



Appeal Decision

Site visit made on 2 April 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/N2535/D/18/3216720

The Spinney, Main Drive, Sudbrooke, Lincoln.

- 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 S Picken against the decision of West Lindsey District Council.
 - The application Ref 138290, dated 30 August, 2018, was refused by notice dated 25 October, 2018.
 - Proposed conversion and extension of garage to form additional living accommodation to the main dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since determination of this application a revised National Planning Policy Framework ('the Framework') has been published in June 2019. I have had regard to the revised Framework in determining this appeal.

Main Issue

3. The main issues to be considered are:
 - The impact of the proposal upon the setting of Grade II Listed Gates, Gate Piers and 2 Lodges to Sudbrooke Holme, and;
 - The effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property is a detached bungalow located along a secluded driveway that appears to have once formed part of the driveway to Sudbrooke Holme, of whose Grade II Listed gates and lodges remain a short distance away from the appeal site.
5. The property sits on a large plot and has a large open front garden area containing some evergreen trees and extensive lawn area. To the rear of the property there exists an on going cattery business that is run by the owners. Any structures or apparatus concerned with the cattery business are not visible due to a fence and the existing bungalow that effectively screens them from public view. To the front of the property stands an existing double garage built of the same buff type brick of the existing bungalow.

The impact upon the setting of the Grade II Listed Gates, Gate Piers and 2 Lodges to Sudbrooke Holme

6. Sections 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires the decision maker to have special regard to the desirability of preserving a listed building or its setting. Paragraph 193 of the Framework reflects this in its requirement that when considering the impact of a proposal upon the significance of a designated heritage asset, great weight should be given to that asset's conservation.
7. The Grade II Listed Gates, Piers and Lodges were associated with the demolished Sudbrooke Holme of which Main Drive would appear to have been a primary entry towards. The gates and lodges reflect the older history of the site and are constructed from red brick with ornamental details consistent with the architectural styles at the time. They form an important gateway into Main Drive and despite their physical separation from the appeal site I do consider that the proposed site should be considered to be within the wider setting of these structures. This is primarily due to the appeal site's location alongside, and highly visible from, Main Drive, which is fundamentally interlinked with the setting and significance of the Listed structures.
8. The proposal therefore, resulting from its extension to the front and increase in width of built form across the site, will impact upon the former driveway and approach to and from the listed gateway structures. As a result some harm to the significance of the Grade II Listed Gates, Gate Piers and 2 Lodges through this impact of further suburbanising their setting will occur.
9. For these reasons I consider that the proposal is in conflict with Policy LP25 of the Central Lincolnshire Local Plan insofar as it requires proposals to protect the significance of identified heritage assets, including their setting. I return to the necessary balancing exercise in my conclusion below.

The effect of the proposal upon the character and appearance of the area.

10. The character of Main Drive is one of landscaped grounds and specimen trees now largely occupied by a selection of relatively large properties sitting well within their own grounds. The Spinney has a large open plan front garden with select trees interspersed within it. This has the effect of the existing bungalow being highly visible from Main Drive.
11. The proposal intends to extend to the front of the existing bungalow through extending the existing double garage. The result will be a large encroachment into the front garden area that will increase the visual impact of buildings across the frontage of the plot when seen from Main Drive itself. This will result in the width of the bungalow appearing much larger with built form extending forward of the existing main house. As a result there would be an increased urbanisation of this plot and I consider that such an impact would be to the detriment of the overall character and appearance of the area.
12. Notwithstanding therefore the proposed use as an ancillary unit to the main house, the overall design and layout of the proposal will create an overly large building where the two elements would have a jarring appearance with each other. This would also extend built form over a considerable distance along the frontage of this site. As a result of this and of the large front extension, I consider that harm would occur to the character and appearance of the area

and this would conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan that seeks to ensure good design.

Other Matters

13. The Council considered that the additional living accommodation would constitute a separate dwelling and was therefore considered as such through the planning application. The appellant has made clear that the proposal before me is for additional living accommodation ancillary to the main dwelling and the appellant is entitled to have the proposal considered as applied for. Ultimately, it is not for me to determine the lawfulness of any existing or proposed development as part of a section 78 appeal and it is open to the appellant to apply to the Council to have this matter determined under section 191 or 192 of the Act¹. Whatever the case may ultimately be, given my findings in relation to the main issues above I do not consider it necessary to consider this matter any further as it would not alter my decision to dismiss the appeal

Planning Balance and Conclusion

14. In Framework terms I consider that less than substantial harm will occur to the significance of the Grade II Listed Gates, Gate Piers and 2 Lodges to Sudbrooke Holme. Having identified such harm however I am required to assess this proposal against the public benefits that can be identified as a result of this scheme and this forms part of the planning balance.
15. In assessing this I give substantial weight to the needs of the appellant's to maintain a viable business and to enable such family relationships to exist between generations living on the same site. This will also have the benefit of reducing travelling between places in order to serve the business. However, the considerable weight and importance I give to the desirability of preserving the significance of the designated heritage asset, in terms of its setting would not be outweighed by these minor public benefits.
16. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that in this particular case the appeal should be dismissed

A. Graham

INSPECTOR

¹ The Town and Country Planning Act 1990 (As amended)