



Appeal Decision

Site visit made on 15 August 2011

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

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

Decision date: 30 August 2011

Appeal Ref: APP/E2530/E/11/2151807

**Newton House, 44A High Street, Colsterworth, Grantham, Lincolnshire
NG33 5NF**

- 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 Miss Debbie Daly against the decision of South Kesteven District Council.
 - The application Ref: S10/1941/LB dated 25 August 2010 was refused by notice dated 11 November 2010.
 - The work proposed is described as change in position of new chimney stack, erection of covered pergola to side elevation, siting of satellite receiver dish on rear elevation and change in shape of Velux rooflights.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a covered pergola.
2. The appeal is allowed insofar as it relates to the chimney stack, the satellite dish and the Velux rooflights, and listed building consent *granted for retention* of the change in position of the chimney stack, the siting of a satellite receiver dish on the rear elevation and the change in shape of the Velux rooflights at Newton House, 44A High Street, Colsterworth, Grantham, Lincolnshire NG33 5NF in accordance with the terms of the application Ref: S10/1941/LB dated 25 August 2010 and the plans submitted therewith.

Preliminary Matters

3. As the works were carried out before the date of the application I shall treat the application as having been made under section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act).
 4. In 2008, planning permission (Ref: S08/0245) and listed building consent (Ref: S08/LB/6938) were granted, subject to conditions, for alterations to the appeal property in connection with its conversion to a single dwellinghouse. This appeal seeks retrospective listed building consent for works which have been carried out otherwise than in accordance with the details approved in 2008.
 5. A neighbouring occupier has raised the question, in relation to this appeal, as to whether planning permission is required for the works for which listed
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building consent is being sought. This is, however, a question to be addressed to the local planning authority and is not for my consideration in the context of this appeal, which is made under section 20 of the Listed Buildings Act.

6. Neither am I able to consider the same neighbour's representations with regard to an alleged loss of daylight arising from erection of the pergola. The Listed Buildings Act, as it relates to listed buildings, seeks only to control the effect of works on the special architectural or historic interest of the building. The concern raised by the neighbour in this case is dealt with under the Town and Country Planning Act 1990 by way of an application for planning permission.

Main Issues

7. As the Council has raised no concerns with regard to the repositioned chimney stack, the siting of the satellite receiver dish or the changes to the Velux rooflights, and as I have found no reason to dissent from the Council's views on these matters, I consider the single main issue in this appeal to be whether the covered pergola preserves the special architectural or historic interest of the listed building.

Reasons

8. The appeal property is a single storey Grade II listed former reading room and library built in 1830 of squared limestone rubble with a pantile roof and with ashlar quoins and dressings. It has a later red brick rear wing that pre-dates the building's listing in 1987 although I have no information as to its precise date of origin. The works of conversion to a dwelling house undertaken following the grant of planning permission and listed building consent in 2008 have generally been carried out in a sympathetic manner and are seen to preserve the building's special interest. The covered pergola, however, did not form part of the works approved in 2008.
9. The topography of the area is such that the back garden is at a lower level than the ground floor of the house and there is a raised terrace in the space between the rear wing and the adjacent No 46 High Street, accessed from inside the dwelling and with steps leading down to the garden. A timber frame has been erected above the whole of this terrace and covered with bronze tinted multi-skin polycarbonate sheeting laid to a shallow fall. Whilst undoubtedly functional, this structure relates poorly to the historic character of the host building, both in form and materials, and appears as an unsympathetic addition to what is an inherently attractive building. Replacing the tinted polycarbonate sheeting with a clear version of the same material would not overcome this harm.
10. Whilst I accept that the pergola cannot be seen by the public at large, buildings are listed for their intrinsic qualities and the extent to which they can be seen from any particular viewpoint, or indeed at all, carries only limited weight when considering the effect of works to them on their significance as heritage assets.
11. I also note the appellant's suggestion that the new pergola merely replaces something similar that previously existed but which collapsed due to lack of maintenance by a previous owner. Whilst I have been offered no evidence to support this suggestion, it appears that nothing of the sort existed when permission was granted to convert the property to a dwelling, in which case listed building consent is required for its construction in any event.

