



Appeal Decision

Site visit made on 25 April 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/N2535/W/22/3304070

Land adjacent to 5 Beck Hill, Tealby, Market Rasen, Lincolnshire LN8 3XS

- 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 Nik Ferrier-Hanslip against the decision of West Lindsey District Council.
 - The application Ref 143877, dated 19 October 2021, was refused by notice dated 31 March 2022.
 - The development proposed is 1 no. dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for 1 no. dwelling at 5 Beck Hill, Tealby, Market Rasen, Lincolnshire, LN8 3XS in accordance with the terms of the application, Ref 143877, dated 19 October 2021, subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Nik Ferrier-Hanslip against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site is located within the Tealby Conservation Area (CA) and the Council's appeal questionnaire indicates that the proposed development would affect the setting of a listed building. In this regard, I have been provided with a copy of the listing for 'Brick House and Burleys, Front Street'. Given my statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of Listed Buildings I have taken these matters into account in defining the main issue.
4. Since the Council issued its decision and following the submission of this appeal, a new Central Lincolnshire Local Plan (April 2023) (LP 2023) has been adopted. This supersedes the Central Lincolnshire Local Plan adopted in 2017, the policies of which are referred to in the Council's decision notice. Therefore, I have considered the proposal against the up-to-date development plan including the policies of the LP 2023. I have also consulted the main parties on this change in circumstances and have taken the comments received into account.
5. The proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been

concluded that the development would not be of a scale and nature likely to result in a significant environmental impact and EIA is therefore not required.

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Tealby CA, including but not limited to the setting of the Grade II Listed Brick House and Burleys.

Reasons

7. The appeal site substantively relates to garden land currently serving No 5 Beck Hill. While there is an overriding traditional vernacular within the CA, there is variation to the design, scale and layout of dwellings including on Beck Hill. For example, the existing dwelling at No 5 is a detached cottage with stonework facades, a pantile roof, and chimneys, window surrounds and quoins all in brickwork. To the immediate south, there is a detached bungalow at No 5A Beck Hill with stonework to its principal elevation, brown roof tiles and brickwork side elevations. These dwellings sit at right angles to each other and are differently positioned in terms of their proximity to the highway.
8. The dwellings on Beck Hill generally sit within spacious plots with mature gardens. Even so, there is some variation to the size, shape and layout of plots in the CA and the extent to which garden areas are appreciable to passers-by. Notably, Nos 5 and 5A have modest rear gardens. The garden land forming the proposed plot is set back behind the substantial shared access drive and to the side of these dwellings. There is also an intervening garage serving No 5. Consequently, these factors reduce the perception of the appeal site in terms of it forming an exclusive part of the plot serving No 5. Nevertheless, some of the soft planting and the trees in the vicinity of this area are appreciable from the street and this positively contributes to the CA's verdant character.
9. The above factors generally reflect the observations in the West Lindsey District Council Tealby Conservation Area Appraisal (CAA) which identifies that the village owes much of its charm to its natural setting, informal nature of its street pattern, the overall looseness of its development and the unspoilt character of the older part of the settlement.
10. The listing for Brick House and Burleys confirms that it was a shop with attached house, now two houses, dating to c1820. The distinctive appearance of this building positively contributes to the character and appearance of the CA and adds to its significance. The attractive architecture of its front elevation is most readily appreciated at the junction with Front Street which sits at a higher level in relation to the appeal site. The informal street pattern, surrounding traditional vernacular and prevalence of soft planting combine to form its setting.
11. From the evidence before me, a previous proposal for a dwelling at the site¹ was also refused by the Council and in that case subsequently dismissed at appeal. Precise details of that particular proposal and the appeal decision are not before me. However, from the evidence presented, the design of the current proposal has evolved through discussions with the Council's Conservation Officer.

¹ LPA Ref 139079

12. The cross sections provided demonstrate that the dwelling would be slightly set down from the ground level of the existing cottage at No 5. Consequently, the proposed two-storey element, with its narrow, gabled form and its position set back from the front elevation of No 5, would have a subservient appearance in relation to the existing dwelling at No 5. The two-storey element of the proposal would also partially screen the single storey side projection in views from Beck Hill. As a result, the dwellings mass would be broken up and the development would appear modest in scale in views from Beck Hill. Facing materials are also envisaged to reflect those on the existing dwelling at No 5.
13. The proposal would reduce the size of the garden areas currently serving No 5. However, as the existing dwelling at No 5 is also served by amenity space to its rear and would retain its generous soft landscaped front garden, it would not appear unduly cramped to passers-by on Beck Hill. Together with the sympathetic design of the proposed dwelling and its discreet position set well back from the road frontage, in this particular instance I find that the proposal would sit comfortably as part of an informal arrangement of buildings, set within similarly sized plots and arced around a shared access.
14. Three 'Category C' trees on the appeal site are identified for removal in the appellant's Arboricultural Report and Impact Assessment (17 January 2022) (ARIA). The most notable of these in terms of size, 'T3', is an Ash and is reported to have significant dieback. The development also has the potential to screen or partially screen the sycamores identified as 'T5 to T7'. These trees sit outside the site but are currently visible in views through the site from Beck Hill.
15. However, the Council's tree officer has acknowledged that the trees on the site that are proposed for removal are of low quality and are not of good enough quality to be a constraint to development. They have also suggested that the sycamores adjacent to the site are also of low quality and that they would be unlikely to resist their removal in the future. Whether or not that be the case, the upper parts of these trees would likely remain visible given the sunken position of the proposal.
16. The evidence presented suggests that any encroachment of the development into the Root Protection Area of the retained trees on the site and of those neighbouring the site would be minor. Furthermore, the category B tree on the site, identified as 'T4', would be retained and together with the laurel hedge to the site boundary with No 5A, there would be an appreciation of greenery in the vicinity of the development when viewed from the street. This would be sufficient to reflect the CA's verdant setting. A condition similar to that suggested by the Council's tree officer could be attached in order to ensure adequate tree protection and tree-friendly construction measures are employed.
17. Given the proposed dwelling's modest scale and the position of the site set further down Beck Hill than Brick House and Burley, the proposal would not be prominent in the most important views of the listed building, particularly in terms of how its distinctive front elevation would be experienced. Consequently, I find that the proposal would not have a material effect on the setting of the listed building. I also note that the Council's Conservation Officer raised no concerns in this respect.

18. In addition, the Council's Conservation Officer raised no objections to the proposal subject to the inclusion of conditions requiring precise details of materials, window, rooflight and door detailing to be agreed. I agree that such conditions would further ensure that the dwelling would assimilate into its immediate surroundings and that it would appropriately respond to the local vernacular.
19. I conclude that the proposal would preserve the character and appearance of the CA including but not limited to the setting of the listed building at Brick House and Burley. In that regard it would respond to and reflect the context, design, character and conservation requirements of Policies S53 (Design and Amenity) and S57 (The Historic Environment) of the LP 2023. For the same reasons, the proposal would also meet the conservation objectives in Section 16 of the National Planning Policy Framework.

Other Matters

20. With regards to the location of the site within the Lincolnshire Wolds Area of Outstanding Beauty (AONB), the Council has not identified any specific harm to the AONB. In this regard, and given that I have found that there would be no harm to the more intimate surroundings of the site within the CA, I find no reason to conclude differently to the Council on this particular matter.
21. In terms of the concerns raised by third-parties which have not been covered under the main issue; there is no objective evidence before me to suggest the proposal would have an unacceptable effect on the highway. I also note the Highway Authority has not raised any such concerns and from my own observations on site I find no reason to conclude otherwise. A single dwelling would also be unlikely to result in levels of disturbance to neighbouring residential properties above what would usually be expected in a residential area. With regards to the potential for a precedent to be set, any future proposals to develop other garden land in the area would need to be considered on their own merits.
22. There is no detailed evidence to demonstrate that the proposal would result in issues with subsidence or springs. Even if there was, these are matters that would usually be addressed by the building regulations and the local water authority respectively. The structural integrity of neighbouring land and property and any rights of way over the existing driveway are civil matters. Any noise and disturbance experienced by neighbouring occupiers during the construction period would be relatively short-lived. Should any disruption happen beyond what could reasonably be expected within usual working hours would be a matter for the Council to investigate.
23. On my site visit, I saw that the first-floor windows would not provide direct views towards the main habitable windows or more private garden areas serving neighbouring residential properties. As was also identified in the Council's officer report the existing boundary treatments would be sufficient to prevent any material overlooking impacts from the ground floor windows and garden areas serving the proposed dwelling. Therefore, I am satisfied that there would be no material impacts on the privacy of neighbouring residential occupiers.
24. I have been provided with copies of the Lincolnshire Minerals and Waste Local Plan (2016) and Policy M11 (Safeguarding of Mineral Resources). However, the

Council's Officer report confirms that the site is not within a Minerals Safeguarding Area and there is no evidence before me to suggest that the proposal would have a material effect on mineral resources.

