



Appeal Decision

Site visit made on 1 July 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2024

Appeal Ref: APP/E2530/W/24/3342116

Nevin, 20 Tinwell Road, Stamford, Lincolnshire PE9 2QQ

- 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 and Mrs Veitch against the decision of South Kesteven District Council.
 - The application Ref is S23/1582.
 - The development proposed is change of use from annexe to independent dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site, 20 Tinwell Road (No 20), is a residential property located in the Stamford Conservation Area (CA). In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The appeal building (the annexe) was granted planning permission as a replacement outbuilding (LPA Ref S18/0410), and subsequently as an annexe (LPA Ref S23/0910) (the 2023 permission). The appeal building exists and has been built out in accordance with the 2023 permission. However, a condition attached to the 2023 permission requiring the annexe to only be occupied for residential purposes which are ancillary to the residential use of No 20. The appeal scheme seeks to change the use of the annexe to a separate independent dwelling.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, including whether the character or appearance of the Stamford Conservation Area would be preserved or enhanced; and
 - the living conditions of the future occupiers of the proposed dwelling and occupiers of No 20, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

5. The CA designation encapsulates the market town of Stamford, including its high-density medieval core and the irregular street pattern influenced by the topography of the river. From what I have seen and read, I consider the special interest of the CA is in part derived from the town's long history, evident within the diversity and large quantum of heritage assets and traditional materials including limestone and slate, which together are a significant and unifying characteristic across the CA. Significance is also derived from the historic evolution of Stamford over many centuries, including elegant examples of 19th century residential developments in large plots, reflecting the town's outward expansion beyond the confines of the medieval town walls in the late 19th century.
6. For the purposes of the Council's Stamford Conservation Area Appraisal, 2011, Tinwell Road is located in the '19th century developments' Character Area, wherein residential streets have a ribbon form of development that radiate from the periphery of the historic core and feature larger middle-class villas set back from the highway with small front and rear gardens. The prevailing development pattern is defined by large pairs of Victorian stone dwellings standing in modest gardens enclosed by boundary walls elevated above the footway, forming a continuous line along the street. Consequently, the pattern of development, cohesive building types, traditional materials, and boundary features along Tinwell Road are important components that contribute to the significance and special interest of the CA as a whole.
7. No 20 is a 20th Century two-storey detached brick dwelling with tiled roof located on a prominent corner plot at the junction of Tinwell Road and Roman Bank. No 20 has a continuous boundary comprising of a stone wall with hedgerow raised above footway level, with the exception of metal gates which provide pedestrian and driveway access. A strong sense of enclosure is evident, and this combined with the overall plot size, scale and form of No 20 shares characteristics with dwellings located in the wider CA and therefore contributes positively to area's cohesive character and appearance.
8. The 1.5 storey detached annexe has a steep pitched roof and gable front with feature window. It is located within the side and rear of No 20 but with an open frontage containing two off-street parking spaces accessed via Roman Bank. The gradient of Roman Bank rises upwards from Tinwell Road and the annexe is located at a slightly higher level than No 20, and angled so as to make an awkward adjunct within its rear garden. Outbuildings to the front or side of dwellings are not typical to the local development pattern, therefore the annexe represents a contrast to the prevailing characteristics of the area. Even so, its low eaves height, simple roof design, small footprint, shared driveway and siting in close proximity to No 20 do not distinguish it as a separate entity. Rather the annexe reads as an ancillary structure functionally related but subservient to the principal dwelling at No 20, which makes a neutral contribution to the character and appearance of the area and CA as a whole.
9. Not only would the proposed change of use reduce the overall size of the No 20 plot, the new separate dwelling would occupy a very small plot. Whilst no physical alterations to the annexe are proposed, the extant annexe would no

longer function as an ancillary but be a small dwelling on a small plot, totally out of keeping with the local development pattern. The proposal would also result in contrived subdivision of the plot through creation of an additional tandem parking space at an angled position. This aspect of the proposal would likely require removal of a low wall and soft landscaped frontage to No 20 to facilitate the provision of off-street parking. As a result, the proposal would erode the sense of enclosure and expose a more cluttered parking layout that would be visible from the street and appear incongruous amongst the more orderly and spacious frontages of other dwellings in the vicinity.

10. The appeal building has been developed in accordance with the previous planning permissions, therefore the physical structure, its design scale and materials, would not change. However, the proposed change of use and associated plot subdivision would be uncharacteristic of the prevailing pattern of development of the area, and fail to respect local character and context. While the impact of the proposal would be relatively localised, the proposal would fail to preserve or enhance to the character or appearance of the CA as a whole.
11. It follows that the proposal would fail to accord with the statutory presumption under s72(1) of the Act and there would be some harm to the significance of the CA as a designated heritage asset. Given the scale and nature of the proposal, the degree of harm to the significance of the CA would be less than substantial. Paragraph 208 of the of the National Planning Policy Framework (the Framework) this harm should be weighed against the public benefits of the proposal.
12. Public benefits would derive from the contribution one single dwelling would make to housing supply, and the mix and choice of homes. That dwelling would be located close to a range of local services and facilities, and future occupiers would feed into the local economy. However, given the scale of the proposal even cumulatively, the public benefits would be modest. On the other hand, the Framework indicates great weight should be given to the conservation of a designated heritage asset. I therefore find that the public benefits of the proposal would not outweigh the less than substantial harm identified, leading to conflict with the historic environment protection policies of the Framework.
13. Overall, the proposal would also fail to accord with Policies Policy EN6, DE1, SP2 and SP3 of the South Kesteven District Local Plan 2011 – 2036 (2020) (LP) insofar as they seek to protect and enhance heritage assets and ensure high quality design that is in keeping with the character of the area. Conflict also arises with Policies 2 and 8 of the Stamford Neighbourhood Plan (2022) (NP) which requires new residential development to protect the characteristic features of the townscape and requires development to conserve or enhance the significance of designated heritage assets. The proposed development would also fail to accord with the guidelines contained within Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (2021) (SPD) which advises that proposals should take the local character and context into account.

Living conditions

14. I saw on my site visit that a close boarded fence screens views between the garden serving No 20 and the private rear garden space to the side and rear of the proposed dwelling. There are windows at first floor level of No 20, close to the boundary. The appellants have advised that they serve a bathroom, office and dressing room. The bathroom window is obscure glazed and whilst the office

and dressing room windows are clear glazed, they are small windows and views towards the private garden area and rooflight windows in the proposed dwelling would be at an oblique angle. Consequently, there would be no material adverse overlooking impacts experienced by occupiers of the proposed dwelling and an acceptable level of privacy would be provided.

15. The shared driveway serving No 20 and the proposed dwelling would be immediately to the front of the building. The parking space serving No 20 would be in front of a ground floor window and this is one of a number of windows serving an open plan lounge, kitchen and dining area. Whilst car headlights from vehicle movements associated with No 20 could potentially shine into windows within the front elevation of the proposed dwelling, the frequency of this occurring would be unlikely to result in a harmful degree of noise or disturbance that would be detrimental to the future occupiers.
16. Given the orientation, size and position of windows in the annexe, an acceptable level of privacy would be provided for occupiers of No 20. The use of the tandem parking space may be less convenient for the occupiers of No 20. Even so, the separation between No 20 and the parking space proposed for use by the occupiers of the independent dwelling would not be such that a harmful degree of noise or disturbance would result.
17. I conclude that the effect of the proposed development on the living conditions of future occupiers of the proposed dwelling and occupiers of No 20, with particular regard to privacy, noise and disturbance would not be harmful. There would be no conflict with Policy SP3 or DE1 of the LP insofar as they require development to cause no adverse impact on the amenity of neighbouring users. Nor would the proposal conflict with Policy 2 of the NP insofar as it requires new residential development to safeguard the amenities of residential properties in the immediate locality. For the same reasons, there would be no conflict with the relevant part of the Framework that seeks a high standard of amenity for existing and future users; nor with the requirements of the SPD with respect to residential amenity. A lack of harm in respect of living conditions, however, does not alter my finding on the first main issue.

Other Matters

18. I note the point that a Council planning officer indicated that the proposal would be supported, subject to highways, and that the Council's Conservation Officer had not found conflict with the development plan or Framework policies. However, the previous approvals were materially different insofar as the appeal building was to be ancillary to No 20 and not, as is the proposal before me, a separate dwelling. In any event, and noting parking standards are not cited as a reason for refusal, I have made my decision on the basis of the merits of the proposal, the most relevant local and national planning policy and my own planning judgement.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR