

Appeal Decision

Site visit made on 17 January 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2018

Appeal A: Ref: APP/N2535/W/17/3182888

The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH

- 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 and Mrs Darron Childs against the decision of West Lindsey District Council.
 - The application Ref 135479, dated 16 November 2016, was refused by notice dated 11 April 2017.
 - The development proposed is described as '*removal of existing garage and build new garage with new entrance gates x2.*'
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Appeal B: Ref: APP/N2535/Y/17/3182890

The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH

- 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 Mr and Mrs Darron Childs against the decision of West Lindsey District Council.
- The application Ref 135480, dated 16 November 2016, was refused by notice dated 11 April 2017.
- The works proposed are described as '*removal of existing garage and build new garage with new entrance gates x2.*'

Decisions

1. The appeals are dismissed insofar as they relate to the proposed garage. The appeals are allowed insofar as they relate to the proposed entrance.
2. Appeal A: Planning permission is granted for the new entrance at The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH in accordance with the terms of the application, Ref 13580, dated 16 November 2016, subject to the conditions at the end of this decision.
3. Appeal B: Listed building consent is granted for the new entrance at The Lindens, 1 & 3 Willingham Road, Lea, Gainsborough, Lincolnshire, DN21 5EH in accordance with the terms of the application, Ref 13579, dated 16 November 2016, subject to the conditions at the end of this decision.

Main issues

4. The main issues are the effect of the proposals on the special architectural and historic interest of the listed buildings at 1 & 3 Willingham Road.

Reasons

5. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal. The most relevant policy in the development plan is policy LP25 of the Central Lincolnshire Local Plan (2017), which reflects the statutory duty and accords with the Framework.
6. 1 & 3 Willingham Road are a pair of semi-detached houses. No 3 dates from the mid C18th and has a symmetrical three bay front. No 1 is a smaller early C19th house. Their significance derives from both their architectural interest as typical Lincolnshire building types from those periods and from their historic interest (no 3 was built as the Dower House for Lea Hall estate). They stand on a corner plot and their principal elevations face onto Willingham Road from which there is pedestrian access only. There are two existing vehicular accesses to the rear of the properties from Gainsborough Road and an existing single garage. The properties have been sympathetically renovated and are in use as a domestic residence and offices for the appellants' business which employs eight people.
7. The proposals include the removal of the existing garage to the rear of no 1, the erection of a new garage in a different position further from the road to the rear of no 3, new entrance gates set back from the footway between brick pillars and a new personal gate set between railings and brick pillars. The new garage would have three bays, two of which would be open with a pitched roof and with a hipped roof over the third bay closest to the house.
8. I agree with the Council that the general siting, form and massing of the proposed garage is acceptable. I accept that the appellants have not sought to create a pastiche of a historic outbuilding and that the proposed design is simple and attractive in itself. However, in my experience the Council is correct in its assertion that timber framed barns in a Kentish style are not the traditional vernacular of Lincolnshire where cart sheds to C18th houses were almost exclusively constructed of brick or stone with open fronts created between brick pillars or plain timber posts without curved braces, often with cast iron stanchions. The locations of the other examples referred to by the appellants are unclear and they do not, therefore, provide justification for this proposal. In the surrounding area I saw no examples of similar buildings. Rather than telling the story of the evolution of the listed buildings, the exposed oak frame in the proposed garage would be uncharacteristic in this context and would detract from the buildings' significance.
9. As the evidence provided by the appellants shows that the access to no 3 dates from the first half of the C20th and the access to no 1 including the existing garage from the 1970's, the proposed double width access would not replicate

the historic single entrance but would replace the existing modern twin entrance. The size of the new entrance would increase its prominence above that of the existing entrance and this would harm the significance of the listed buildings to a small degree. Few details are shown for the proposed entrance gates but they appear to be of a solid timber design which has a modern appearance and would be more suited to a suburban location rather than a historic Georgian context in a rural village.

10. I must give considerable weight to the conservation of the heritage assets. The removal of the existing garage would be a benefit in heritage terms given its unsympathetic design and condition. However, a more appropriately designed building would also have the same benefit and the proposed design before me is not the only option for the replacement of the garage. I conclude then that whilst the level of harm arising from the proposed garage would be less than substantial, there are, therefore, no public benefits that would outweigh the identified harm as required in paragraph 134 of the Framework.
11. The existing access arrangement allows only for one way entry and exit to and from the property due to the position of the existing garage. I have noted that the Highways Authority had required a one way in and one way out system. Given the siting of the entrance close to the junction of this very busy road it is clear that the new entrance would have considerable benefit in terms of highway safety over the existing arrangement in view of the number of employees at the property in addition to its domestic use. I conclude that this public benefit provides sufficient justification for the new entrance. Conditions excluding the gates details from the plans and requiring further details would mitigate sufficiently the harm I have identified. Conditions requiring details of the materials to be used in the construction of the pillars and further details for the design and materials for the railings are necessary in the interests of the listed buildings.

Conclusion

12. I conclude, for the reasons given above, that the proposed garage would fail to preserve the special architectural and historic interest of the listed buildings at 1 and 3 Willingham Road. It would, therefore, conflict with local plan policy LP25 and the development plan as a whole and there are no material considerations that justify determining the appeals otherwise in so far as they relate to the garage.
13. I conclude that the public benefit to highway safety arising from the proposed entrance provides sufficient justification for that part of the proposals and it would accord with local plan policy LP25 and the development plan as a whole and there are no material considerations that justify determining the appeals otherwise in so far as they relate to the entrance. As the proposed entrance is clearly severable from the garage, I shall issue a split decision in this respect. The appeals should be allowed insofar as they relate to the proposed entrance.

Sarah Colebourne

Inspector

Schedule of conditions:

Appeal A:

- 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: DC/16/01 with the exception of the gates.
- 3) No development shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the proposed gates and railings have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

Appeal B:

- 1) The works 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: DC/16/01 with the exception of the gates.
- 3) No works shall take place until samples of all external materials have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 4) No works shall take place until details of the proposed gates and railings have been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.

End of conditions.