12. When considering the grant of such consent, Planning Policy Statement 5 – *Planning for the Historic Environment* (PPS5), and section 16(2) of the Listed Buildings Act, require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Having assessed the structure I saw at the site visit on that basis, I have come to the conclusion that it materially harms the historic character of the building and, in so doing, fails to preserve its special interest.
13. However, as the pergola is essentially a 'temporary' structure that could be removed at some later date without permanent damage to the listed building, I consider that the harm it causes is less than substantial. Policy HE9.4 of PPS5 and paragraph 85 of the associated Practice Guide indicate that, in order to justify a proposal that causes less than substantial harm to a heritage asset, the harm must be outweighed by the public benefit. As I am unable to identify any public benefits arising from the pergola in this case, I find that its retention is not justified.
14. My attention has been drawn to two other listed properties in the village that have been altered in ways considered by the appellant to be more harmful than the pergola at Newton House. However, I have been offered no information as to the circumstances surrounding these buildings and, in particular, whether the works have been carried out with the benefit of listed building consent. I am therefore of the opinion that the other properties identified do not constitute precedents that justify allowing the unauthorised pergola to remain.
15. I have considered all other matters raised but found nothing that changes the balance of my decision to allow the appeal insofar as it relates to the chimney stack, the satellite dish and the Velux rooflights, but otherwise to dismiss it.
16. I have considered the need for conditions in relation to those works for which listed building consent has been granted but, as the works have been completed, and as no conditions have been suggested by the Council, I am satisfied that none are needed.

John G Millard

INSPECTOR



Appeal Decision

Site visit made on 23 August 2011

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

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

Decision date: 1 September 2011

Appeal Ref: APP/E2530/A/11/2148906

**Land to the rear of 36 Church Street, Long Bennington, Newark,
Nottinghamshire, NG23 5EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs J Holmes against the decision of South Kesteven District Council.
 - The application Ref S10/2004/OUT, dated 23 August 2010, was refused by notice dated 2 December 2010.
 - The development proposed is described as "the erection of one single storey dwelling with garage and parking with new vehicular access."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one single storey dwelling with parking and a new vehicular access at land to the rear of 36 Church Street, Long Bennington, Newark, Nottinghamshire, NG23 5EN in accordance with the terms of the application, Ref S10/2004/OUT, dated 23 August 2010, subject to the following conditions:
 - 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: JLHB/SS/001 and JLHB/SS/01, but only in respect of those matters not reserved for later approval.
2. I have taken account of the views of local residents and other interested parties in reaching this decision.

Procedural matters

3. The application was submitted in outline, but with only appearance and landscaping reserved for later approval.

4. Although the description in the application referred to a garage, there is no garage shown on the application plans. I will amend the description accordingly.

Main Issues

5. The first main issue is the effect of the proposal on the character and appearance of the area. The second main issue is its effect on neighbours' living conditions, in terms of noise and disturbance.

Reasons

6. The revision made to Planning Policy Statement (PPS) 3 (Housing) in June 2010 means that the appeal site must be considered as greenfield, rather than brownfield land. As a result, sites such as this are no longer prioritised for development, but this does not mean that their development is precluded.
7. Notwithstanding that the site is greenfield land, it lies within the built up part of Long Bennington. This is described by the Council as one of the district's 4 primary settlements and is classified as a Local Service Centre in the Local Development Framework for South Kesteven – Core Strategy (CS), adopted July 2010. In principle, residential development is acceptable in this location, but CS Policy SP1 provides that development should not compromise the nature and character of the village. This is reinforced by CS Policy EN1, which requires proposals to be assessed in relation to a range of factors, including local distinctiveness and sense of place; the layout and scale of buildings and designed spaces; the quality and character of the built fabric and its setting; and noise pollution.
8. Church Street is a pleasant residential road characterised by a mix of dwelling designs, sizes and types, mostly arranged along the street frontages, with front gardens of varying depth and with mature planting. There are some modern cul-de-sac developments accessed from Church Street, such as Newton Park and Drury Park to the east and the appeal site backs onto another cul-de-sac scheme at Bennington Close. Whilst the area has a spacious feel, to which the appeal site contributes, those 2-storey dwellings to the rear of the site are visible from Church Street. Furthermore, there are other backland schemes in the vicinity of the site, for example on the other side of the road, a short distance to the east and the west of the site. Two other backland schemes at 54 Church Street and 43 Church Street were granted permission prior to the PPS3 revision. However, the development of 5 dwellings at No 54 (3 on the frontage and 2 to the rear) already contributes to the character of the area and, assuming it is built, the scheme at No 43 will also form part of that character.
9. Whilst at least the roof of the proposed single-storey dwelling would be seen in views from Church Street, this would be against the backdrop of the houses on Bennington Close and, in the context of other developments in the area, it would not appear incongruous. In its current state as attractive, well-maintained garden land, the appeal site does make a positive contribution to the area, which includes a spacious feel. However, both the existing and proposed dwellings would occupy generous plots and the scheme would not appear unduly cramped.
10. For the reasons given, I conclude on the first main issue that the proposal would not harm the character and appearance of the area and it would comply

with CS Policies SP1 and EN1. Notwithstanding the revision to PPS3 concerning the classification of garden land and the further revision removing the national minimum density target, the scheme would still be in line with the objective of making more efficient and effective use of land in a sustainable location as set out in PPS3.

11. Turning to the second main issue, there are no openings in the flank elevation of No 38 Church Street, adjacent to the proposed access. Whilst there are small windows serving habitable rooms in the adjacent flank elevation of No 36, there would be a reasonable degree of separation from the vehicular access, which would serve only one dwelling. In these circumstances, neighbours would not suffer an unacceptable increase in noise and disturbance from use of that access. Similarly, whilst the residential use of this particular area would be intensified a little, given the proposed separation distances and plot size, the additional domestic activity is unlikely to result in intrusive noise or disturbance for neighbouring residents.
12. I conclude on the second main issue that the proposal would not cause unacceptable harm to neighbours' living conditions in terms of noise and disturbance. The Council expresses concern about setting an unwelcome precedent. I have found that this scheme causes no unacceptable harm. Subsequent proposals are unlikely to be identical and clearly, each proposal must be considered on its merits. I therefore consider that precedent is not a determining issue in this appeal.
13. I will impose the usual conditions regarding commencement and approval of reserved matters. Given that landscaping is a reserved matter, I see no need for the separate landscaping condition suggested by the Council. For the avoidance of doubt and in the interests of proper planning, I will also require the development to be carried out in accordance with the approved plans, save in relation to reserved matters.

J A Murray

INSPECTOR



Appeal Decision

Site visit made on 12 September 2011

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 29 September 2011

Appeal Ref: APP/E2530/A/11/2149847

Highgate, Church Street, Barrowby, Grantham, Lincolnshire NG32 1BX

- 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 Mrs Pam Rai against the decision of South Kesteven District Council.
 - The application Ref S10/2525/FULL, dated 10 November 2010, was refused by notice dated 3 March 2011.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the conservation area and setting of the listed building.

Reasons

3. The proposal relates to an area of open land to the rear of properties on Church Street. The land has been used as the garden of the frontage properties and is now overgrown and contains some fruit and other trees. Highgate is a 2 storey red brick house and the attached Highgate Cottage was formerly 2 dwellings and is Grade II Listed. The site and the surrounding properties are within the Barrowby Conservation Area.
4. There are examples of dwellings being sited to the rear of frontage properties on Church Street, including the adjacent 'Greystones'. Where these have been successfully added, the rear building appears subservient to the frontage property, which retains a dominance which is appropriate to its street frontage. There are examples of larger buildings in the vicinity, including the school and flats on Rectory Close, but these have been developed from other road frontages and have different relationships with properties on Church Street. Furthermore, Rectory Close does not make a positive contribution to the area.
5. The openness of the site undoubtedly contributes positively to the character and appearance of the conservation area, providing a green space which separates the school and Rectory Close. It is also relevant to consider the relatively recent change in Government policy. This involved the revision of Planning Policy Statement 3 *Housing* (PPS3) to remove the national indicative density and delete gardens from the classification of "previously developed

land". Although there was never a presumption that such land would necessarily be suitable for housing, the emphasis was on directing development to sustainable sites in urban areas in preference to building on greenfield land.

6. The proposal would occupy the majority of the width of the site and extend partially behind the existing garden of Greystones. The 2 linked houses would be mainly of 2 and 3 storeys with some single storey elements, including a forward projection to the 3 storey house. I consider that its position within the site, combined with its width and height would mean that it would significantly erode the important openness that the site currently exhibits. In addition, it would not appear subservient to the frontage buildings and so would appear at odds with the positive aspects of the character that I have identified.
7. In relation to the changes to PPS3, it seems to me that there has now been a change in emphasis which is relevant to this appeal. Gardens are seen as a valuable asset in their own right and I have explained how this one contributes to the area. The proposal would unacceptably harm the character and appearance of the area by the significant loss of its openness.
8. Taking these points together, the proposal would fail to either preserve or enhance the character or appearance of the conservation area, contrary to the aims of Policy EN1 of the South Kesteven Core Strategy.
9. I have considered the effects that the proposal would have on the setting of the nearby listed buildings. Taking account of the distance, the layout of the rear area and the presence of Greystones, I consider that the setting of the listed buildings would be preserved by the proposal. The Council also refer to the unacceptable loss of the orchard in its representations. Taking account of the limited number and low quality of the trees, I do not see that the loss of these features of the site in itself would have any unacceptable effects on the conservation area. I have also considered the effects on the neighbouring school. The existing site is screened from the school by dense evergreen trees. Taking account of the orientation and design of the dwellings, even if the screen were to be removed, I do not envisage any harmful impact on the school or its staff and pupils. The lack of harm in relation to these matters does not affect my findings in relation to the overall effects on the conservation area.
10. I have taken account of all other matters raised in the representations, including the views of neighbouring land users, but I find nothing of sufficient weight to add to or alter my findings. Therefore the appeal is dismissed.

ST Wood

INSPECTOR



Appeal Decision

Site visit made on 12 September 2011

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 23 September 2011

Appeal Ref: APP/E2530/D/11/215722

24 Belton Grove, Grantham, Lincolnshire NG34 9HH

- 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 Mrs Joanne Roberts against the decision of South Kesteven District Council.
 - The application Ref S11/0762/HSH, dated 29 March 2011, was refused by notice dated 18 May 2011.
 - The development proposed is upvc French doors to the first floor bedroom to replace an adjacent window which is to be bricked up, and construction of a new chimney stack on the south western elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already been undertaken and I had the benefit of seeing it at my site visit.

Main Issue

3. The main issue in this appeal is the effect of the French doors on the privacy of neighbouring residents.

Reasons

4. The French doors are sited within the side elevation at the first floor level. This elevation faces towards the end of the rear garden of No 22 Granta Crescent and open countryside beyond. The French doors afford clear views into a substantial part of the rear garden of No 22 Granta Crescent.
5. From the evidence on site and from the submitted drawings I can see that the previous window was much smaller than the area taken up by the French doors. The planting within both gardens does little to filter or obscure views from the bedroom down into the neighbouring garden. From the neighbouring garden the presence of the French doors is obvious and they are visible from a considerable area of the rear part of the garden, including the sitting area at its rearmost part.
6. Within sub-urban situations such as this a degree of mutual overlooking is both common and acceptable. However, in this situation the size of the glazed area, the fact that they can be completely opened, coupled with their proximity to

the neighbouring garden and their height at first floor level means that the clear views into the garden amount to an unacceptable degree of overlooking which is harmful to the privacy of the neighbouring residents.

7. I appreciate that the French doors are some considerable distance from the house at No 22 Granta Crescent and that not all of the sizeable rear garden is overlooked, but I find the degree of overlooking to be significant and unacceptable. I have noted the appellant's comments in relation to the views from other windows and other houses but these matters do not alter my judgement of the development which is the subject of the appeal. I do not agree with the appellant that the proposal reduces overlooking of the neighbouring garden.
8. I have taken account of all other matters raised in the representations but find nothing of sufficient weight to lead me to a different conclusion. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR