The Planning Inspectorate

Appeal Decision

Site Visit made on 12 October 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/A2525/W/21/3276302
33 The Crescent, Spalding PE11 1AF

- 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 N Revill against the decision of South Holland District Council.
- The application Ref H16-0353-20, dated 1 May 2020, was refused by notice dated 5 February 2021.
- The development proposed is described as a 'detached s/c annexe'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken into account the revised National Planning Policy Framework (the Framework), as published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest revised version. I have not sought the views of the main parties thereon since the substantial elements of the new Framework, in regard to the main issues of the case, have not changed from the previous iteration.

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans, accompanying details and evidence before me that the development comprises the erection of a new single storey dwelling rather than an 'annexe', which implies an ancillary relationship with an existing residential unit.

4. The proposed 'annexe' would comprise all the facilities that would allow independent day-to-day living. Nonetheless, the appellant states that it would have a functional relationship with 'the main house' (33 The Crescent) that would be based around the shared use of the existing garden and gated pedestrian side access as well as common management as a rental property. In this regard, I note from the evidence that No 33 is divided into at least three flats, which share the rear garden and side access that partly comprise the appeal site.

5. Being a building containing multiple flats, No 33 is not a 'dwelling house' and therefore it is not clear how the proposed 'annexe' would be ancillary to it. The presence of shared outdoor space and common management would not prevent the proposed building being occupied as an independent dwelling. Indeed, the existing separate flats share these facilities also. As the proposed building would not appear to be ancillary to any residential unit, I am therefore not convinced that the building would be used as an annexe. It would instead

be highly likely to be occupied as an independent dwelling. The Council dealt with the proposal on this basis and so shall I.

Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Spalding Conservation Area (the CA).

Reasons

7. The significance of the CA is derived from the distinctive arrangement of larger scale frontage buildings of at least two storeys abutting the back edge of the pavement and creating an enclosed feel to the street scene. Plots tend to be long and where outbuildings feature, they are small in scale, unobtrusive and recessive in their contribution to the CA. The appeal site is one of a pair of extended two storey Victorian town houses. Together they form a substantial and high quality building with traditional features and proportions. They contribute positively to the CA.

8. The proposed building would have a simple rectangular form with limited fenestration detail. Gables would be formed to the side elevations. In terms of design features and use of materials, the appeal scheme would reflect that established in the CA. That said, it would be of a substantial size in the context of the width of the plot and extend noticeably above the side boundary wall. Despite being slightly obscured, it would still fail to be read as ancillary in views from both the car park at the front of The Sessions House and The Crescent. Furthermore, its back land siting would add an alien additional tier to development in the CA, against its established grain.

9. The appeal scheme would therefore fail to preserve or enhance the character or appearance of the CA. The harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.

10. Section 72(1) of the Act[1] requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.

11. The appellant states that the proposal would result in a benefit to the character of the area by creating a new 'back yard' feature designed as a period outbuilding. I have acknowledged this to some extent in my findings but, the proposed dwelling would nonetheless amount to harm through siting and scale.

12. The development will add to the supply of housing in a town centre area and there would be benefits in terms of new investment to this property. However, these public benefits would be comparatively minor and would not, when taken together, outweigh the significant harm to the character and appearance of the CA.

13. The proposed development would, with the above in mind, be contrary to Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2019) and the provisions of the Framework which seek, amongst other things, to preserve

[1] Planning (Listed Buildings and Conservation Areas) Act 1990

character and appearance and ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matters

14. The appeal site lies within the setting of the nearby Grade II listed buildings of the former Police Station and The Sessions House. Sections 16 and 66 of the Act require decision-makers to have special regard to the setting of a listed building. The Framework also requires consideration of the effect of development on the setting of a heritage asset. The special interest of a heritage asset derives not only from its physical presence and historic fabric but also from its setting which comprises the surroundings in which it is experienced.

15. The setting to both buildings includes the open spaces around them such as the aforementioned car park and the garden forming the appeal site as well as the significantly lower and notably less grand, buildings around them. Both these elements contribute to the significance of the two buildings through emphasising the comparative dominance and imposing nature of them within the streetscene, particularly in the case of The Sessions House, whilst alluding to their historical importance as buildings associated with law and order.

16. Whilst the proposed building would be seen over the boundary wall, it would maintain the comparatively low surroundings to the listed buildings and ensure the continued dominance of the former Police Station and the Sessions House in the streetscene. The proposal would therefore preserve the setting of the listed buildings in accordance with the requirements of s66(1) of the Act. However, this would not reduce the harm that the proposed development would cause to the character and appearance of the CA in the manner I have described.

Conclusion

17. Having considered the development plan as a whole and all other relevant material considerations, the appeal should be dismissed.

Paul Martinson

INSPECTOR