

Appeal Decision

Site visit made on 3 September 2024

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/P4415/D/24/3347171

The Old Barn Woodsetts Road, Gildingwells, Worksop, S81 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Martin Medlam against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2024/0365.
 - The development proposed is demolition of existing and reinstate new wall and gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development has already been carried out.

Main Issue

3. The main issues in this appeal are:
 - the effect of the development on the character and appearance of Gildingwells Conservation Area; and,
 - the effect of the development on highway safety.

Reasons

Conservation Area

4. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 195 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 and a listed building, great weight should be given to the asset's conservation.
5. The appeal site is located within Gildingwells Conservation Area. In the exercising of planning functions the statutory test in relation to conservation areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Policy CS23 of the Rotherham Local Plan Core Strategy ('Core Strategy') and policy

41 of the Rotherham Local Plan Sites and Policies Document ('S&PD') require the protection of the character and appearance of a locality, including heritage assets, through high quality design that respects local design features.

6. Gildingwells is a small rural village characterised by linear development along the road that passes through it. The Conservation Area appears to cover the whole village which, according to the map provided by the Council shows, includes seven farms. Some of the buildings associated with these farms, including the appeal property, are in residential use.
7. The Conservation Area contains well designed older and historic buildings constructed from sandstone and typically roofed with clay pantiles. It also contains some more recent dwellings constructed from brick and roofed in a wider range of materials, such as concrete tiles or slates. The significance of the Conservation Area relates to the rural, agricultural heritage of the village and so is therefore historical and architectural.
8. The Old Barn is an attractive gable fronted and ended building positioned parallel to the road and constructed from sandstone with a clay pantile roof. Whilst not identified as a heritage asset in itself, it therefore makes a positive contribution to the Conservation Area and forms part of its rural village character.
9. The development that is the subject of the appeal is the front boundary wall that replaced the front boundary treatment that previously served the building. Low, front boundary, sandstone walls predominate within the Conservation Area with either open driveways or driveways typically fitted with field gates or metal railing gates. As a result, it is a feature of the Conservation Area that in views from the street front elevations of houses are not obscured, even when gates are closed, and so are able to contribute to the street scene.
10. The new wall that has been built along the front boundary of 'The Old Barn' arches upwards from 1.2m in height at the sides of the plot to the centre where solid, arched, double electric gates reach an overall height of 1.9m. As a result, attractive views of The Old Barn, which previously formed part of the public realm, are hidden from view to the detriment of the street scene.
11. Constructed from precision cut sandstone with a horizontal emphasis, the appearance of the wall is more in keeping with that serving a new build executive dwelling, rather than a converted stone barn built in the local vernacular. As a result, the wall is not in keeping with the rustic appearance of stone boundary walls lining the road in the area. Taking all these matters into account, I therefore find that the development is at odds with, and harmful to, the character and appearance of the Conservation Area as a whole.
12. The harm caused is not compensated for by the screening provided by the wall and double gates of on-site parking and other items and activities associated with residential use of the site. This is because the contribution that the front elevation of the house makes to the street scene is more important than the screening of such domestic features.

13. Reference has been made to a development allowed on appeal for a tall front boundary wall and new double gates. However, that appeal related to a different village in a different local authority area where the resulting boundary treatment is only slightly higher than that of a neighbouring front boundary wall. In addition, the dwelling benefitting from the new boundary treatment is orientated at 90 degrees to the road and so its front elevation does not contribute to the same extent to the street scene. As a result, the circumstances of that appeal are materially different to those of the appeal before me. Reference to this appeal therefore has not altered my findings in relation to this issue.

Highway safety

14. For vehicles emerging from the gated entrance concern has been expressed that the visibility of oncoming traffic from the left is substandard for a 30mph road. The distance at which vehicles approaching from this direction are first visible appears to be less than that sought by national guidance. However, owing to the limited forward visibility for drivers of vehicles approaching from this direction after having just slowed down or stopped at a cross road junction, it is reasonable to assume that the speed of approaching vehicles will be comfortably less than 30mph. In this context, and given that cars approaching from this direction are travelling on the far side rather than the nearside of the road, the visibility splay shortfall does not have a material adverse effect on highway safety.
15. As a consequence, I find that the development complies with paragraph 115 of the Framework which advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Planning balance

16. The harm caused by the proposed development to the significance of the Conservation Area as a whole is less than substantial. In such circumstances, paragraph 208 of the Framework advises that the harm caused should be weighed against the public benefits of the proposal.
17. In accordance with the statutory duties described, I attach considerable importance and weight to the harm caused to the Conservation Area. On the other side of the balance, the wall and gates increase the privacy and security of the occupiers. However, as these are private rather than public benefits they cannot be taken into account in this planning balance.
18. Taking all these matters into account, my overall conclusion is that there are not public benefits that outweigh the harm caused to the significance of Gildingwells Conservation Area. The proposal is therefore contrary to a policy of the Framework that provides a clear reason for refusing the development proposed, as well as failing the statutory test. As such it is contrary to section 16 of the Framework, in addition to being contrary to the development plan by virtue of its conflict with policy CS23 of the Core Strategy and policy 41 of the S&PD. It is also contrary to the supplementary planning document 'Householder Design Guide' which notes that high front boundary walls can harm the street scene.

Conclusion

19. I have found that the proposal has failed the statutory test in relation to Conservation Areas and is in conflict with the development plan and the Framework. There are no considerations which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Ian Radcliffe

Inspector