



Appeal Decision

Site visit made on 5 February 2018

by Michael Moffoot DipTP MRTPI DipMgt

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Appeal Ref: APP/N2535/W/17/3183874

Greensand House, 14 Front Street, Tealby, Market Rasen LN8 3XU

- 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 & Mrs Chapman against the decision of West Lindsey District Council.
 - The application Ref: 136230, dated 14 May 2017, was refused by notice dated 11 August 2017.
 - The development proposed is described as 'new dwelling within residential rear garden to 14 Front Street along with proposed off street car parking spaces for 14 Front Street'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr & Mrs Chapman against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appeal papers include a revised plan (Drawing No 03 Rev B) which re-sites the proposed dwelling and omits the proposed parking spaces for No 14 Front Street. These are not significant amendments and the Council and others have had the opportunity to comment. I do not consider that any party would be prejudiced by my determining the appeal on the basis of the amended plan.

Main Issues

4. The main issues in this case are:
 - (i) whether the proposed development would preserve or enhance the character or appearance of the Tealby Conservation Area and, in relation to listed buildings, the effect on their setting; and
 - (ii) the effect of the proposal on the living conditions of occupiers of properties on Church Lane with reference to noise and disturbance.

Reasons

Effect on the character and appearance of the area

5. The appeal site lies within the extensive Tealby Conservation Area and comprises a sizeable parcel of open land containing a number of small fruit trees. Mature deciduous trees adjoin the western boundary adjacent to a

- public footpath connecting Church Lane to Rasen Road. Residential development lies to the south of the site and a substantial area of open land borders the northern and eastern boundaries.
6. The proposal involves the erection of a relatively large, two-storey dwelling with a single-storey rear wing. The building would be set in the middle of the site on an east-west axis with its principal elevation facing north, and would be constructed of limestone with brick detailing under a reclaimed clay pantile roof. A tree in the south-west corner of the site would be felled and the bank excavated to form a vehicular and pedestrian access to Church Lane. Some other trees within the site would also be removed to accommodate the development.
 7. The *Tealby Conservation Area Appraisal* notes that the village owes much of its charm to its natural setting, the informal nature of its street pattern, the overall looseness of its development, the commanding position of All Saints' Church ("the main focal point in the village") and the largely unspoiled character of the older parts of the settlement. I recognised all of these qualities during my site visit.
 8. Front Street is one of the village's oldest thoroughfares. Here, development to the south of the appeal site and on the east side of Church Lane is characterised by tight-knit, linear 18th and 19th century housing. It includes traditional terraced cottages and larger detached dwellings with a visual richness in the individual facades that contributes significantly to the intimate quality of the winding street scene here. More recent residential development is apparent on the west side of Church Lane, with mainly single-storey, detached properties on generous, well landscaped plots. The open rising land to the north and north-east of the site towards Rasen Road is in marked contrast to this distinctive pattern and historic grain of built development, and as such makes an important contribution to the character and appearance of the Conservation Area.
 9. Paragraph 132 of the *National Planning Policy Framework* ('the Framework') confirms that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area or listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
 10. The proposed dwelling would be a significant and conspicuous addition to the Conservation Area. Its scale, form and massing would be distinctly at odds with the linear pattern of development to the south, and it would not be visually associated within the more loose-knit housing to the west of the lane. The development would be visible from local vantage points on Church Lane and Front Street, and in more distant views from Rasen Road and the churchyard. From these locations the dwelling would be perceived as an encroachment into the extensive open land to the north and east of the site, notwithstanding that during summer months views would be filtered to some extent by vegetation. In addition, the sloping site is elevated above Church Lane and the public footpath, and the removal of banking, a tree and vegetation to form the access would increase the prominence and visual impact of the development to the

detriment of the street scene. The landscaping volunteered by the appellant would not overcome these concerns.

11. As a result, the appeal proposal would be wholly out of keeping with the prevailing pattern of development and harmful to the character and appearance of the Conservation Area.
12. Section 66(1) of the Act¹ requires that special regard be paid to the desirability of preserving a listed building, its features and setting. The imposing Grade I listed All Saints' Church is constructed of coursed ironstone under a slate roof and dates from the 11th century with later alterations and additions. It occupies prominent, elevated land to the north-east of the appeal site and dominates the village. Its commanding setting is greatly enhanced by the open land to the south, which would be unacceptably compromised by the encroachment of the appeal proposal into this area when viewed from Church Lane and, in panoramic views, from Rasen Road.
13. The Grade II listed Tealby Primary School lies to the east of the site on Front Street. It is a most attractive Victorian building constructed of ironstone with a grey tiled roof, and despite some rather inappropriate modern additions makes a positive contribution to the Conservation Area. The proposal would be observed within the context of the school from elevated viewpoints on Rasen Road and, to a lesser degree, from Front Street. As in the case of the church, the encroachment of the proposal in to the adjacent open land would undermine the setting of this listed building. I do not, however, consider that the proposal would compromise the setting of the Grade II listed, mid-terrace Primrose Cottage on Front Street.
14. The Council also submits that the proposal would be harmful to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). The Framework advises that great weight should be given to conserving the landscape and scenic beauty of such designated areas, and affords them the highest status of protection in relation to these qualities. The appeal proposal would conflict with these objectives and adds weight to my concerns regarding the impact of the proposal on the area.
15. Paragraph 134 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the development would make a very modest addition to housing provision and may involve some small contribution to the local economy as public benefits. However, whilst the harm to the significance of the Conservation Area would be less than substantial, the public benefits are not sufficient to outweigh that harm.
16. For these reasons, I conclude on the first issue that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, would harm the setting of those listed buildings I have referred to and would be harmful to the landscape and scenic beauty of the AONB. As such, it would conflict with Policies LP17, LP25 and LP26 of the *Central Lincolnshire Local Plan* (2017) which, amongst other things, seek to preserve and enhance features that contribute positively to the character and appearance of Conservation

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

Areas, preserve the setting of listed buildings and enhance local distinctiveness and the intrinsic value of the AONB.

Effect on residents' living conditions

17. Amongst other matters, Policy LP26 of the Local Plan requires that development does not unduly harm the amenities of neighbouring occupants and requires proposals to take into account the impact of adverse noise.
18. Church Lane is a narrow, single-track highway that serves a number of dwellings. In addition to the occupants' vehicles, the development would attract visitor and delivery traffic which would pass in close proximity to dwellings on the lane, and particularly those on the east side which abut the highway. Whilst the coming and going of additional vehicles may be apparent to existing residents on occasion, the numbers involved would not be significant and would not be unduly intrusive in terms of noise. In this respect I note that the Council's Environmental Health Officer raised no objections to the proposal.
19. Concerns regarding disruption from construction traffic are noted, but it is normally a short-term inconvenience to be expected when building operations are taking place and does not weigh against the proposal.
20. The development would not therefore materially harm residents' living conditions and there would be no conflict with Local Plan Policy LP26.

Other Matters

21. The fourth reason for refusal refers to inadequacy of information regarding disposal of surface water and foul drainage from the proposed development. The appeal papers include Drawing No 04 Rev A which details provision of a soakaway and bio-treatment plant. The Council has not commented on these measures. However, I see no reason why such matters could not be controlled by planning condition were the appeal to succeed, and I therefore find no conflict with Policy LP14 of the Local Plan.
22. Concerns have also been raised regarding the implications of the proposal for highway and pedestrian safety on Church Lane. However, the Highways Officer has no objections in principle to the proposal and there is no technical evidence before me to show that the safety of users of the lane would be compromised by the development.

Conclusion

23. I have found no harm to residents' living conditions a result of the proposal and am satisfied that drainage concerns could be resolved by condition. However, the determining issue in this case is the harm to the character and appearance of the Conservation Area and the setting of listed buildings and the adverse impact on the AONB, in conflict with the development plan.
24. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector