



Appeal Decision

Hearing held on 22 May 2012

Site visit made on 22 May 2012

by **Andrew Jeyes BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2012

Appeal Ref: APP/E2530/A/12/2168416

Wherry's Yard, South Road, Bourne, Lincolnshire PE10 9JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Linden Homes (Midlands) Ltd against the decision of South Kesteven District Council.
 - The application Ref S11/1374/MJRF, dated 10 June 2011, was refused by notice dated 20 October 2011.
 - The development proposed is the erection of 46 No. dwellings and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 46 No. dwellings and associated works at Wherry's Yard, South Road, Bourne, Lincolnshire PE10 9JB in accordance with the terms of the application, Ref S11/1374/MJRF, dated 10 June 2011, subject to the conditions contained within the attached schedule.

Application for Costs

2. At the Hearing, an application for costs was made by Linden Homes (Midlands) Ltd against South Kesteven District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application was determined prior to the publication of the National Planning Policy Framework [the Framework], which now provides the national policy context in relation to development. Both the Council and the appellant have been consulted on the Framework. The appeal has been determined taking account of the national policy background established by the Framework and the comments of the parties.

Main Issue

4. The main issue is whether the proposal meets the objectives of national and local planning policy in respect of the provision of housing.

Reasoning

Background

5. The site is on former railway land, subsequently used commercially, to the western side of South Road. Following refusals on highway safety grounds for development of the whole site, planning permission has been granted for Phase 1 of a development on the land; this development of detached, semi-detached and short terraces using a cul-de-sac extending from South Road is nearing completion. The site is in a sustainable location within walking distance of the town centre with its wide range of services and facilities. To the north of the existing new development lies a builders merchant with

the library and fire station beyond; to the south is a modern housing estate, schools and a large new partly developed estate.

6. The appeal proposal represents a second phase, extending the cul-de-sac further into the site with a similar form of layout, including the provision of 35% of the dwellings as affordable housing. The site has been largely cleared with some building debris and a site compound on the northern side. Trees have been left around the perimeter and within the site. Open space lies to the north and a strip of woodland with a public footpath through it to the south

Planning Policy

7. Policy H1 of the adopted Core Strategy¹ 2010 [CS] sets out the requirements for housing development within the district, based on an overall requirement of 13,600 homes as set out in the Regional Plan for the East Midlands 2009. The policy distributes growth to various settlements within the district and states that "*development in Bourne should be restricted to that already committed via planning approval at the date of adoption of the Core Strategy*".
8. A Development Plan Document: *Site Allocations and Policies*² [DPD] has been produced and submitted for examination. Whilst changes are proposed, these would not affect any aspects of development around Bourne. DPD Policy SAP H1 indicates that in accordance with CS Policy SP1 new housing development will also be provided in Bourne, and other settlements, through the development of suitable brownfield redevelopment sites and small infill sites. It was agreed at the Hearing that this proposed policy carries substantial weight, and I agree.
9. The Framework indicates the importance of establishing a 5-year supply of deliverable housing sites against housing requirements, including a 5% buffer or, where persistent underperformance is identified, a 20% buffer. The Framework indicates that the adopted Core Strategy carries full weight, but also indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. In this context, relevant policies for the supply of housing land should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites.

Housing Provision

10. It was agreed at the Hearing that the Council could not demonstrate a five-year supply of deliverable housing sites. At March 2011, housing supply was calculated to be 4.0 years, with the Council indicating a decline to 3.6 years by December 2011. The appellant has concerns that the rate of delivery on larger sites is over-estimated and that supply is only around 3.5 years. In any case, the supply of deliverable sites for the district as a whole is substantially less than the required 5 years. Whilst evidence was provided in respect of the length of time that a 5-year supply has not been available, as the current position is less than the minimum 5-year provision, consideration has not been given to the size of any additional buffer required by the Framework.
11. However, the Council indicate that housing supply over the district is uneven and that for Bourne, the position is entirely different. They calculate that, based on the disaggregation contained within CS Policy H1, Bourne has a 7.5-year supply of deliverable housing land based on extant planning permissions. In considering the Core Strategy, the Inspector in her report, indicated that the approach in not seeking to identify further land for development in Bourne during the plan period was justified to avoid undermining the sustainability of the town and exacerbating the imbalance between homes and jobs.

¹ Local Development Framework for South Kesteven: Core Strategy - adopted 5 July 2010

² Local Development Framework for South Kesteven: Site Allocations and Policies Development Plan Document

12. However, taking account of the Framework, the lack of a 5-year housing land supply is based on the situation within the district as a whole and that, taking account of Paragraph 49, CS Policy H1 has to be considered as out of date, at this time, and therefore carrying limited weight. In this situation, the proposal should be considered in the context of the presumption in favour of sustainable development.
13. The Council has permitted 49 dwellings within Bourne since adoption of the Core Strategy, notwithstanding CS Policy H1, including two sites of 14 dwellings each. It was pointed out by the Council that most of these were minor sites that they did not consider prejudiced the policy and that there were special justifications for the two larger sites. However, cumulatively, these could provide a larger addition to the housing stock than would development of this site, the cumulative position being a matter not considered by the Council. This indicates an inconsistency in approach.
14. In addition, the appellant referred to a site at Market Deeping where outline planning permission³ has been granted for up to 120 dwellings based on the lack of a 5-year land supply and then operating national policy. The Council indicate however, that land needed to be allocated in this area unlike Bourne, although I note that the disaggregated housing figures for The Deepings indicate a supply position of 6.5 years, so that, similar to Bourne, these settlements do not have a localised shortage.
15. In any case, there is also tension between adopted CS Policy H1, which precluded housing development, and proposed DPD Policy SAP H1, which would allow housing development on brownfield sites within Bourne. It was agreed at the Hearing that this site is brownfield and that the development, if it were not for CS Policy H1, would fall within the terms of this proposed policy. It was also agreed that, subject to access arrangements being implemented and other conditions, there were no other over-riding reasons to reject the proposal.

Other Matters

16. A holding objection was submitted by English Nature in relation to possible impact on a Site of Special Scientific Interest at Math and Elsea Woods some 1.34 miles to the south. An assessment of green space in the locality was submitted by the appellant, which indicated that there is an under provision of local nature reserves serving Bourne. The site would have open space provided at its south-western end and is very close to the 7Ha Wellhead Park, which would be a natural focus for recreation outside of the home. I do not consider that the proposal would place additional pressure on Math and Elsea Woods.
17. The proposal would require modifications to the existing access to ensure highway safety. A scheme has been submitted that meets the necessary standards; this would be the subject of an appropriate condition.

Conclusions

18. The proposal represents a sustainable development of 46 dwellings, including affordable housing, of good quality design that would meet housing needs within the district where there is an undersupply of deliverable sites. It would be of modest size and would represent completion of a development that is already underway. There are no adverse impacts that would outweigh the benefits when assessed against the Framework taken as a whole and there are no other policies that indicate that the development should be restricted.
19. For these reasons, the proposal would meet the objectives of national planning policy in respect of the provision of housing, these national policies overriding CS Policy H1 in the Core Strategy because of the lack of a 5-year supply of deliverable housing sites in the district. The proposal would also comply with proposed DPD Policy SAP H1. Taking the above into account and considering all other matters, the appeal is allowed.

³ Council Ref: S10/0934/MJRO - Residential development and associated play areas, allotments and openspace

Unilateral Undertaking

20. A S106 Unilateral Undertaking has been submitted. Statutory tests are set out in the Community Infrastructure Levy Regulations 2010 [CILR] indicating that the obligation must be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonable related in scale. The undertaking covers affordable housing provision and contributions to play equipment, education and health service provision.
21. The plan accompanying the undertaking does not reflect the application site, but does cover that part of the site that is proposed for housing. The Council considers that in this respect the undertaking would be enforceable.
22. The affordable housing provisions do not identify which houses are to be the affordable units and contains no trigger point for provision relative to other aspects of site development. Whilst an affordable housing scheme is referred to, there is no requirement to submit or agree such a scheme with the Council. In these circumstances, there can be no certainty that affordable housing would be delivered. This part of the undertaking cannot therefore add weight to the appeal, but the provision of affordable housing could be dealt with by means of a suitable condition.
23. Play equipment contributions are required in lieu of on-site provision of play equipment, with upgrading and/or new provision on the adjacent Wellhead area. This would be fairly and reasonably related in scale and provide facilities that are directly related to the development.
24. In respect of educational contributions, the education authority indicates secondary and primary schools in Bourne are currently full to permanent capacity, with this situation projected to continue. A standard charge has been levied, based on a derived average household occupation. No details of school numbers and capacity have been provided. Based on the information provided, there is insufficient detail to indicate that the required payment is necessary to make the development acceptable in planning terms, and is directly related to the development.
25. A health service contribution is required based on a set amount per dwelling, applied as a standard across Lincolnshire, based on an expectation that all developments accept responsibility for increased requirements for healthcare provision, where there is an increased requirement. Whilst it indicates that some health services are over-subscribed, no evidence has been submitted indicating the extent of provision in Bourne. There is no evidence to indicate that this payment is necessary to make the proposal acceptable in planning terms, that it would be directly related to the development and would be fairly and reasonable related in scale.
26. In conclusion, the obligations relating to affordable housing, and to educational and health service contributions would not meet the tests set out in Regulation 122 of the CILR and cannot be taken into account in determining this appeal. The contribution for the play equipment contribution can be taken into account.
27. In addition, the undertaking places a requirement on the Council, the County Council and the Lincolnshire Community Health Services as to how contributions shall be banked and requiring return, if not used within five years. However, it is not possible for a unilateral undertaking to place an obligation on a party who is not a signatory to the undertaking. These clauses would be ineffective and would not be enforceable.

Conditions

28. The conditions suggested have been considered in accordance with the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*. Wording has been adjusted where necessary. The plans to which this decision relates are specified for the avoidance of doubt and in the interests of the proper planning of the area.

29. To ensure a satisfactory appearance conditions relating to the materials, boundary treatment and landscaping, including tree protection are required. The provision and programming of open space is necessary to ensure adequate provision is made for local residents, as is the provision of surface water disposal. Because of the previous uses of the land, a condition relating to investigating and treating any land contamination is necessary to ensure suitable living conditions for future residents. In the interests of highway safety, conditions are required relating to provision of junction improvements at South Road and for carriageway and footway provision to each dwelling prior to occupation. As indicated previously, a condition relating to the provision of affordable housing is required to ensure that the development makes a suitable contribution to the housing needs of the area.
30. A condition relating to foul drainage is not necessary as this is covered by other regulations and the provision of roads and turning is covered by compliance with the approved plans.

Andrew Jeyes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached schedule of plans.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as indicated on the Plot List (materials schedule) submitted with the application.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, together with a programme for provision. The boundary treatment shall be completed in accordance with the approved programme and approved details.
- 5) No development shall take place until a landscaping scheme for the development hereby permitted, including the proposed open space, and a programme of implementation, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out in accordance with the approved details and programme. Any trees that within a period of five years from the completion of the dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) Notwithstanding the submitted details, no development shall take place until a revised tree protection plan and method statement have been submitted to and approved in writing by the local planning authority. The details shall include proposals for foundations types, no dig hard surfaces and pruning required to facilitate the development. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a surface water drainage scheme that is in accordance with the surface water strategy submitted as part of the Flood Risk Assessment and incorporating sustainable drainage principles, an assessment of the hydrological and Hydro-geological context, and timetable for implementation has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology, which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. Remediation of the site shall incorporate the approved additional measures.
- 9) No construction works shall take place on any of the dwellings hereby permitted until all of the works to improve the junction of Great Northern Gardens and South Road as indicated on Drawing No 15798H/A1/02 Rev B have been completed.
- 10) Prior to any dwelling being occupied the carriageway and footway providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be

constructed to a specification to be agreed in writing by the local planning authority less the wearing courses.

- 19) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing contained with Annex 2 of the National Planning Policy Framework. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of the dwellings;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

SCHEDULE OF PLANS

Drawing Nos: 237-SK-01 Rev A;	237-SK-02;	237-SK-03 Rev C;
1646.AIA Rev A;	1646.TPP Rev A;	SH-G101 Rev B;
SH-G200 Rev B;	A66.2-P01;	CE927.2-P01;
E108.1-P01 Rev C;	E108.1-P02 Rev A;	H250.1-P01;
L71.1-P01;	P117.4-P01;	R104.5-P01;
V74.1-P01(AS) Rev B;	BH01/CLLGA4/PTR01;	15798H/A1/02 Rev B;
15798H/A1/SK07 Rev A.		

Appeal Decisions

Site visit made 12 June 2012

by **John G Millard DipArch RIBA FCI Arb**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 July 2012

Appeal A Ref: APP/E2530/E/11/2166084

The William Cecil, 36-38 High Street St Martins, Stamford, Lincolnshire PE9 2LJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr D Pennell against the decision of South Kesteven District Council.
 - The application Ref: S11/2400/LBC dated 7 September 2011 was refused by notice dated 7 November 2011.
 - The work proposed is the provision of 2 fascia signs, 1 hanging sign and 1 freestanding sign.
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Appeal Ref: APP/E2530/H/11/2166083

The William Cecil, 36-38 High Street St Martins, Stamford, Lincolnshire PE9 2LJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr D Pennell against the decision of South Kesteven District Council.
 - The application Ref: S11/2275/ADV dated 7 September 2011 was refused by notice dated 7 November 2011.
 - The advertisements proposed are 2 fascia signs, 4m x 1.2m and 5m x 0.5m, black lettering on blue background (downlit), 1 hanging sign 0.9m x 0.7m, black lettering on light blue background (lit by two spotlights from side) and 1 freestanding sign, 1.1m x 1.4m, black lettering on light blue background (lit by two spotlights from below).
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Decisions

Appeal A Ref: APP/E2530/E/11/2166084

1. The appeal is dismissed.

Appeal B Ref: APP/E2530/H/11/2166083

2. The appeal is dismissed.

Preliminary Matter(s)

3. The National Planning Policy Framework (the Framework) was published on 27 March 2012 at which time a number of national policy documents, upon
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which the appellant and/or the Council may have relied, were cancelled. As my decision on the appeal must accord with the Framework, the parties have been given the opportunity of reviewing their submissions and commenting upon any changes in national policy arising from publication of the Framework which they consider to have implications for their cases. In reaching my decision I have taken full account of all such comments received within the allotted time.

Main Issues

4. The main issue in Appeal A is whether the signs preserve the listed buildings and their settings and any features of special architectural or historic interest they possess. In Appeal B, the main issues are the effect of the signs on the character, appearance and special interest of the listed buildings and whether they preserve or enhance the character or appearance of the Conservation Area.

Reasons

5. These are retrospective applications for signs already installed. The subject property is an hotel on the east side and at the southern end of High Street St Martins, within the Stamford Conservation Area. It comprises a terrace of five individual 18th century houses, with later additions and alterations, now linked internally but each retaining its distinctive exterior. No 36 is Grade II* listed whilst the remainder of the terrace is listed Grade II. The buildings are constructed directly on the back edge of the pavement whilst to the south, similarly aligned, is a 2 metre high stone wall forming the boundary to the car park.
6. Whilst the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 are exercisable only in the interest of amenity and public safety, section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving listed buildings, or their settings or any features of special architectural or historic interest they possess. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. There are four signs involved in this appeal. The first is a fascia sign mounted centrally between the ground and first floor windows in the street façade of No 38. It is 5.0 metres long by 0.5 metre high and comprises a flat panel finished in a somewhat strident light blue and with a bold raised border in a contrasting dark blue. The painted or printed text and logo are in black and the panel is illuminated by two fluorescent strip lights mounted directly above.
8. Whilst such a sign might well be acceptable on a traditional shopfront within a commercial setting, it is not sympathetic to the form or character of the listed façade. It lacks the subtleties inherent in the well-proportioned and elegantly detailed elevation whilst the blue colours contrast unfavourably with the warmth and softness of the weathered stone. The two shrouded fluorescent lights are not effective in providing even illumination to the panel and add unnecessary clutter to the façade.
9. A broadly similar panel sign has been erected at high level on the southern flank elevation of the same building. It measures 4.0 metres by 1.19 metres, is again finished in light blue with a dark blue frame and black lettering, and is

illuminated in the same way as the fascia sign. It appears to have been positioned to achieve maximum prominence when approaching from the south, without due consideration as to its impact upon the listed building, because of which it is particularly intrusive within the street scene and unsympathetic to the character of the host building.

10. A 0.9 metre by 0.7 metre hanging sign is positioned centrally over the doorway in the elaborately half-timbered late 19th century porch to the right of the main building and is broadly characteristic of such signs traditionally associated with public houses. It is effectively and evenly illuminated by two small spotlights discretely located behind the bargeboard of the gabled roof and, apart from the *incongruity* of its unsympathetic blue colouring, is not unduly harmful to the listed building or its setting.
11. The last of the four signs is a 'V' board mounted on three timber posts and positioned just above the boundary wall to the right of the car park entrance. Each of the panels measures 1.1 metres by 1.4 metres, is constructed and finished in the same way as the other signs, and illuminated by a small spotlight mounted behind the stone wall. This sign is not inappropriate in terms of its location or size and, were it not for the particular choice of colours, would be entirely acceptable.
12. In view of the above, I am led to the conclusion that, as installed, the signs fail to preserve the listed buildings or their settings and neither preserve nor enhance the character or appearance of the Conservation Area. They are thus detrimental to the visual amenity of the area and in conflict with national policy objectives for conserving and enhancing the historic environment set out in Part 12 of the Framework.
13. In reaching this conclusion I have noted the appellant's reference to paragraphs 67 and 134 of the Framework and I accept that there is a commercial need for signage on the property. I am not, however, persuaded that this cannot be achieved in a manner less harmful to the special interest of the buildings and the character and appearance of the Conservation Area. I have also noted that the light blue used for the signs is the hotel operator's 'corporate colour' but do not find this sufficient justification for allowing its use in a manner that causes harm to the historic environment.
14. Having viewed the signs both in daylight and at night, I do not share the appellant's view that the light blue colour is '*particularly effective under illumination*'. Whilst I did note that the hanging and 'V' board signs, when illuminated by their small spotlights, did take on a slightly less strident and a softer, more luminescent, appearance, the fluorescent lighting to the larger signs was particularly ineffective and did not display a similar characteristic. In any event, as the signs are seen at least as much in daylight as they are under artificial illumination, this is not a consideration that would outweigh the harm I have identified so as to justify allowing the appeal.
15. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeals should be dismissed.

John G Millard

INSPECTOR

Appeal Decisions

Site visit made 12 June 2012

by **John G Millard DipArch RIBA FCI Arb**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 July 2012

Appeal A Ref: APP/E2530/E/11/2166084

**The William Cecil, 36-38 High Street St Martins, Stamford, Lincolnshire
PE9 2LJ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr D Pennell against the decision of South Kesteven District Council.
 - The application Ref: S11/2400/LBC dated 7 September 2011 was refused by notice dated 7 November 2011.
 - The work proposed is the provision of 2 fascia signs, 1 hanging sign and 1 freestanding sign.
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Appeal Ref: APP/E2530/H/11/2166083

**The William Cecil, 36-38 High Street St Martins, Stamford, Lincolnshire
PE9 2LJ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr D Pennell against the decision of South Kesteven District Council.
 - The application Ref: S11/2275/ADV dated 7 September 2011 was refused by notice dated 7 November 2011.
 - The advertisements proposed are 2 fascia signs, 4m x 1.2m and 5m x 0.5m, black lettering on blue background (downlit), 1 hanging sign 0.9m x 0.7m, black lettering on light blue background (lit by two spotlights from side) and 1 freestanding sign, 1.1m x 1.4m, black lettering on light blue background (lit by two spotlights from below).
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Decisions

Appeal A Ref: APP/E2530/E/11/2166084

1. The appeal is dismissed.

Appeal B Ref: APP/E2530/H/11/2166083

2. The appeal is dismissed.

Preliminary Matter(s)

3. The National Planning Policy Framework (the Framework) was published on 27 March 2012 at which time a number of national policy documents, upon
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which the appellant and/or the Council may have relied, were cancelled. As my decision on the appeal must accord with the Framework, the parties have been given the opportunity of reviewing their submissions and commenting upon any changes in national policy arising from publication of the Framework which they consider to have implications for their cases. In reaching my decision I have taken full account of all such comments received within the allotted time.

Main Issues

4. The main issue in Appeal A is whether the signs preserve the listed buildings and their settings and any features of special architectural or historic interest they possess. In Appeal B, the main issues are the effect of the signs on the character, appearance and special interest of the listed buildings and whether they preserve or enhance the character or appearance of the Conservation Area.

Reasons

5. These are retrospective applications for signs already installed. The subject property is an hotel on the east side and at the southern end of High Street St Martins, within the Stamford Conservation Area. It comprises a terrace of five individual 18th century houses, with later additions and alterations, now linked internally but each retaining its distinctive exterior. No 36 is Grade II* listed whilst the remainder of the terrace is listed Grade II. The buildings are constructed directly on the back edge of the pavement whilst to the south, similarly aligned, is a 2 metre high stone wall forming the boundary to the car park.
6. Whilst the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 are exercisable only in the interest of amenity and public safety, section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving listed buildings, or their settings or any features of special architectural or historic interest they possess. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. There are four signs involved in this appeal. The first is a fascia sign mounted centrally between the ground and first floor windows in the street façade of No 38. It is 5.0 metres long by 0.5 metre high and comprises a flat panel finished in a somewhat strident light blue and with a bold raised border in a contrasting dark blue. The painted or printed text and logo are in black and the panel is illuminated by two fluorescent strip lights mounted directly above.
8. Whilst such a sign might well be acceptable on a traditional shopfront within a commercial setting, it is not sympathetic to the form or character of the listed façade. It lacks the subtleties inherent in the well-proportioned and elegantly detailed elevation whilst the blue colours contrast unfavourably with the warmth and softness of the weathered stone. The two shrouded fluorescent lights are not effective in providing even illumination to the panel and add unnecessary clutter to the façade.
9. A broadly similar panel sign has been erected at high level on the southern flank elevation of the same building. It measures 4.0 metres by 1.19 metres, is again finished in light blue with a dark blue frame and black lettering, and is

illuminated in the same way as the fascia sign. It appears to have been positioned to achieve maximum prominence when approaching from the south, without due consideration as to its impact upon the listed building, because of which it is particularly intrusive within the street scene and unsympathetic to the character of the host building.

10. A 0.9 metre by 0.7 metre hanging sign is positioned centrally over the doorway in the elaborately half-timbered late 19th century porch to the right of the main building and is broadly characteristic of such signs traditionally associated with public houses. It is effectively and evenly illuminated by two small spotlights discretely located behind the bargeboard of the gabled roof and, apart from the *incongruity* of its unsympathetic blue colouring, is not unduly harmful to the listed building or its setting.
11. The last of the four signs is a 'V' board mounted on three timber posts and positioned just above the boundary wall to the right of the car park entrance. Each of the panels measures 1.1 metres by 1.4 metres, is constructed and finished in the same way as the other signs, and illuminated by a small spotlight mounted behind the stone wall. This sign is not inappropriate in terms of its location or size and, were it not for the particular choice of colours, would be entirely acceptable.
12. In view of the above, I am led to the conclusion that, as installed, the signs fail to preserve the listed buildings or their settings and neither preserve nor enhance the character or appearance of the Conservation Area. They are thus detrimental to the visual amenity of the area and in conflict with national policy objectives for conserving and enhancing the historic environment set out in Part 12 of the Framework.
13. In reaching this conclusion I have noted the appellant's reference to paragraphs 67 and 134 of the Framework and I accept that there is a commercial need for signage on the property. I am not, however, persuaded that this cannot be achieved in a manner less harmful to the special interest of the buildings and the character and appearance of the Conservation Area. I have also noted that the light blue used for the signs is the hotel operator's 'corporate colour' but do not find this sufficient justification for allowing its use in a manner that causes harm to the historic environment.
14. Having viewed the signs both in daylight and at night, I do not share the appellant's view that the light blue colour is '*particularly effective under illumination*'. Whilst I did note that the hanging and 'V' board signs, when illuminated by their small spotlights, did take on a slightly less strident and a softer, more luminescent, appearance, the fluorescent lighting to the larger signs was particularly ineffective and did not display a similar characteristic. In any event, as the signs are seen at least as much in daylight as they are under artificial illumination, this is not a consideration that would outweigh the harm I have identified so as to justify allowing the appeal.
15. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeals should be dismissed.

John G Millard

INSPECTOR



Appeal Decision

Site visit made on 12 June 2012

by John G Millard DipArch RIBA FCI Arb

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2012

Appeal Ref: APP/E2530/D/12/2172361

30 Church Street, Baston, Peterborough PE6 9PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs R Evans against the decision of South Kesteven District Council.
 - The application Ref: S11/2410/FULL was refused by notice dated 9 February 2012.
 - The development proposed is redevelopment of bungalow to form 2 storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was published on 27 March 2012 at which time a number of national policy documents, upon which the appellant and/or the Council may have relied, were cancelled. As my decision on the appeal must accord with the Framework, the parties have been given the opportunity of reviewing their submissions and commenting upon any changes in national policy arising from adoption of the Framework which they consider to have implications for their cases. In reaching my decision I have taken full account of all such comments received within the allotted time.

Main Issues

3. The main issues in this appeal are the effect of the proposal on, firstly, the character and appearance of the area and the settings of nearby designated heritage assets and, secondly, the living conditions of neighbouring occupiers with particular reference to privacy.

Reasons

4. 30 Church Street is a modest mid-20th century bungalow on the south side of Church Street, directly facing the Grade I listed Church of St John the Baptist and adjoining the Grade II listed Hall Farmhouse. Near the eastern end of the churchyard are two stone table tombs, also listed Grade II. To the west and set well behind the line of the appeal property is a row of traditional 1½ storey stone cottages that are respectful of and provide an appropriate setting for the Church.
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5. Although architecturally undistinguished, and despite its forward position within the street scene, the bungalow at No 30 is modest in scale and partially screened by a band of mature, if somewhat unkempt, evergreen planting along its highway frontage so that it does not intrude to any appreciable extent into the general street scene nor unduly impact upon the settings of the designated heritage assets.
 6. I am not aware of any policy objection to the principle of enlarging the dwelling, but this notwithstanding, I find the proposal before me unworthy of its attractive historic surroundings and unsympathetic to the two principle listed buildings in form, materials and detailed design. The architecture of the enlarged property would not represent any improvement on that of the existing bungalow whilst the substantial increase in bulk, together with its forward position in relation to other dwellings at this end of the street, would make the building unduly prominent within the street scene and the settings of the listed buildings.
 7. Whilst statute requires special regard to be had to the desirability of preserving the settings of listed buildings, it offers no guidance as to what constitutes a building's setting. In the absence of such guidance, setting is commonly held to be the surroundings in which a heritage asset is experienced. Its extent is not fixed and the contribution made to the significance of the asset by its setting is not dependent upon the numbers of people experiencing it. Indeed, the extant Practice Guide to the former PPS5 notes that ". . . *the contribution that setting makes to the significance [of an asset] does not depend on there being public rights or an ability to access or experience that setting*".
 8. Seen from the west, in Church Street, Hall Farmhouse is framed by mature trees and closes the vista, with its distinctive setting established by the relative openness of the churchyard to the north, and the appropriately respectful low-rise dwellings to the south. Seen from the same location, the bulk of the enlarged dwelling would intrude unacceptably into the picture, to the detriment of the listed building's established setting.
 9. In views of the appeal site from Main Street, across the churchyard, with the Farmhouse to the left and the Church to the right, the modest bulk of the existing bungalow is such that it represents a minor feature within the streetscape, largely screened from view by established foliage, both in the churchyard and elsewhere, but nonetheless within the settings of the heritage assets. A building in this location of almost twice the bulk and unsympathetic character would become a significantly more intrusive feature within this setting, detracting from the integrity of the historic composition.
 10. Policy EN1 of the adopted LDF Core Strategy 2010 (CS) seeks the protection and enhancement of the character of the district. It is consistent in this objective with national policy as set out in the Framework which, at paragraph 62, promotes policies which ensure high standards of design and, at paragraph 64, notes that poor design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. Part 12 of the Framework focuses on the importance of conserving and enhancing the historic environment.
 11. For the above reasons, my conclusion on the first of the main issues is that, because of it would significant increase the bulk of the presently modest bungalow in what is clearly a prominent position within the street scene, and
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- because of its inherently poor design, the proposal would not accord with CS Policy EN1 or national Framework objectives, causing material harm to the character and appearance of the area and the settings of the adjacent designated heritage assets.
12. Turning to the second main issue, there are dwellings in Aveland Way, to the rear of the appeal property, with back gardens that would be in direct line of sight from bedroom and bathroom windows in the south elevation of the proposed first floor extension. In addition, windows in the west elevation of the Aveland Way houses would be in oblique line of view from these same first floor windows in the proposed extension. The shortest distance between the garden of No 10 Aveland Way and the window in proposed Bedroom 3 would be about 15 metres whilst the distance from this same bedroom window to the nearest window in 10 Aveland Way would be in the order of 28 metres.
13. Because of the separation distances involved and the presence of extensive mature tree screening within the intervening space, I am satisfied that there would be no adverse impact upon the living conditions of the occupiers of the Aveland Way properties and no loss of privacy. Whilst the Council's refusal notice cites CS Policy EN1 in support of its decision to refuse the application on neighbour amenity grounds, I can find nothing in this Policy which seeks to protect neighbours' privacy. However, one of the 12 principles of planning set out at paragraph 17 of the Framework is that development should '*. . . always seek to secure . . . a good standard of amenity for all existing and future occupants of land and buildings*'.
14. As neighbouring occupiers would suffer no loss of privacy or other amenity, I conclude, on the second main issue, that there would be no conflict with the above Framework principle and that, in this regard, the proposal is acceptable. This does not, however, overcome the harm that the proposal would cause to the street scene and the historic environment, as identified above, because of which it is my overall conclusion that the appeal should not succeed.
15. I have considered all other matters raised, including the appellants' observation that such a development would be environmentally sustainable, but have found nothing that changes the balance of my decision that the appeal should be dismissed.

John G Millard

INSPECTOR



Appeal Decision

Site visit made on 28 May 2012

by **Simon Berkeley BA MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 June 2012

Appeal Ref: APP/E2530/D/12/2174668

Arrietta, The Paddocks, Long Bennington, Newark NG23 5DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Coomber against the decision of South Kesteven District Council.
 - The application reference S11/2989/HSH, dated 29 November 2011, was refused by notice dated 2 February 2012.
 - The development proposed is *"To extend existing bungalow with a single storey side extension to accommodate a new larger kitchen and separate dining room plus 2 new bedrooms both with en-suites, and to turn existing kitchen into a new larger utility/washroom and remove existing garage (extension with matching brick and tile covered pitched roof)"*.
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Decision

1. The appeal is allowed, and planning permission is granted to extend existing bungalow with a single storey side extension to accommodate a new larger kitchen and separate dining room plus 2 new bedrooms both with en-suites, and to turn existing kitchen into a new larger utility/washroom and remove existing garage (extension with matching brick and tile covered pitched roof) at Arrietta, The Paddocks, Long Bennington, Newark NG23 5DZ, in accordance with the terms of the application, reference S11/2989/HSH, dated 29 November 2011, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The area shown for off road parking on the Block Plan hereby approved shall be kept free for that use at all times.
 - 4) Development shall not begin until surface water drainage works have been carried out in accordance with details first approved in writing by the local planning authority. The details shall include measures for maintaining the drainage system. The drainage system shall thereafter be maintained in accordance with the approved details.
 - 5) Other than as required by the conditions above, the development hereby permitted shall be carried out in accordance with the following approved plans: the Block Plan marked as received by the Council on 19 December 2011; the Existing Details drawings showing the floor plan and elevations of the existing building; and the Proposed Extension drawings, marked as received by the Council on 1 December 2011, showing the proposed floor plan and elevations.

Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of the surrounding area.

Reasons

3. In a generally residential area, The Paddocks is a quite narrow private lane. The appeal property, known as Arrietta, is a detached bungalow, as is the neighbouring home, Ashbrook. Two other properties are on this side of The Paddocks, being a further detached bungalow adjacent to Ashbrook which faces onto Costa Row, and A. Arnold & Sons Butchers and Grocers. The latter is a two storey building which fronts onto Main Road. To the other side of The Paddocks is a pair of semi-detached houses flanked to either side by the gable end elevations of houses facing onto Costa Row and Main Road. Overall, these properties vary in type, size, design styles and in their relationship with The Paddocks. I consider that the street scene has a rather mixed character and appearance as a result.
4. I agree with the Council that the proposed extension would be large. Indeed, it would be a dominant element of the bungalow. However, I see no reason why that should be a problem here. The development would generally blend with the present building to form one cohesive whole. From The Paddocks, the resultant property would appear as an 'L' shaped bungalow, albeit of quite substantial proportions.
5. Neither the reason for refusing the application, nor the Council's officer report, indicate why the size of the extension would be detrimental to the street scene. The property would be different to others nearby, and would occupy a substantial portion of its plot. But that in itself is not necessarily a reason to reject the scheme. Given the variation along The Paddocks, the enlargement proposed would not cause Arrietta to stand out particularly, or look significantly out of place.
6. I therefore conclude that the proposed extension would not result in material harm to the character and appearance of the surrounding area. As such, it would not conflict with Policy EN1 of the South Kesteven Core Strategy. This says that all development proposals will be assessed in relation to local distinctiveness and sense of place, the layout and scale of buildings and spaces, and the quality and character of the built fabric, among other things. It would also not be at odds with the broad thrust of national planning policies in this regard.
7. Local residents have raised other concerns and I have taken account of all the evidence. Whilst it is likely that the additional bedrooms would lead to a greater number of vehicles parking here, they need not be parked inconsiderately or cause problems along The Paddocks. Even noting the comment about the number of vehicles that are parked on the driveway at present, that is not an inevitable outcome of allowing the appeal. On my site visit, I saw that parking is allowed along Main Road and other streets nearby. Moreover, the likely increase in vehicle movements would not be excessive, and would not lead to unacceptable levels of noise.
8. I note the comments about the bungalow becoming two homes. But that forms no part of the scheme before me. I must, and have, determined this appeal on the merits of the proposal submitted.
9. I also note the concerns about the loss of trees and the sewer. However, it appears that the trees referred to have already been removed. In any event, on my site visit, I saw no trees on the site that make a significant visual contribution to the

surrounding environment such that rejecting the scheme would be warranted. In addition, there is no compelling or indisputable evidence that building over the sewer would cause problems.

Conditions

10. I have considered the conditions suggested by the Council in the light of advice in Circular 11/95. To ensure a satisfactory appearance, the extension should be finished in materials to match the existing building. In addition, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
11. Although not included in the Council's list, others have also suggested conditions. I agree with the Highway Authority that the area shown as being for off street parking should be kept free for that use, to help prevent parking problems on The Paddocks.
12. Surface water drainage is proposed via a soakaway system. The Council's Property and Facilities advisor says that ground in Long Bennington is generally not suitable for soakaway drainage, and the Internal Drainage Board has suggested that conditions are needed to address this issue. In this context, I concur that details of the soakaway and the maintenance regime proposed should be subject to the Council's approval before the development starts, to ensure its adequacy. I shall impose appropriate conditions accordingly.

Conclusion

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Simon Berkeley

INSPECTOR