



Appeal Decision

Site visit made on 19 January 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/B3030/W/20/3261489

Stonewold, Gravelly Lane, Fiskerton, NG25 0UW

- 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 Terry against the decision of Newark & Sherwood District Council.
 - The application Ref 20/00253/FUL, dated 11 February 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the Demolition of existing dwelling and garages. Construction of new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and garages and construction of a new 5 bedroom dwelling and self-contained 1 bedroom annex with associated hard and soft landscaping at Stonewold, Gravelly Lane, Fiskerton, NG25 0UW in accordance with the terms of the application 20/00253/FUL, dated 11 February 2020, subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Due to amendments made to the scheme during the application stage, the original description of development as shown on the application form was changed. I have therefore used the description of development as shown on the appeal form and decision notice, as this is an accurate description of the proposal.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area, and whether the proposal would preserve or enhance the character and appearance of the Fiskerton Conservation Area.

Reasons for the Recommendation

5. The appeal site consists of a detached bungalow situated on Main Street, on the southern edge of the village of Fiskerton. The site lies outside the Fiskerton
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Conservation Area (CA) and is in a residential area that is characterised predominantly by two-storey dwellings with a small number of bungalows. Permission is sought to replace the existing bungalow with a one-and-a-half-storey dwelling with a self-contained annex.

6. The properties along Gravelly Lane consist of detached two-storey properties along one side and semi-detached, two-storey, properties along the other. The appeal site and the adjacent bungalows are sited to the rear of some of the semi-detached properties, with limited visibility through gaps between the properties along Gravelly Lane. The rear of the appeal site backs on to agricultural land and is visible from Main Street, the main road into the village from the south-west where it is seen against the backdrop of the other 20th century housing.
7. The boundary of the CA is largely linear, following the historic part of the village between Main Street and the River Trent. The character is derived from the agricultural origins of the village but also by the significant influence of the navigable river, with associated wharf and industrial scale buildings such as the malthouse. Whilst some modern housing is included within the boundary, the majority of the 20th century development on the fringes of the village is excluded, including the housing in the vicinity of the appeal site.
8. The National Planning Policy Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. While the appeal site lies outside of the CA, the CA boundary runs along Main Street to the south of the site. As the site is visible from the CA it is considered to be within the setting of the CA. However, as noted by the Council's Conservation Officer the 20th century housing in the vicinity plays little role in understanding the origins or evolution of the CA and does not contribute to the essential character and appearance that the designation seeks to preserve.
9. The proposed dwelling would be considerably larger and taller than the existing bungalow, although the scale of the proposed dwelling would be in keeping the two-storey dwellings along Gravelly Lane and to the adjacent property 'Clairedale House', which was granted planning permission in 2019¹. While the exterior materials would not match the majority of the properties in the surrounding area, they would provide a modern and attractive appearance to the property and would be similar to those used for 'Clairedale House' and therefore would not appear out of place in the area.
10. Before the construction of 'Clairedale House', the existing bungalows with the two-storey properties behind would have provided a stepped appearance to the edge of the village when viewed from Main Street. However, the construction of 'Clairedale House' has largely eliminated the stepped appearance and the proposal needs to be considered in the context of the established pattern of development. While the proposed dwelling would be more prominent than the existing bungalow when viewed from Main Street, it would be viewed in conjunction with 'Clairedale House' and as such it would blend in with the current setting.
11. A map showing 'Character Area 4: Gravelly Lane, Longmead Drive, Green Drive & Marlock Close' as part of the Neighbourhood Character Profile has been submitted by the appellant. This map does not indicate any notable views from

¹ Planning application ref. 18/02204/FUL

Main Street in the direction of the appeal property. Therefore, while the proposal would partially restrict views from Main Street of some of the properties in Gravelly Lane, it would not interfere with any notable view.

12. In addition, the fact that the dwelling would be visible does not equate to harm. The outward appearance of the dwelling would not be unattractive and the structure would be seen against the backdrop of other modern two-storey housing on the edge of the village. It would not look unusual in that context and I see no reason why the proposal should be dismissed simply because it would be more prominent than the existing house. The design of the bungalow itself is not reflective of the historic origins of the CA and it does not make a positive contribution. Whilst the dwelling would be larger it would effectively replace one modern form of housing for another and would not significantly alter the setting of the CA or the general character of this part of the village.
13. Therefore, as the proposed dwelling would not be unduly prominent and would be in keeping with its surroundings, the dwelling would not alter the setting of the CA in a way that would cause harm to the character and appearance of the designated asset.
14. Consequently, for the reasons above the proposed replacement dwelling would not cause any harm to the character or appearance of the area or the setting of the CA. The proposal would therefore comply with the policy SP3 (Rural Areas) of the Newark and Sherwood Amended Core Strategy (2019), policies DM5 and DM8 of the Allocations and Development Management Development Plan Document (2013) and policy FCM5 of the Fiskerton Cum Morton Neighbourhood Plan. These policies all seek, amongst other things, to ensure that development does not have a detrimental impact on the character and appearance of the area.

Other Matter

15. I acknowledge the concerns regarding potential disruption from building works. However, the development is small in scale and any disruption would be of a temporary nature. There is no indication that work would take place outside the normal working day and I am satisfied that the impact would be acceptable in those circumstances. Furthermore, environmental health legislation allows the Council to investigate any unreasonable actions, including construction work at anti-social hours.

Conditions

16. The Council suggested a number of conditions, which I have considered in the light of the advice in the National Planning Policy Framework and Planning Practice Guidance. In some cases I have edited the suggested condition for clarity and enforceability.
17. I have imposed the standard time limit condition and in the interests of certainty specified the approved plans. To reduce the risk of flooding, conditions requiring that the proposal is carried out in accordance with the details of the Flood Risk Assessment and for details of surface water drainage to be submitted and approved are necessary
18. As full details have not been provided, conditions requiring details of exterior materials, landscaping and boundary treatments are necessary to ensure the development does not cause harm to the appearance of the area.

19. To prevent any loss of privacy to the adjacent property, a condition is required to ensure the proposed first floor side bathroom window is obscure-glazed and non-opening up to a height of 1.7m above floor level. The Council's suggested condition to prevent the attached annexe from being turned into a separate dwelling is unnecessary as a further planning application would be required for such a change of use.
20. The Planning Practice Guidance advises that conditions to withdraw permitted development rights may not pass the tests of reasonableness or necessity. There is no indication that additions or alterations to the roof are likely and any such addition under permitted development would be required to be of a similar exterior material to the existing property which would help to ensure it would be of satisfactory appearance. I also note that such a condition was not attached to the permission for 'Clairedale House' As such I do not consider suggested condition 10 to be necessary or reasonable.

Conclusion

21. For the reasons given above the proposal conforms to the policies of the development plan and, having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions in the attached schedule.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions in the attached schedule.

Chris Preston

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: Location Plan drawing no. (02)01, Site Plan and Plans As Proposed drawing no. (20)01 revision C, Sections and Elevations As Proposed drawing no. (20)02 revision A.
- 3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2020, by Ward Cole Consulting Engineers, reference number 19/707 and the following mitigation measures detailed within the FRA: a) Finished floor levels are set no lower than 15.30m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

- 4) No development above slab level shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.
- 5) No development shall take place above slab level until details / samples of the materials to be used in the construction of the external surfaces of the dwellings 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 / samples.
- 6) No development shall take place above slab level until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include a) a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; b) an implementation and phasing programme; c) existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; d) means of enclosure; e) car parking layouts and materials. Development shall be carried out in accordance with the approved details.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the Local Planning Authority.
- 8) The bathroom window opening on the side elevation at first floor level shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification

shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.