



Appeal Decision

Site Visit made on 27 April 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/A2525/W/20/3265473

12 Market Place, Donington, Spalding PE11 4ST

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Roberts - Tidy Rentals Ltd against the decision of South Holland District Council.
 - The application Ref H04-0169-20, dated 20 February 2020, was refused by notice dated 23 June 2020.
 - The development proposed is demolition of existing dwelling with a residential development of up to 9 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application forms indicate that the proposal is in outline form with all matters reserved other than means of access. However, this was amended during the application process to also include matters of layout and scale. I have therefore assessed the proposal on that basis. The details of appearance and landscaping shown on the drawings have been considered on the basis that these elements of the proposal are indicative only.
3. The Council has drawn my attention to highway and drainage concerns raised during the planning application process. Given I am dismissing the appeal having considered the issues which formed the basis of the Council's reasons for refusal, it has not been necessary in this instance to consider these other matters in any further detail.

Main Issues

4. The main issues are:
 - (i) Whether the proposal preserves the character or appearance of the Donington Conservation Area (CA) and the effect of the development on the setting of the Grade I Listed Church of St Mary and Holy Rood and the settings of the Grade II Listed buildings at St Heliers, No 14 and No 18 Market Place and No 2 Church Street.
 - (ii) The effect of the proposal on the living conditions of occupiers of neighbouring dwellings with particular regard to levels of privacy.

Reasons

Whether the proposal preserves the character and appearance of the CA and the effect on the settings of the identified Grade I and Grade II listed buildings

5. The significance of the Donington CA lies in its historic street pattern and the distinctive traditional characteristics of many of its buildings, some of which are statutorily listed. No 12 Market Place and other buildings to the east along Market Place and Church Street are predominantly laid out in a linear pattern and located close to front boundaries. To the rear of No 12 the appeal site extends beyond the CA boundary and widens to form a substantial open plot. This part of the site is positioned between neighbouring large plots containing detached dwellings and outbuildings. In combination with the soft landscaping within them, these plots provide a spacious and verdant backdrop to the street frontage to this part of the CA. The rear aspects of the Grade II Listed Buildings at St Heliers, Nos 14 and 18 Market Place and No 2 Church Street have also historically appreciated the generally open and soft landscaped character to this side of the settlement.
6. The space and planting described also provides a semi-rural foreground to the impressive tower and spire of the Grade I Listed Church of St Mary and Holy Rood, which is prominent in views through gaps between some of the buildings along Park Lane. From within the rear grounds of the listed Church, due to the relative positions of the nearest neighbouring dwellings and the arable land to the west, the setting of the Church is experienced as having a generally undeveloped edge.
7. Overall, the appeal site's spacious attributes contribute positively to the character and appearance of the CA and the setting of the identified listed buildings and adds to their significance.
8. The proposal would be of a very high density when compared with the existing built form within the spacious backland surroundings of the site. The varied orientation of the buildings, their relatively close positioning to each other and the tight arrangement of some of the plots would appear significantly at odds with the established pattern of development to this part of the CA. In views from the site entrance the development would present a predominantly closed vista. The two-storey scale of the dwellings would increase perception of the intensive nature of the development when seen between gaps in the built frontage on Park Lane, Market Place and Church Street and when appreciated from the rear elevations and gardens of neighbouring properties including the aforementioned Grade II listed buildings. It would detract from views of the Grade I listed Church tower and spire and would erode the spacious surroundings historically appreciated from within this part of the CA.
9. In addition, the gardens serving plots 8 and 9 would extend to the boundary with the church. Even accounting for the intervening vegetation, I noted that glimpses of the site are available from the footpath within the church grounds. The development would increase the likelihood of domestic paraphernalia being perceptible in these views. The boundary treatments for these plots is also uncertain. To a more limited extent, these factors would also have the potential to cause harm to the setting of the Church.
10. In the context of paragraph 196 of the National Planning Policy Framework (the Framework) the harm to the character and appearance of the CA and the

settings of the identified listed buildings would be less than substantial. In accordance with the Framework this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

11. The Council has an up to date housing land supply and the provision of 9 dwellings would make a modest but important contribution towards the Council's housing requirements. I also attach some positive weight to the demolition of the existing dwelling at No 12 which has some detracting modern features and is not a positive building in the CA. However, I must attach great importance and weight to the desirability of preserving the character or appearance of the CA and the settings of the identified listed buildings. I find therefore that the public benefits identified do not outweigh the less than substantial harm to these heritage assets.
12. For the foregoing reasons, the proposal would not preserve the character or appearance of the CA. Furthermore, the setting of the identified Grade I and Grade II listed buildings would not be preserved. Consequently, in that regard, the development would be contrary to the requirements to conserve or enhance heritage assets in Policy 29 (The Historic Environment) of the South East Lincolnshire Local Plan (2019) (LP) and the requirements of the Framework.

Neighbouring living conditions

13. I have seen the approximate distances between the proposed dwellings and the elevations of neighbouring dwellings provided by the appellant. I was able to appreciate these potential relationships on site including the relatively consistent land levels between sites. Taking the evidence provided and what I have seen into account, I am satisfied that the distances and angles between the proposed dwellings and the main habitable windows and gardens serving these neighbouring properties would be sufficient to ensure acceptable levels of privacy would be maintained.
14. I conclude that the development would have an acceptable relationship with neighbouring living conditions. In that regard the development would comply with the requirements to protect residential amenity in Policies 2 (Development Management) and 3 (Design of New Development) of the LP. In that regard the development would also comply with Paragraph 127 of the Framework which amongst other things requires that developments create places with a high standard of amenity for existing and future users.

Other Considerations

15. I acknowledge that there is an extant planning permission on the site for the erection of 6 dwellings. I consider that there is a reasonable prospect that this previously approved development would be implemented. This fallback position therefore represents a significant material consideration. Even so, the previously approved scheme is for less development and the housing mix includes a bungalow and some cottage style dwellings with first floor accommodation contained within the roof space. The dwellings in that instance are detached and generally set within more spacious plots. A soft landscaped buffer is also provided between the most northerly located garden and the boundary with the grounds of the Grade I Listed church. In these respects, the previously approved scheme is clearly distinguishable from the greater scale

and density of the development in this appeal. For the reasons given, I find that the appeal scheme would be more harmful to the character and appearance of the CA and the setting of the identified listed buildings. Therefore, the fallback position does not alter my conclusions on the first main issue.

Conclusion

16. I have concluded that the development would not result in harm to neighbouring living conditions. However, the proposal would be harmful to the character and appearance of the area and would not preserve the character or appearance of the CA or the settings of the listed buildings identified under the first main issue. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

M Russell

INSPECTOR