Conditions

25. In the absence of any suggested conditions being provided by the main parties, I have given regard to the conditions set out in the Council's officer report. I attach the standard timescale for implementation as well as a condition listing the approved drawings in the interests of certainty.
26. I have attached the pre-commencement conditions in respect of a written scheme of archaeological investigation, precise details of existing and proposed ground levels and tree protection measures. Having regard to the other archaeological conditions in the officer report, I have included a condensed condition which incorporates the requirements relating to archaeological site work and subsequent reporting. The condition is necessary in the interests of heritage conservation in line with the specialist advice of the Council's Historic Environment Officer.
27. A condition requiring precise details of existing and proposed ground levels is required in order to ensure that the finished scheme reflects the cross sections provided. The attached tree protection condition is necessary as the tree protection plan does not annotate or identify the precise position of tree protection measures. This condition is also required to ensure the development is carried out in accordance with the other recommendations of the ARIA.
28. The conditions requiring material samples, a sample panel, for traditional rainwater goods, full details of windows and door joinery, rooflights, eaves and verge treatments, and surface treatment to the driveways are included to ensure the external finishes are sympathetic to the CA.
29. A drainage condition is attached to ensure that adequate drainage facilities are provided to serve the development.
30. Finally, I have attached a condition removing permitted development rights given the Council's Conservation Officer has confirmed that the new dwelling would not be covered by the Article 4 Direction in place in the CA. This is necessary to ensure any future development on the site beyond that approved through this appeal is sympathetic to the character and appearance of the CA.

Conclusion

31. For the reasons given, the appeal is allowed.

M Russell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans: LDC2848-PL-01A (1:1250 Site Location Plan) and LDC2848-PL-02A (Proposed Dwelling).
- 3) No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority (see notes to applicants below). The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement. This scheme shall include the following:
 - i. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - ii. A methodology and timetable of site investigation and recording.
 - iii. Provision for site analysis.
 - iv. Provision for publication and dissemination of analysis and records.
 - v. Provision for archive deposition.
 - vi. Nomination of a competent person/organisation to undertake the work.

The archaeological site work shall be undertaken only in full accordance with the approved written scheme of archaeological investigation and a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. The report and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

- 4) No development shall take place until precise details of existing and proposed ground levels on the site have been submitted to and approved in writing by the local planning authority. Once approved the development shall be carried out in full accordance with the approved proposed levels.
- 5) No development, other than to foundations level, shall take place until full details (and samples) of all external materials have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and retained thereafter.
- 6) No development, other than to foundations level, shall take place before a sample panel of the stone and brick work, of no less than 1 metre square, has been constructed on site and approved in writing by the local planning authority. The samples shall utilise local stone, which shall match the existing dwelling at No 5 Beck Hill in terms of colour, texture, size of masonry components, coursing, and also the colour and texture of the mortar, which shall match the original pointing on the existing dwelling in all respects. New brickwork shall consist of a new handmade red brown brick and not reclaimed bricks. The sample shall be located on site and maintained for reference for the duration of the construction of all the walls. Once approved the development shall be constructed in strict accordance with the approved panels.

- 7) Rainwater goods shall be traditional in design, half round, coloured black, spike fixed rise and fall gutters and shall thereafter be maintained and retained.
- 8) No development, other than to foundations level, shall take place until full details of all window and door joinery have been submitted to and approved in writing by the local planning authority. Details shall include elevations of proposed windows with sections through horizontally and vertically, showing cill and header details at scale of no less than 1:20, method of opening, glazing bars, colour and finish. The approved details shall be installed in accordance with the approved details and thereafter maintained and retained.
- 9) Prior to the installation of any roof covering, full details of the rooflights shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed in accordance with the approved details and thereafter maintained and retained.
- 10) No development, other than to foundations level, shall take place before full details of all eaves and verge treatments are supplied for approval in writing by the local planning authority. The development shall be completed in accordance with the approved details.
- 11) No development, other than to foundations level, shall take place before details of the finish and colour of surface material for the driveways have been submitted to and approved in writing by the local planning authority. The development shall be constructed and maintained in accordance with the approved details.
- 12) No development, other than to foundations level, shall take place until details of foul and surface water disposal (the drainage system to be used should include the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. These details should include a plan showing the position of the drainage and location of the connections to the proposal.
- 13) No development shall commence until the precise position of tree protection fencing has first been submitted to and approved in writing by the local planning authority. Once approved the development shall only commence once the tree protection fencing is in place and shall only proceed in accordance with the recommendations contained within the Watson Lindsey Arboricultural Report & Impact Assessment prepared by Watson Lindsey dated 17th January 2022 (ARIA), more specifically the 'Arboricultural Impact Assessment & Method Statement' set out under section 5 of the ARIA together with the appendices of the ARIA.
- 14) Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2 Part 1, Class A of Schedule 2 Part 2 and Class A Schedule 2 Part 14 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no buildings or structures shall be erected within the curtilage of the dwelling, no fences, gates or other means of enclosure shall be erected or constructed of any

gate, fence, wall or other means of enclosure within the curtilage and no solar panels affixed to the dwelling unless planning permission has first been granted by the Local Planning Authority.