

SO9/2675



The Planning
Inspectorate

Appeal Decision

Site visit made on 18 January 2011

by **A J Davison BA(Hons) LLB(Hons) MSc MBA Dip LD RIBA FRTPI**

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

Decision date: 10 February 2011

Appeal Reference: APP/E2530/A/10/2130265/NWF
6 Barn Hill, Stamford PE9 2AE

- 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 M Thurlby against the decision of South Kesteven District Council.
 - The application Reference SO9/2675/FULL, dated 9 November 2009, was refused by notice dated 17 March 2010.
 - The development proposed is change of use from (C3) dwellinghouse to use as four hotel bedrooms in connection with the operation of The Crown Hotel.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal relates to a Grade II* Listed Building in the Stamford Conservation Area. Although the reasons for refusal do not refer to either of these considerations there is a statutory requirement to have regard to the impact of the proposal on both the Listed Building and the Conservation Area.
3. There are therefore three main issues in the appeal. The first is the effect on the architectural and historic interest of the building. The second is the impact on the character and appearance of the Stamford Conservation Area. The third is the effect on living conditions of neighbouring occupants in terms of noise and disturbance.

Reasons

Impact on the Listed Building

4. The appeal property has recently been restored, listed building consent for this having been granted in 2009. The alterations needed to make it suitable for use as an annexe to the Crown Hotel have been carried out. The appeal relates to the application for planning permission for the change of use. A separate application for listed building consent for the alterations has also been refused but is not the subject of an appeal. I note that English Heritage recommended that both applications be refused. I do not have enough information regarding the original state of the building or the various alterations and restoration works to enable me to distinguish between them or reach any conclusion as to their effect on its architectural and historic interest. Physical alterations to the building apart, there is nothing to suggest that its use as an annexe would harm its architectural or historic interest.

5. My conclusion on this issue is that there is no evidence that the proposed change of use would harm the architectural or historic interest of the building.

Impact on the Conservation Area

6. Because the change of use would not alter the exterior of the building it would not affect the appearance of the Stamford Conservation Area. It is, however, necessary to consider the impact on its character. The Conservation Area is both extensive and varied in character because it includes not just the town centre but areas of development along the main routes into it. Barn Hill is a narrow cobbled street leading up hill from All Saints Place, to the north of the town centre. It is lined with 18th and 19th century stone houses fronting directly onto the pavement. Many of them are, like the appeal property, Listed Buildings.
7. Despite its proximity to the town centre, this part of the Conservation Area has a charm and tranquillity that is attributable to its overwhelmingly residential character. Activity associated with the only non-residential uses – a Solicitor's office and Methodist church – does not have a great impact on Barn Hill because they both have large car parks to the rear with entrances on the A6121 North Street and are primarily approached from that direction.
8. The Council draws attention to the desirability of retaining residential uses close to the town centre and maintaining the sense of community in such areas. Policy H12 of the 1995 *South Kesteven Local Plan* says that planning permission will not normally be granted for the change of use of residential properties in defined areas. This Policy applies to many of the houses on Barn Hill including number 6. The Council and local residents have also referred to the sense of community in this residential enclave and the loss of a residential property in this relatively short street would reduce the chances of maintaining that sense of community.
9. The Crown Hotel, which is in All Saints Place, has two other detached annexes. The first, 4 All Saints Place, is next door to the Hotel. The second, 3 Barn Hill, is at the other end of the terrace which includes the appeal property. The Council says that it granted planning permission for the former because of its proximity to the Hotel and for the latter because its size and lack of any outdoor amenity space made it unsuitable for use as a house.
10. The appeal property is a short walk from the hotel and this would generate traffic between them as guests and hotel staff moved from one building to another. There are no parking facilities at the appeal site and hotel guests would have to either park at the hotel and carry their baggage up and down Barn Hill or park temporarily outside the premises in order to offload baggage before returning to the hotel car park. Guests would have to travel up and down the street to take meals and make use of other facilities at the main hotel building.
11. The spread of hotel operations between several properties along the road also opens the possibility of noise and disturbance caused by guests returning to their rooms from the hotel late at night. The impact of this would be exacerbated by the tranquil nature of the street at present. The Appellant acknowledges that late night disturbance arising as a result of people leaving town centre pubs and night clubs can be a problem but says that this does not apply to the appeal premises. Barn Hill is not an obvious route from the town centre to other parts of the town and the nearest pub to it is the Crown Hotel.

12. My conclusion is that although the loss of a dwelling and the additional activity associated with the change of use would not affect the appearance of this part of the Conservation Area it would fail to preserve its tranquil residential character.

Impact on Living Conditions

13. The additional hustle and bustle on the street resulting from the proposed use would also have an adverse impact on the living conditions of residents in this quiet residential enclave. The property has a rear yard adjoining that of a neighbouring house and to which access is gained through a passage that passes under the first floor of another neighbouring house. The potential for noise and disturbance resulting from the use therefore extends not just to the street but to activities to the rear of the building as well. The Appellant says that it is unlikely that guests would make much use of this yard because there are better facilities at the Hotel. That underlines the fact that spreading hotel operations over a number of separate buildings is likely to add to the amount of activity on the street.
14. My conclusion is that noise and disturbance associated with the proposed use would be likely to have an adverse impact on the living conditions of neighbouring occupants.

Precedent

15. Both parties have based their cases, in part, on alleged precedents. Planning decisions do not set precedents. The Council points out that the granting of planning permission for 4 All Saints Place and 3 Barn Hill did not set a precedent for the appeal proposal, as the Appellant claims, because the circumstances were unique to those properties. Equally, granting planning permission for the appeal property would not set a precedent for the rest of the street, as the Council and residents claim. Applications to change the use of other properties would have to be considered on their own merits and in the light of the planning policies and other considerations pertaining at the time.

Conclusions

16. The change of use would not harm either the appearance of the Conservation Area or the architectural and historic interest of the building but it would fail to preserve or enhance the character of the Conservation Area and would harm the living conditions of neighbouring residents and conflict with Local Plan Policy H12. For those reasons and having regard to all other matters raised, including the need for more hotel accommodation in Stamford, I conclude that the appeal should be dismissed.

Anthony J Davison

Inspector



Appeal Decisions

Site visit made on 5 July 2011

by **Keith Turner** LLB(Hons) DipArch(Dist) RIBA MRTPI

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

Decision date: 12 July 2011

2 Appeals relating to The Barn, Morkery Lane, Castle Bytham, Grantham NG33 4SR

- The appeals are made by Mr R Pyne against decisions of South Kesteven District Council.
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Appeal 1: APP/E2530/E/11/2145871

- 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 application Ref S10/2179/LB, dated 23 September 2010, was refused by notice dated 23 November 2010.
 - The works proposed are a single/two storey extension including front porch.
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Appeal 2: APP/E2530/A/11/2146341

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The application Ref S10/2177/HS, dated 23 September 2010, was refused by notice dated 23 November 2010.
 - The development proposed is a single/two storey extension including front porch.
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Decisions

Appeal 1: APP/E2530/E/11/2145871

1. The appeal is dismissed.

Appeal 2: APP/E2530/A/11/2146341

2. The appeal is dismissed.

Preliminary Matters

3. The development which is the subject of Appeal 1 is identical to the works contained in Appeal 2. Consequently, similar considerations and issues will apply to both and therefore I shall deal with both together, referring if necessary, to the particularities of each.

Reasons

4. The appeal premises comprise a grade II listed building and form part of a group of listed former barns. In considering whether to grant planning permission or listed building consent for development or works affecting the character of such buildings it is necessary that special regard be had to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses¹.

5. The appeals must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise². Policy 27 of the East Midlands Regional Plan, March 2009, reflects the thrust of government policy as set out in PPS5³ and this is echoed to some degree in Policy EN1 of the Core Strategy document⁴.
6. Having regard to the above legal and policy framework, and the Council's reasons for refusal, the main issue raised by both appeals is the effect of the development and works upon the character and appearance of the appeal building and its surroundings.
7. Whilst the former barns have been converted to residential use, their essential character has been largely retained. This is because the materials used maintain their general appearance, the window and doors openings have been kept to a minimum and the joinery used is sympathetic with the historic fabric. Equally as important, in the Council's view, is the fact that the overall plan-form of the buildings, both individually and as a group, has been preserved. This is readily apparent from the existing plans and elevations submitted with the original applications for their conversion. The importance of this is supported by paragraph 182 of the Planning Practice Guide which accompanies PPS5.
8. The extension proposed to the rear (north) elevation adjacent to the existing ground floor bedroom would be some 6.3m deep and about 5.4m wide. It would, therefore, be substantial in area. The Council are concerned about the principle of adding such an extension because, in their view, it would introduce an additional element outside the perimeter of the original group of buildings. They consider that this would detract from the historic plan-form, authenticity and appearance of the building and the group as a whole.
9. The Appellant submitted a plan showing other projections beyond the main rear perimeter of the former barns. However, two of these appear to have followed the approximate shape and position of former appendages used as pig sties prior to the conversion works. They did not, therefore, materially alter the historic form. The third appendage remains unexplained. However, its existence does not necessarily justify allowing any further additions if they would be harmful to the character of the appeal building or the group of which it is a part.
10. In addition, the extension would be one and a half storeys high. Whilst I accept that its roof would not rise any higher than the ridge of the adjacent part of the building, it would introduce a large gabled form into an elevation where there is currently none. Gables are an integral feature on the appeal building and its neighbours. However, the incorporation of a substantial multi-pane window extending through two floors into the proposed gable would be out of character for two reasons. First, it would extend into the apex of the gable which is uncommon in vernacular architecture. Second, it would be

¹ S16(2) and S66(1) Planning (Listed Buildings and conservation Areas) Act 1990, as amended

² S38(6) Planning and Compulsory Purchase Act 2004

³ Planning Policy Statement 5: Planning for the Historic Environment

⁴ Local Development Framework for South Kesteven; Core Strategy, adopted 5 July 2010

similar in size to the large windows in the main part of the house and so much glazing would detract from the general character of a rural barn.

11. I understand the Appellant's desire to rationalise the internal arrangement of the building. I accept that it is unconventional to have two bedrooms leading from a first floor living room. However, arrangement of accommodation in historic buildings is not infrequently unconventional. Furthermore, the extension, whilst providing an additional sitting room and mezzanine study, would not resolve the existing disposition of rooms. It would merely add more space to the dwelling.
12. The proposals would also involve changing the utility room entrance door into a window, and the adjacent window into a door and the addition of a small porch. The Council have raised no objections to this element of the works. Whilst the porch would introduce a feature more usually found in domestic architecture, its size would be modest and its style would reflect the forms and materials elsewhere on the listed building. For these reasons I agree with the Council that this part of the proposals would not detract materially from the character of the listed building.
13. Turning now to the relationship of the proposed extension to Oak House, it would be adjacent to the common boundary with that property. However, being to the north-east of it I consider that there would not be any undue overshadowing of the neighbour's garden. The rooflights proposed in the western roof slope are about 1.4m above the mezzanine floor level. Consequently, some overlooking could occur from those windows. However, that could be resolved either by requiring obscure glazing and non-openable frames or by raising the sill level to about 1.6m. The proposed chimney would rise to the level of the existing roof ridge. This would seem to be high enough to avoid issues with smoke affecting the neighbours' garden. However, that would be subject to other controls. None of these factors would, therefore, justify withholding permission.
14. It is generally acknowledged that, when converting or adapting rural buildings into dwellings, it is important to retain their overall forms, details and character and to avoid the introduction of features which would be domestic in appearance. For the reasons set out above I find that the proposed extension to the north side of the building would be harmful to the character of the building and the appearance of the group of buildings of which it is a part. Accordingly, the appeals fail.

Keith Turner



Appeal Decision

Site visit made on 4 July 2011

by **Janet L Cheesley BA (Hons) DipTP MRTPI**

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

Decision date: 14 July 2011

Appeal Ref: APP/E2530/D/11/2153715

The Poplars, 19 Village Street, Gelston, Grantham, Lincolnshire NG32 2AE

- 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 Michael Cooke against the decision of South Kesteven District Council.
 - The application Ref S10/2811/HSB, dated 18 November 2010, was refused by notice dated 8 April 2011.
 - The development proposed is extension and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for extension and alterations at The Poplars, 19 Village Street, Gelston, Grantham, Lincolnshire NG32 2AE in accordance with the terms of the application, Ref S10/2811/HSB, dated 18 November 2010 subject to the following condition:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed on the west elevation.
2. The views of local residents and other interested parties have been taken into account in reaching this decision.

Preliminary Matter

3. Planning permission was granted in 2006 for alterations and extensions to an existing dwelling Ref S06/0486/46. The proposal before me is for retrospective work undertaken and substantially completed not in accordance with that planning permission. The main external differences between the appeal development and the 2006 planning permission are the increase in ridge height and roof pitch and window arrangement.

Main Issues

4. I consider there to be two main issues:

the effect of the development on the character and appearance of the streetscene; and
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the effect of the development on the living conditions of occupiers of nearby dwellings, with particular reference to visual impact.

Reasons

Character and Appearance

5. The appeal site lies on the edge of the built up area of the village. The height to the eaves has not altered from that allowed by the 2006 planning permission. However, the ridge height of the roof has been raised from a maximum of 7.3 metres to some 8.15 metres. The 2006 planning permission allowed for substantial extensions to the existing dwelling creating a large dwelling with prominence in the streetscene. From my observations, due to the increase in ridge height in relation to the overall large bulk of the building, the development the subject of this appeal has not materially altered the impact of the dwelling in the streetscene from that allowed by the 2006 planning permission.
6. For the above reasons, I conclude on this matter that the development does not have an adverse effect on the character and appearance of the streetscene. Thus, the development accords with design principles in national policy in *Planning Policy Statement 1: Delivering Sustainable Development (PPS1) (2005)* and *Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)* which seek a high quality of development. In addition, the development accords with Policy EN1 in the Local Development Framework for South Kesteven Core Strategy 2010 which seeks new development to be appropriate to the character of the area.

Living Conditions

7. The appeal dwelling is adjacent to No. 20 which has two dormer windows facing the west elevation of the appeal property. This elevation comprises a substantial area of primarily blank wall with two gable ends. I consider the wall is the most prominently visual aspect of this elevation. In my opinion, the increase in height of the gable ends and linking roof add little to this prominence. Thus, I consider that the development does not have an oppressive or overbearing impact on the living conditions of occupiers of No. 20.
8. The dwelling opposite the appeal site, Stoney Oak, is some 25 metres from the front elevation of the appeal property. Existing vegetation and a detached garage in the front garden of Stoney Oak screen a large part of the appeal dwelling from this dwelling. I have found that the development does not have an adverse visual impact in the streetscene. The separation distance and partial screening between the two properties lead me to conclude that the development has no material adverse visual impact on the occupiers of Stoney Oak.
9. For the reasons stated above, the development accords with Policy EN1 of the Core Strategy where this policy assesses the impact of visual intrusion.

Conditions

10. The Council has suggested three conditions. As the development is substantially completed, it is not necessary to impose a time condition or a condition with regard to materials.
11. The Council has suggested removing permitted development rights with regard to windows to safeguard the amenities of neighbours. From my observations, it is only necessary to restrict such openings in the west elevation facing No.20, due to the close proximity of that dwelling. I do not consider it reasonable or necessary to impose such a restriction on the other elevations.

Conclusion

12. For the above reasons and having taken into consideration all other matters raised upon which I have not specifically commented, I allow the appeal.

Janet Cheesley

INSPECTOR