



Appeal Decision

Site visit made on 23 April 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2024

Appeal Ref: APP/Y2003/W/23/3329473

8A Old Brumby Street, Scunthorpe, North Lincolnshire DN16 2DB

- 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 Ian Whitton against the decision of North Lincolnshire Council.
 - The application Ref is PA/2022/2219.
 - The development proposed is a detached bungalow with bedrooms in the roof space to be built in the garden of 8A Old Brumby Street.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has provided an appeal decision (appeal reference: APP/Y2003/W/23/3324479) as new evidence which they believe has a bearing on this appeal. The Council note that the appeal decision is relevant as it is for a similar proposal which relates to an adjacent neighbouring site. This evidence has been accepted due to its proximity and relevance to the appeal site. Comments were requested but not received by the appellant.

Main Issue

3. The main issue is the effect of the proposed development on the setting of the Grade II listed Brumby House.

Reasons

4. The determination of planning applications must be undertaken in accordance with the development plan, unless material considerations suggest otherwise. The North Lincolnshire Local Plan 2003 (Local Plan) and the North Lincolnshire Local Development Framework Core Strategy 2011 (Core Strategy) form the development plan in this locality. Both plans pre-date the National Planning Policy Framework (the Framework). However, the Framework notes that existing development plan policies should not be considered out of date just because they were adopted prior to its publication. Upon assessment, the thrust of both policies is consistent with the statutory test in relation to listed buildings.
5. Paragraph 205 of the Framework states that great weight should be given to the conservation of an asset when considering the impact of a development proposal on the significance of a heritage asset. The statutory test which must be considered in these circumstances is that special regard shall be had to the

desirability of preserving the building or its setting, or any features of special architectural or historic interest.

6. The appeal site is located to the rear of 8A Old Brumby Street. The garden space of the host dwelling is a large open plot which offers a large depth between the rear of No. 8A and the proposed site location. There is an increasingly modern mixture of house styles and designs, with a variation in sizes. Properties generally have a close and intimate relationship with each other due to the limited separation distances between them.
7. To the rear of this site is Brumby House. Brumby House is a detached Grade II listed building. It dates from the beginning of the 18th century and incorporates rendered walls, a gabled roof form and paned sash windows. Its significance for the purposes of this appeal is largely derived from its retained architectural and historic interest. The space outside of Brumby House contributes to an unenclosed opening. This is a contrast to the increasingly modern properties in the immediate vicinity. As such, the listed building is experienced within a private but open area, where the unenclosed and tranquil nature of its surroundings allows an appreciation of the listed building contributing to its significance.
8. The proposed dwelling would be sited in the open space to the side elevation of the listed building. This building would also be sited forward of an adjacent dwelling of a similar style to the rear of 10 Old Brumby Street. As such, this would be increasingly visible on the approach to and from the outside of the front space of Brumby House. This would enclose the space with a dwelling of a contemporary and modern appearance which would harmfully erode the open setting of the heritage asset to the detriment of its significance. This effect would be limited to the users of the shared access point adjacent to Brumby House. However, the setting of the listed building makes a contribution to its significance, regardless of it being a private or public access point. An appropriate palette of materials, and the retention and planting of trees would not overcome the harm to the listed building.
9. The appellant contends that an outbuilding could be constructed on the appeal site, with a similar effect to that of the proposed development. However, I have not been provided with a Lawful Development Certificate to substantiate this claim. Therefore, there is no reason to suggest that this is likely to occur. More importantly, even if this development was to be undertaken, this would not justify the proposal considered under this appeal due to the material harm I have found to the setting and therefore significance of Brumby House.
10. Reference has also been made to developments which have been constructed within the setting of other listed buildings in the area. Information on these examples is extremely limited other than the inclusion of photographs and some explanation of that situation. I am therefore unable to comment on the reasoning behind these decisions, or the extent and form of the setting of those buildings. As such, I have been unable to draw similarities with the proposal subject to this appeal.

Heritage and planning balance

11. The harm to the Grade II listed Brumby House which I have identified as a result of the proposed development would be less than substantial but nevertheless of considerable importance and weight. Paragraph 208 of the

Framework states that where there is less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

12. The proposal would create a new dwelling within an established settlement which provides a variety of services and facilities, including good public transport links. This would contribute towards the housing land supply within North Lincolnshire. The proposal would also result in construction employment and its future occupiers would use local shops and services and generate council tax receipts. I attach moderate weight to these benefits which would not outweigh the less than substantial harm that would be caused to the significance of the Grade II listed building. The proposal would therefore be contrary to the provisions of the Framework, and to Policy CS6 of the Core Strategy and Policy HE5 of the Local Plan. These policies seek to protect, conserve and enhance North Lincolnshire's historic environment, including their character and setting. Policy HE5 further states that proposals which damage the setting of listed buildings will be resisted.

Other Matters

13. Access to the site is raised by interested parties and the appellant. The site would be accessed from a shared drive which serves the Grade II listed Brumby House and other dwellings in this street. It is questioned whether the future occupiers of the proposal would be permitted to utilise this access point. This is a matter considered under civil law. As such, this is not a matter to be considered under this appeal.
14. Support for the scheme has been made by an interested party. The interested party suggest that the scheme will improve access, would not unacceptably affect a listed building and would not cause harm to the living conditions of the occupiers of neighbouring dwellings. However, this support does not overcome the harm I have found and its effects in relation to the significance of the Grade II listed Brumby House.

Conclusion

15. For the reasons given above, the proposal would conflict with the development plan and the provisions of the Framework. No material considerations outweigh this conflict. Therefore, the appeal is dismissed.

J Smith

INSPECTOR