which seeks to conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance; proposals should complement their surrounding historic environment through their form, scale, design and materials. I also find conflict with Policy 8 (d) (i and ii) of the Core Strategy which, amongst others, seeks developments to respond to the site's immediate and wider context and local character to create new streets, spaces and buildings which draw on the best of that local character without stifling innovation and respond to the overall form, character and landscape setting of the settlement.
14. The degree of harm to the significance of designated heritage asset would be less than substantial. The Framework indicates that this harm should be outweighed by wider public benefits. I turn to this in the overall heritage and planning balance later in my decision.

Conservation Area

15. No 38 Broad Green is a prominent building within the streetscene and makes a positive contribution to the CA. The configuration and inter-relationship of the various historic buildings and structures, the clear historic and architectural legibility of the built fabric, and the contribution of green open spaces to the streetscene contribute to the significance of the CA.
16. Due to the proposed siting of the dwelling, there would be glimpsed views of the proposal from Broad Green. The proposal would therefore have a limited impact on the appearance of the CA when viewed from the public realm. However, in a broader sense, the manner in which the proposal would reduce the curtilage of No 38 and crowd its setting, due to the increased scale of the building, would harm the character of the CA by eroding the spacious scale of one of the larger plots.
17. Accordingly, the proposal would fail to preserve or enhance the CA. I therefore find conflict with Policy 2 (a) and (b) of the Core Strategy which requires proposals to complement their surrounding historic environment seeks to conserve and, where possible, enhance the heritage significance and setting of an asset or group of heritage assets in a manner commensurate to its significance. I also find conflict with Policy 8 (d) (i and ii) of the Core Strategy which, amongst others, seeks developments to respond to the site's immediate and wider context and local character.
18. Given the scale of the impact of the proposals, the harm to the significance of the CA would be limited. I turn to this in the overall heritage and planning balance later in my decision.

Living conditions

19. The appellant asserts that the area to the rear of No 38 is not part of its residential curtilage, stating that it is a parking area laid to gravel and is not a domestic garden. Within the red line boundary of the application site is an area of land which I observed to be laid to grass with planting and a patio with a pergola structure with a table and seating. In my view this constituted a private amenity space.
20. However, from the evidence before me this land would not appear to be within the ownership of No 38. Accordingly, it would appear that the subdivision of the plot has already resulted in the host property having no private garden area, only a parking area and turning space.
21. I therefore conclude that the proposed development would have a neutral impact on the living conditions for existing occupiers, with particular regard to the provision of external amenity space. I therefore find no conflict with Policy 8 (d) (i and ii) of the Core Strategy which requires developments to be of high-quality design. I also find no conflict with the Framework which seeks to create places promoting health and well-being, with a high standard of amenity for existing and future users.

Other Matters

22. Within the vicinity of the appeal site built form is relatively dense with a varied pattern of development. The proposed dwelling would be provided with parking and a satisfactory private amenity space. Furthermore, due to its siting and fenestration, the proposed dwelling would not harm the living conditions of neighbouring occupants by reason of loss of light or privacy. Accordingly, I am satisfied that the appeal site is of sufficient size to accommodate a dwelling.
23. The design and external finish of the proposed dwelling is not in dispute. I have no reason to reach a different view to the Council in this regard. Nevertheless, that does not detract from the scheme's identified detrimental effects on the setting of the listed building and the CA as a whole.
24. The application form indicates that the proposed dwelling is to be a social, affordable or intermediate rent project, something to which the Government attaches importance. Although I have no reason to doubt this is the appellant's intention I have not been provided with any details as to how it would be secured were the appeal to be allowed. I therefore attach limited weight to this matter.
25. Whilst I am sympathetic to the fact that the appeal proposal is a resubmission taking into account issues previously raised by the Council, I can only assess the current proposal on the basis of the information before me.
26. I have had special regard to whether the settings of other nearby listed buildings would be preserved, notably the Grade II listed Nos 37, 39, 40, 41 and 43 Broad Green. However, the location of the appeal scheme and the nature of the proposals relative to these other listed buildings leads me to the view that their settings would be preserved.
27. I understand that the site falls within the Upper Nene Valley Gravel Pits Special Protection Area (SPA), designated for its international importance as wetland habitat for non-breeding waterbirds. An increase in dwellings would likely result

in an increase in visitors to the SPA; which would in turn increase the level of disturbance to feeding and roosting birds due to activities such as dog walking, water-sports and fishing.

28. The Conservation of Species and Habitats Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans. However, as I am dismissing the appeal for other substantive reasons, it is not necessary for me to further consider the implications of the proposal for the Habitats site.

Heritage and Planning Balance

29. The Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It goes on to state that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
30. The proposal would deliver a dwelling that could be built-out quickly, add to the choice of homes and supporting the Government's objective to boost the supply of housing. There would be some economic benefits associated with the construction phase and as future occupiers would feed into the local economy. There would be some social benefits derived from support to local services and facilities within the locality.
31. The wider public benefits associated with an additional dwelling would be limited and therefore carries limited weight in favour of the proposal. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. On balance, the weight of public benefits in favour of the proposed development would not be sufficient to outweigh harm to the significance of the designated heritage assets identified. The proposal therefore fails to accord with the historic environment protection policies of the Framework.
32. I have found conflict with the statutory presumptions under s66(1) and s72(1) of the Act, which carries considerable importance and weight. I have also found that there would be conflict with the Council's development plan policies in relation to heritage assets.

Conclusion

33. Whilst I find no harm with regards to living conditions the harms I have identified to the setting of the listed building and the CA prevail. The limited benefits of the proposal would not outweigh the less than substantial harm.
34. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.
35. For the reasons given above, I therefore conclude that the appeal should be dismissed.

R Gee INSPECTOR