



Appeal Decision

Site visit made on 24 October 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 28 November 2017

Appeal Ref: APP/N2535/W/17/3176551

The Vicarage, North Street, Middle Rasen, Market Rasen LN8 3TS

- 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 Nicholas Turner, Lincoln Diocesan Trust & Board of Finance Ltd against the decision of West Lindsey District Council.
 - The application Ref 135794, dated 8 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is a new 4-bedroom Vicarage with detached double garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new 4-bedroom Vicarage with detached double garage at The Vicarage, North Street, Middle Rasen, Market Rasen LN8 3TS in accordance with the terms of the application, Ref 135794, dated 8 February 2017, subject to the conditions in the schedule attached to this decision.

Preliminary Matter

2. The Council's reason for refusal cited saved policies from the West Lindsey Local Plan, 2006 (WLLP) along with, at the time emerging, ones from the Central Lincolnshire Local Plan, 2017 (Local Plan). Since the Council made its decision the Local Plan has been adopted and its Introduction a paragraph 1.1.6 confirms that the Local Plan replaces all the saved policies in the WLLP. I have therefore determined the appeal on the basis of the Local Plan forming part of the Development plan and not given any weight to the WLLP policies.

Main Issues

3. The main issues raised by this appeal are the effect that the development would have on the character and appearance of the area and whether the development would preserve the setting of the Church of St Peter (the Church), a grade II* listed building and designated heritage asset.

Reasons

Character and appearance

4. The appeal site is currently part of the garden of The Vicarage which is mainly flat and given over to lawn. The proposed building would be a detached, largely two storey house with a single storey wing projecting to the front. It would be set back from North Street and located between the two storey Vicarage and Ashfield, a bungalow.

5. In the vicinity of the appeal site, houses on North Street are a mixture of one and two storeys with a variety of designs and materials and with no predominant style. There are no strong building lines although houses are generally set back from the road, some with trees and shrubs in gardens which soften the streetscene. The Church stands out as a landmark as a result of its elevated situation, spacious churchyard position, its size and the height of its tower.
6. The closest part of the single storey wing to the road would be in line with that of Ashfield next door and although a two storey gable would sit slightly proud of The Vicarage's front elevation, the substantive body of the proposed house would be set slightly behind it. As a result, the proposed building would sit within the established built form of its immediate surroundings and would not appear awkward or incongruous within this built context.
7. The single storey front wing arrangement does not appear typical of surrounding buildings. However, the wing's position level with Ashfield along with a similar roof pitch, fenestration proportions and detailing of that of the substantive part of the proposed dwelling, would avoid the 'confused' design the Council are concerned about. It would not appear at odds with the wider streetscene given the variety of design and appearance of dwellings in the vicinity.
8. Although there are a variety of facing materials on surrounding buildings, red brick predominates, particularly farther to the west along North Street and the proposal to use this walling material would assist the building to fit comfortably within the wider streetscene. Given the appellant's willingness to consider a revised palette of materials I consider that any concerns the Council has over roofing and window materials could be addressed by a planning condition.
9. Although of a different design and siting to a proposed house on the site which received planning permission in 2015, the appeal proposal would not have a harmful effect on the streetscene and would preserve the character and appearance of the area. The proposal would accord with the design principles, of Local Plan Policy LP26 and would avoid the poor design which the National Planning Policy Framework (the Framework) presumes against.

Listed Building setting

10. The site is located close to the grade II* listed Church and would affect its setting. Based on the listing description and my observations the Church has considerable significance which it derives through its architecture, C12 origins and great age, historic development and its many architectural features, amongst other aspects. Its national importance and very high significance is recognised by its grade II* status.
11. It also derives some of its significance from its historic church yard setting. However, the setting in which it is experienced is wider and includes the townscape of the village and the surrounding countryside to the north. Its position at the junction of North and Church Streets gives it pivotal location within the settlement which according to the Council's Officers Report is of late Saxon/medieval origins. From my observations, the contribution this townscape makes to the significance of the listed building is through the Church's situation in respect of the surrounding streets, the predominantly subservient scale and relatively spacious arrangement of surrounding buildings

- which enables the Church to be experienced as a principal building and the trees and shrubs in gardens and along streets which adds to a mature, village character. The garden character of the appeal site currently makes a neutral contribution to this setting.
12. The proposal would insert a building into this relatively respectful townscape, would not alter its overall scale and grain and, given my findings on character and appearance above, would not change it detrimentally. The Council have particularly identified views from within the churchyard looking west and also views of the church looking along North Street. Views from and of the church are a component of the significance the Church derives from its setting.
 13. From the various vantage points within the churchyard looking west, in the main a relatively modest, single storey element of the proposed building would be noticeable beyond The Vicarage. As a result of its scale, form, situation between existing buildings and distance from the listed building it would have a minimal effect on views, even when trees between the Church and The Vicarage are not in leaf. These particular views would effectively remain as those of the front gardens and front elevations of neighbouring dwellings.
 14. From my observations, views of the Church and its tower along North Street are unfolding ones, framed or obscured by buildings and trees to varying degree as the viewer moves towards or away from the Church rather than there being key strategic viewpoints. The staggered footprint of the proposed house would mean that it would not appear as a conspicuous feature between existing buildings on either side and would not appear as a prominent feature in, or obscure, views of the Church from the west. In the most part the development would assume the role of contributing to the one and two storeyed roofscape and would fit into the respectfully scaled townscape within which the listed building is set and from which it is experienced.
 15. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the listed building's setting and given great weight to the conservation of the designated heritage asset, recognising its importance as a grade II* listed building. In doing so I consider that the effect of the development would be one which preserves this setting and hence preserves the special architectural and historic interest the listed building derives from that setting. In this respect the development would comply with Local Plan Policy LP25 which, amongst other criteria, seeks to protect the significance of designated heritage assets, including their settings.
 16. The Council point out that the appellant has not provided the description of the heritage asset's significance, including any contribution made by their setting, required by Local Plan Policy LP25 which reflects the Framework at Paragraph 128. This requires a level of detail proportionate to the asset's importance, which in this case is considerable given its grade II* status. The absence of such an assessment is unhelpful and has not been meaningfully remedied in the appellant's evidence.
 17. However, I have taken into account the nature of the Council's views on the development's effect on significance and their assessment of a previous, albeit materially different, scheme on the site which has planning permission as well as my own observations. In this particular case and circumstances, these are considerations which lead me to conclude that the omission of a proportionate

assessment of significance would not warrant withholding permission in this instance.

Conditions

18. The Council have suggested conditions in the event the appeal was to be allowed which I have considered in light of the Planning Practice Guidance (PPG), amending them where appropriate. I have retained the Council's advisory headings. It is necessary to specify the approved plans as this provides certainty. Materials and a landscaping scheme need to be approved and implemented to preserve the area's character and appearance. As the site's location means that there is the potential to disturb previously unknown archaeological finds and features it is necessary that a scheme of monitoring and recording is carried out. In order to avoid flooding a drainage scheme needs to be approved and implemented.
19. It is necessary to limit hours of construction to prevent unreasonable disturbance to neighbouring occupiers. Exceptionally, given the proposed building's configuration and proximity to the listed building, it is necessary to withdraw permitted development rights for future enlargement and alteration of the house along with buildings within its curtilage and walls and fences in order that the Council can consider the effect of any such proposals. However, I can see no reason as to why it would be necessary or reasonable to extend this restriction to new windows.

Conclusion

20. For the above reasons the development would preserve the character and appearance of the area and the setting of the Church of St Peter and would consequently accord with the Act, the development plan, except where material considerations have indicated otherwise, and the Framework. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/010/L/02 and 16/010/L/01 Rev C.

Conditions which apply or require matters to be agreed before the development commences

- 3) Notwithstanding any details in the application or on the approved plans, no development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings and any hardstandings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of landscaping, including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
- 5) No development shall take place until a scheme for the disposal of foul and surface waters (informed by the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and the scheme shall be brought into use before the first occupation of the development hereby approved.
- 6) 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. 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 development commences. The written scheme shall include:
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.

Conditions which apply or are to be observed during the course of the development

- 7) Construction works shall take place only between 0800 and 1800 Mondays to Fridays and 0900 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 8) The development shall proceed wholly in accordance with the approved written scheme of archaeological investigation approved under the provisions of condition 6) above. A written report of the findings of the archaeological investigations shall be submitted to and approved in writing by the local planning authority within 3 months of the archaeological investigations being completed.

Conditions which apply or relate to matters which are to be observed following completion of the development

- 9) All planting and turfing approved in the scheme of landscaping under condition 4) above shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. The landscaping shall be retained thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, D, E or H of Part 1 of Schedule 2 or by Class A of Part 2 of Schedule 2 of that Order shall be carried out.