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# Appeal Decision

Site visit made on 11 December 2018

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 December 2018**

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**Appeal Ref: APP/N2535/W/18/3210783**

**6 Bunkers Hill, Hemswell, Gainsborough DN21 5UE**

- 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 Reed against the decision of West Lindsey District Council.
  - The application Ref 137125, dated 29 November 2017, was refused by notice dated 10 April 2018.
  - The development proposed is change of use from residential garden and the erection of a new dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. During the appeal I wrote to the main parties seeking their views on whether the proposed development would result in harm to the Hemswell Conservation Area (HCA) and the Area of Great Landscape Value, and if so, what degree of harm this would be, and whether there are there any public benefits of the proposal, including securing its optimum viable use that would outweigh this harm. I have considered the parties' responses in arriving at my decision.

## Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the HCA and the Area of Great Landscape Value, including whether sufficient information has been provided in respect of protected trees within the site.

## Reasons

4. Section 72(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The appeal site is part of the garden of 6 Bunkers Hill, a large dwelling house in the small village of Hemswell. The village is characterised by a large number of attractive and well maintained dwellings principally built of stone. The appeal site is on the edge of the HCA where there is a loose group of dwellings arranged around a tight bend in the road, which also forms a junction with Weldon Rd. The site forms part of the extensive landscaped grounds to No 6.

6. To the east of the site is an access serving a residential dwelling that cannot be viewed from the road. Hence, No 6 is the first or last dwelling visible on entering or leaving the village along Bunkers Hill which slopes upwards to the east. There are a number of important buildings in the HCA nearby at 1, 2, 3, 6 and 6a Bunkers Hill.
7. Within the appeal site there are a couple of outbuildings. T1 (Maple) and Group 1 and Group 2 are protected under a Tree Preservation Order (TPO) (Hemswell No.1 2008). There are further protected trees within and next to the site as they are within the HCA. Collectively, the trees make a positive contribution to the character and appearance of the HCA in that they form a leafy backdrop to Bunkers Hill and form an important transition between the built development within the village and a more densely wooded area to the east. They are a key part of its character.
8. No heritage assessment has been submitted by the appellant to enable consideration of the proposal's effect on the HCA. Nor has an assessment been submitted about the protected trees. Given the siting of the proposed dwelling and its location within the HCA and the positive contribution that protected trees make to the HCA, both would be useful tools in assessing the significance of the heritage asset, its setting or the proposal's impact, especially in relation to the protected trees.
9. The proposal would be an infill development between two existing dwellings. The dwelling would be next to Bunkers Hill and a cluster of three trees, one of which is substantial in size. Due to the position of the proposed dwelling and its driveway there is a strong chance that development would be formed within the root protection areas (RPA) of the mature Maple (T1) and the cluster of trees next to Bunker Hill. These trees seem to be in good health with no obvious damage or dead wood and despite their mature age they have a reasonable lifespan remaining. The trees play an important role within the HCA and their canopies cover a significant area, especially T1.
10. A cellular confinement system could be used to construct the driveway where it extends within any of the RPA's. However, this would need to be built above existing ground levels. To avoid damage to tree roots ground levels around the driveway should not be raised. As there are no details of either before me the proposal is likely to result in the loss of these trees or at the least reduce their contribution to the HCA. Furthermore, a further tree near to the site's northern boundary is not shown on the plans before me. The siting of the proposed dwelling would be likely to result in its removal.
11. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I note the Council's Conservation Officer and Tree and Landscape Officer have commented on the proposal. There is a variety of architectural styles in Hemswell. The proposed dwelling would be modest and of a traditional design. However, its position next to the road near to several protected trees would, in tandem with its scale and massing, introduce built development into a pleasant open space. Nor would the proposal take into account of other traditional, vernacular dwellings in the HCA that are important buildings, including No 6 which has a simpler form and appearance and sited next to the highway. This would result in significant harm to the character and appearance of the HCA. This harm would be magnified by the potential loss or

reduced contribution that the protected trees would make to the HCA and the approach in and out of the village. Due to the slope of the site, the proposed dwelling would be a prominent form of development that would not retain or reinforce local distinctiveness. Thus, the scheme would fail to preserve or enhance the character and appearance of the HCA.

12. With regard to paragraph 196 of the National Planning Policy Framework (the Framework) the harm to the HCA would be less than substantial. Even so this still amounts to a harmful impact which adversely affects the significance of the HCA as a heritage asset. Public benefit would arise from a dwelling being built in a sustainable location. The dwelling would contribute to significantly boosting the supply of homes, make effective use of land and not harm the living conditions of neighbouring residents. However, the harm to the HCA and the site would, to which I attach considerable importance and weight, in my view, clearly outweigh these modest public benefits.
13. I conclude that the proposed development would harm the character and appearance of the HCA, and that insufficient information has been provided in respect of protected trees within the site. Thus, the proposal would not preserve or enhance the character or appearance of the HCA, and the appeal scheme would be contrary to Policies LP2, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan (Local Plan), and Framework paragraph 196. Jointly, these policies and guidance seek, among other things, proposals within and affecting the setting of a conservation area to retain, preserve and reinforce features that contribute positively to the area's character, appearance and setting; and minimise impacts on biodiversity and deliver net gains.
14. The site is also located within an Area of Great Landscape Value. While Local Plan Policy LP17 refers to the effect of proposals on such areas, the Council has not provided me with enough information about that to enable me to reach a conclusion on this matter. The Council also refer to Local Plan LP4, but they confirm that the proposal would accord with the growth level of this policy. Thus, no conflict would arise. Even so, my conclusions about the scheme's effect on the HCA are significant and outweigh this.
15. I note that the Council has approved an application by Hemswell Parish Council to have parish of Hemswell designated as a neighbourhood area, for purposes of producing a Neighbourhood Plan (NP), but no draft NP has been published.

### **Conclusion**

16. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR