

## PLANNING COMMITTEE – 6 AUGUST 2019

<b>Application No:</b>	<b>19/00503/FUL</b>	
<b>Proposal:</b>	<b>Erection of 1 no. three bed dwelling</b>	
<b>Location:</b>	<b>The Academy 62 Gainsborough Road Winthorpe Newark On Trent Nottinghamshire NG24 2NR</b>	
<b>Applicant:</b>	<b>Mr And Mrs Paul And Rita Stevenson</b>	
<b>Registered:</b>	<b>14.03.2019</b>	<b>Target Date: 09.05.2019</b>
	<b>Extension of Time Agreed Until 09.08.2019</b>	

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Winthorpe Parish Council has supported to the application which differs to the professional officer recommendation.**

### The Site

The application site forms a broadly rectangular plot of land approximately 0.07 hectares in extent to the west of Gainsborough Road in the village of Winthorpe. The site as existing forms part of the residential curtilage of the Grade II listed dwelling to the north known as The Academy. The Academy was previously the Dower House to Winthorpe Hall and in the early C19 a private school was run from the building, giving rise to its name. The southern boundary is also bounded by the residential curtilage of 68 Gainsborough Road. Land to the west forms a dense area of woodland protected by a Tree Preservation Order.

As well as the aforementioned listed building setting of the host dwelling, the site is also a designated heritage asset being within the Winthorpe Conservation Area.

The site as existing is characterized by significant tree cover forming an overgrown area with a mixture of mature trees and self-set holly and yew trees.

### Relevant Planning History

The planning history on the site is predominantly in relation to previous applications for works to trees none of which are considered directly relevant to the current application.

### The Proposal

The application seeks full planning permission for the erection of a single detached dwelling in the southern portion of the garden of The Academy.

The application has been significantly changed during the life of the application owing to Officer concerns with a suite of revised plans and documents received 5<sup>th</sup> July 2019 and subject to an additional round of re-consultation.

The proposed dwelling has been designed as a single storey dwelling with the majority of built form delivered under a flat sedum roof. There would however be an element of the dwelling towards the eastern boundary with a hipped roof of approximately 6.9m and eaves of approximately 4.6m. The side gable of this element has been designed to abut the road.

The dwelling would form a relatively linear plan with three bedrooms. The northern boundary of the site would be the northern elevation of the proposed dwelling which would form a blank brick wall allowing the internal areas of the dwelling to be served by windows on the south elevation and a single window on the eastern gable end.

The footprint of the dwelling would be approximately 184m<sup>2</sup>. The submitted Design and Access Statement confirms materials proposed are an orangey red soft brick with a slate finish roof to the hipped roof part of the dwelling and sedum roof to the flat roof element. Access to the site is proposed through the east boundary via Gainsborough Road with a turning area providing on-site parking.

The application has been considered on the basis of the following plans and documents:

- Revised Existing and Proposed Site Plans – 3527-01 Rev. D received 5<sup>th</sup> July 2019;
- Revised Proposed Plans and Elevations – 3527-02 Rev. D received 5<sup>th</sup> July 2019;
- Revised Site Location Plan – 3527-03 Rev. B received 5<sup>th</sup> July 2019;
- Revised Block Plan – 3527-04 Rev. C received 9<sup>th</sup> July 2019;
- Revised Design and Access Statement Rev. B received 5<sup>th</sup> July 2019;
- Revised Heritage Impact Statement Revision A received 5<sup>th</sup> July 2019;
- Biodiversity Survey and Report;
- Tree Survey.

#### Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

## **Allocations & Development Management DPD**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

## **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- Winthorpe Conservation Area Appraisal

## **Consultations**

### **Winthorpe Parish Council – *Additional comments received 23<sup>rd</sup> July 2019:***

We have reviewed the amended plans and have no objections to support the proposal subject to the property being built in keeping with the style of the village.

We would also request that the Highways Agency suggestion that the access be recessed by 5 metres be adhered to and that any tree removal is kept to a minimum as the development is in a conservation area.

### ***Original comments 22<sup>nd</sup> March 2019:***

The Parish Council met last night and discussed the above application.

The Parish Council were in favour of the application with one abstain. There are some concerns, namely the access as the plot is on a bend which is not without its problems currently.

We would also hope that there would be the minimal removal of trees as possible.

### **NCC Highways Authority – *Revised Comments received 16<sup>th</sup> July 2019:***

Further to comments dated 10 April 2019, revised drawings 01/D and 04/C have been received that show a resited access position. Whilst the new access location is potentially better than the previous proposal, its visibility splays rely on trees/vegetation being cut back towards the highway/site boundary.

The proposal includes a gate at the highway /site boundary. Ideally this should be set back at least 5m from the carriageway edge and open inwards so that drivers do not have to leave their vehicle stood in the road while opening/closing the gate.

The dwelling should also show parking for at least two cars.

Assuming the above issues can be resolved, no objections are raised subject to the following conditions:

The dwelling hereby approved shall not be occupied until the vehicle access is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway carriageway edge. The surfaced access shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

The dwelling hereby approved shall not be occupied until a dropped kerb vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority. For the sake of clarity this will include the relocation of a lamp column and telegraph pole.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

The dwelling hereby approved shall not be occupied until the visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures, vegetation or erections exceeding 0.6m in height.

Reason: In the interests of highway safety.

The dwelling hereby approved shall not be occupied until parking space for at least two cars is made available within the curtilage of the site.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

*Notes to Applicant:*

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

*Original comments received:*

The access has been assessed for safety and visibility and whilst local concerns are acknowledged, a highway-related objection is not considered justified. A site visit revealed that the riskiest movement would be the right turn into the site. However, even with some on-street parking occurring, there is sufficient visibility in relation to expected vehicle speeds to allow this movement to take place with reasonable safety. This type of access arrangement already exists at the adjacent property.

In order to provide an adequate vehicle access, a street light and a telegraph pole will need to be relocated at the cost of the developer.

No objections are raised subject to the following conditions:

The dwelling hereby approved shall not be occupied until the vehicle access is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway carriageway

edge. The surfaced access shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

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**NSDC Conservation** – *Additional comments received 11<sup>th</sup> July 2019:*

#### Site analysis

The application is for a new dwelling within the current grounds of The Academy (Grade II listed). The site is located in Winthorpe Conservation Area. Originally designated in 1974 and extended in 2007. The focal point of the village is the small green area created by the junction of Gainsborough Road and Holme Lane.

Winthorpe has a remarkable number of high status houses, including two country homes with extensive parkland (Winthorpe Hall and Winthorpe House). In addition there are many 18<sup>th</sup> and 19<sup>th</sup> century villas. This gives Winthorpe a very unique character for a rural village in Nottinghamshire. The village's architecture and building form has a distinct style due to Winthorpe Hall estate cottages, designed with the same architectural details.

Winthorpe Hall Estate makes a significant contribution to the history and character of the conservation area. The Hall is the primary country house in Winthorpe and dates to c.1760. It is thought that the Hall was built to the designs of architect John Carr of York. Winthorpe Hall is of a typical Georgian design, using Classical style architecture on a grand scale and of particular note is the use of the *piano nobile*. This is a typical Classical feature giving emphasis to the first floor. At The Hall rusticated masonry distinguishes the ground floor from the smooth ashlar above and a double set of stairs wind up to a Venetian door at first floor. The Hall has formal gardens surrounding the house and stretching out to the west is extensive parkland, with swathes of grass and carefully placed specimen trees. These grounds were historically much more extensive than they are now, originally stretching right down to the River Trent.

The layout of the historic village as shown in the 1835 Sanderson's Map is very similar to that of the village today, the main exceptions being the C20 developments north of Hykenham Road and the creation of The Spinney. The Hall had an impressive array of associated buildings including stables, coach house, head gardeners house and a hunting lodge. They also employed a large

number of staff and the C19 and early C20 trade directories list several people employed as servants at The Hall.

The Academy was originally a Dower House, a moderately large house available for use by the widow of the previous owner of the estate. As the listing description identifies, the building dates to the 18<sup>th</sup> century, with some 19<sup>th</sup> century alterations. The dwelling is contemporary to Winthorpe Hall and with its social connection with the Hall it is clear that there is a significant relationship between the two buildings and the estate.

With the bends in Gainsborough road, The Academy was carefully orientated to allow for prominent views of its principle elevation when travelling north along Gainsborough Road. Although the view is slightly obscured by the existing trees, it is still possible to get glimpses of the property. The Academy is not one of the grandest buildings in Winthorpe, however its scale and rendered finish stands out from the red brick Victorian semi-detached villas within its proximity. The red brick Victorian villas 'Roslyn' and 'The Laurels' has an unusual relationship to The Academy. However, the use of the building as a school in the 19<sup>th</sup> century could be linked to the development of these properties in association to the school use in the 19<sup>th</sup> century.

The grounds of The Academy stretch to the south and north of the building. As the principle elevation is orientated to the south, this typically would have been the formal gardens. Currently the ground immediately to the south are the formal gardens, with a tree covered area further south.

Historically this tree area was part of Winthorpe Hall parkland, therefore within the historic setting of Winthorpe Hall. However, it is considered that this part of the parkland makes a low contribution to parkland. The treed area has been in the curtilage of The Academy since 1970 and is considered to be within the current setting of the listed building. The trees have been identified in the conservation area appraisal as a significant group of trees. Currently there is a low picket fence between the garden of The Academy and the Parkland belonging to Winthorpe Hall.

### Heritage assets

Near the application site are a number of listed buildings including;

The Academy is Grade II listed (LEN 1046000) in October 1984. The listing description advises;

*'House. C18 with c19 extensions and alterations. Colourwashed brick with ashlar dressings, pantile roof with coped gables and kneelers, single gable stack to the south and 2, ridge stacks. 2 storeys with irregular and varied fenestration. There are 10 windows to the ground floor and 6 to the 1st floor. A projecting C19 3 window splayed bay with parapet runs through both storeys. On the ground floor only is a C19 2 window projecting bay. All windows have glazing bars; there are hood moulds to 3 ground floor windows and to 7 1st floor windows. The double half glazed door and 12 windows have segmental arches over with small keystone. There are sections of string course to the bays and above the door and dogtooth decoration at the eaves. To the south is a single storey extension with C19 extensions to the rear.'*

Winthorpe Hall is grade II\* listed (LEN 1178886) in January 1967 the listing description advises;  
*'Country house, c.1760. Begun for Dr. Robert Taylor of Newark, completed for Roger Pocklington, the Newark banker. Probably to designs by John Carr of York. With a C19 addition to the east. Ashlar and brick with a hipped slate roof with lead flashing. 3 ashlar stacks, modillion cornice. Set*

on a plinth with thick plain band topping basement. 2½ storeys, 5 bays. The centre pedimented bay is slightly wider and projects slightly. The south' front has a basement of rusticated ashlar with a central blocked doorway flanked by single blocked windows, all with keystones. Each of the outer bays has a single glazing bar sash with splayed lintel and keystone. There is a central free standing rusticated perron on a plinth with central arch, giving access to the now blocked doorway. The perron, with iron railings leads to the central venetian doorway of the main floor. There is a double half glazed door with traceried fanlight under a moulded arch flanked by single pilasters, single glazing bar sashes with ballustrade under and further single pilasters. The pilasters support moulded architraves, with the arch springing from their inner edges. Each of the outer bays has a single glazing bar sash with lintel and keystone flush with the wall. The outer bays of the top floor have similar, smaller sashes. The central bay has a single venetian window, with lintels and keystones flush with the wall. In the centre is an oeil de boeuf with glazing bars. The C19 2 storey, 2 bay extension to the east has an ashlar basement and is brick above. The roof, with gable ashlar stack dated 1886, is hidden by a parapet with moulded cornice. There are 2 glazing bar sashes to each floor, those to the basement are smaller. The west facade has a 3 storey canted bay, with main floor sill band. The basement has 3 arched glazing bar sashes with lintels and projecting keystones. The main floor has 2 glazing bar sashes with lintels and keystones and a central arched and traceried glazing bar sash. The top floor has 3 glazing bar sashes with lintels and keystones flush with the wall. The north facade has a central canted bay corresponding to that of the west apart from the basement windows which are square headed. There are 2 bays either side, each floor having a glazing bar sash, apart from the basement which has an off-centre east doorway. The east facade has a Venetian window lighting the interior staircase. Various features such as urns and dormers were removed during recent restoration. Interior; 3 flight return, early C18 style, main staircase with 3 plain ballusters with knops per tread, with decorated' carved tread ends. Entrance hall with doric columned fireplace, ionic screen and modillion cornice. Saloon with late ciB decorated plaster ceiling, stone fireplace with ionic columns supporting a broken pediment containing a shell disgorging fruit. All ground floor door cases are moulded, mostly with pediments and panelled mahogany doors. The back stone staircase runs from basement to attic and has an iron ballustrade'.

Pennywise house is grade II listed (LEN 1045997) in October 1984. The listing description advises;

*'House. Late C18. Red brick with whitewashed ashlar dressings. C20 slate roof with coped gables and 2 brick gable stacks. 2 storeys, 3 bays with 1st floor ashlar band. Central doorway with panelled door and rectangular traceried overlight, having a single fluted wooden column either side set on a pedestal and supporting an architrave and flat hood. Flanking the doorway are single glazing bar sashes with ashlar lintels and keystones with 3 similar windows above. To the rear is a brick 2 storey wing'.*

Grange Cottage is grade II listed (LEN 1369951) in October 1984. The listing description advises;

*'Cottage. Late C18. Red brick with a hipped pantile roof and 2 brick stacks to the rear. 2 storeys, 3 bays. Central doorway with panelled door, 3 pane rectangular overlight and plain surround. Flanked by single glazing bar sashes under segmental arches, with 2 similar sashes above. To the south is a later brick extension with doorway and metal casement window'.*

### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed

buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

### Assessment of proposal

The proposal is for a three bed single storey dwelling situated behind a high brick boundary wall that will enclose the tree area of the site.

Part of the building will be a square building with a hipped roof located against Gainsborough Road. The rest of the dwelling is a single storey flat roofed angled linear modern element, which will sit below the brick wall.

Brick boundary walls is a feature that is seen throughout the conservation area, therefore will not appear completely out of character, however this will significantly alter the contribution this tree



area will make to Winthorpe Parkland, setting of the listed building and character of the conservation area.

As historically part of the Winthorpe Hall parkland there hasn't been a solid boundary between the parkland and the application site. Currently this site can still be read in association with the parkland, the brick boundary wall will permanently detach the site from the parkland. The parkland makes an important contribution to Winthorpe Hall and other associated buildings, including The Academy and the historical significance and character of the conservation area. As a subsequence The Academy is detached from Winthorpe Hall.

The building is replicating a gardener's store/workshop. Although it is likely that a building of this type would have been typical for this type of dwelling, it would not have been located to the front of the property. The gardens to the front would have been too formal and 'working' element would have been to the back, such as outbuildings and kitchen gardens. Therefore it is considered the development harms the setting of The Academy and results in an awkward relationship with the dwelling.

The flat roofed element will be visible from the highway, the significant amount of glazing, rectilinear form and depth of the building will be incongruous within this context in particular The Academy and architectural character of the conservation area.

Although there are very few trees that are being proposed to be removed. However the hard standing proposed for the driveway and patio, along with other elements such as washing lines and play equipment typically associated with dwellings will significantly alter the natural character of this tree area and its contribution it makes to the setting of The Academy and the character of the conservation area.

The conservation team objects to this application due to the harm caused to Winthorpe Hall parkland, the setting of The Academy and the character of the conservation area. The proposal is contrary to the objectives of preservation required under sections 16, 66 and 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

*Original comments received:*

#### Legal and policy considerations

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

#### Significance of heritage asset(s)

The site is located within Winthorpe Conservation Area. Originally designated in 1974 and extended in 2007. The focal point of the village is the small green area created by the junction of Gainsborough Road and Holme Lane. Winthorpe has a remarkable number of high status houses, including two country homes with extensive parkland (Winthorpe Hall and Winthorpe House). In addition there are many 18<sup>th</sup> and 19<sup>th</sup> century villas. This gives Winthorpe a very unique character for a rural village in Nottinghamshire. The village's architecture and building form has a distinct style due to Winthorpe Hall estate cottages, designed with the same architectural details.

Near the application site are a number of listed buildings including;

The Academy is Grade II listed (LEN 1046000) in October 1984. The listing description advises;

*'House. C18 with c19 extensions and alterations. Colourwashed brick with ashlar dressings, pantile roof with coped gables and kneelers, single gable stack to the south and 2, ridge stacks. 2 storeys with irregular and varied fenestration. There are 10 windows to the ground floor and 2 to the 1st floor. A projecting C19 3 window splayed bay with parapet runs through both storeys. On the ground floor only is a C19 2 window projecting bay. All windows have glazing bars; there are hood moulds to 3 ground floor windows and to 7 1st floor windows. The double half glazed door and 12 windows have segmental arches over with small keystone. There are sections of string course to the bays and above the door and dogtooth decoration at the eaves. To the south is a single storey extension with C19 extensions to the rear'.*

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Pennywise house is grade II listed (LEN 1045997) in October 1984. The listing description advises;

*'House. Late C18. Red brick with whitewashed ashlar dressings. C20 slate roof with coped gables and 2 brick gable stacks. 2 storeys, 3 bays with 1st floor ashlar band. Central doorway with panelled door and rectangular traceried overlight, having a single fluted wooden column either side set on a pedestal and supporting an architrave and flat hood. Flanking the doorway are single glazing bar sashes with ashlar lintels and keystones with 3 similar windows above. To the rear is a brick 2 storey wing'.*

Grange Cottage is grade II listed (LEN 1369951) in October 1984. The listing description advises;

*'Cottage. Late C18. Red brick with a hipped pantile roof and 2 brick stacks to the rear. 2 storeys, 3 bays. Central doorway with panelled door, 3 pane rectangular overlight and plain surround. Flanked by single glazing bar sashes under segmental arches, with 2 similar sashes above. To the south is a later brick extension with doorway and metal casement window'.*

## Assessment of proposal

The application is for a new dwelling within the current grounds of The Academy (Grade II listed). The Academy was previously a Dower House, a moderately large house available for use by the widow of the previous owner of the estate. It then became a private school in the 19<sup>th</sup> century. The proposed dwelling is within the setting of The Academy.

Historically the site was part of Winthorpe Hall parkland, therefore within the historic setting of Winthorpe Hall. However, it is considered that this part of the parkland makes a low contribution to the setting of the heritage asset.

The setting of a heritage asset is defined in the NPPF as;

*'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.*

The location of the proposed dwelling is to the south of the formal gardens of The Academy. The orientation of the listed building and the bends in the road the principle elevation was meant to be viewed when travelling north along Gainsborough Road. Although the view is slightly obscured by the existing trees, it is still possible to get glimpses of the property. The development of this site will detract from this view and therefore have harm on the sitting of the listed building.

In addition, the architectural design, orientation and scale of the proposed dwelling does not reflect the character of the conservation area. Properties in this part of the conservation area are parallel to the road, are modest in scale and are of traditional architectural detail.

The proposed dwelling is perpendicular to the road, having gables front the road is not a characteristic of the conservation area. Although some modern approaches to architecture is acceptable within conservation areas the design still needs to take its cues from the character of the area. The design and access states the dwelling is designed to be a 'rural cottage', however it is not considered to have been successful in this with many details, in particular fenestration giving the dwelling a very urban character.

The proposal will harm to the character and appearance of the conservation area and the setting of the listed building. The proposal therefore is contrary to the objectives of preservation required under sections 16, 66 and 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

**Historic England** - Thank you for your letter of 22 March 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

**Tree Officer** – revised comments received 17<sup>th</sup> July 2019:

The proposal footprint is located tight against RPAs of surrounding trees allowing little room for foundations, construction activities, materials storage.

Proposed hard surfacing, access and boundary walls will be detrimental to tree roots unless specific construction methods are adopted. These methods may not be feasible due to differences in ground levels and the need to excavate/build up soils to achieve required levels.

No service runs/drainage or sewage options are shown but is likely any will adversely impact tree roots.

I am concerned that the dwelling will be heavily shaded with no useable amenity area which, combined with seasonal nuisance of leaf/berry/seed drop and perceptions over failure of tree /tree parts will result in increased pressure for the removal of further trees. Tree felling outside of the revised red line is still proposed which would have no relevance on this application.

*Original comments received 29<sup>th</sup> March 2019:*

Although a tree survey has been submitted with this application there appears to be little justification for removing a large number of trees that have been graded U category for no apparent reason.

I visited this site last year and inspected the roadside trees and considered that only the removal of the leaning pine T13 would be acceptable.

The remaining roadside trees have developed an adapted natural form due to light suppression from adjacent trees are not considered to require removing.

T12 is noted as having a cavity at the base but the cavity shows signs of partially callusing and adaptive growth as a response to this. No diagnostic or other evidence has been submitted to support the removal of this tree beyond a single line statement.

The yew and holly trees on site are all of a similar age form and condition but varies from b to c with the U category seemingly imposed on trees adjacent to the proposed dwelling.

This application will therefore result in the loss of a significant number of trees within the site that are healthy.

If constructed the dwelling would be dominated by the remaining trees which will continue to develop resulting in natural light loss, seasonal nuisance and concerns from any future occupants over potential failure of trees/tree parts.

Any further impact on remaining trees by new access requirements /service/drainage runs/proposed garage have not been fully evaluated.

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

The Board maintained Winthorpe Airfield Drain, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

Surface water run-off rates to receiving watercourses must be increased as result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**Representations have been received from 5 local residents/interested parties in respect to the original application submission which can be summarised as follows:**

- The change of the vista of Gainsborough Road by the removal of nine mature trees and the introduction of a driveway will alter the appearance of the Conservation Area forever;
- The land is already being cleared of vegetation and trees and looks different from what it looked like last year;
- There are a number of near misses in recent times which would mean the driveway is unsafe;
- The current access should be considered or access via The Drive (off Holme Lane);
- Moving the access may cause concerns to current residents who park on the road including users of the Village Hall;
- The proposed driveway would have a lack of visibility on the S-bend;
- There are always a large amount of parked cars on Gainsborough Road making visibility worse;
- No objections but should be a minimal removal of trees;
- The proposal would have a big impact on the Conservation Area;
- It would also affect the wildlife and plants in the area;
- Preparation of the site seems to have already led to the felling of a number of trees;
- Winthorpe is characterized by large houses on large plots which is a fundamental part of the character and grain of the village;
- The Academy borders a Zone 3 flood area;

**An additional 5 letters of representation has been received in respect to the revised plans which can be summarized as follows:**

- It should be noted that 13 trees have already been removed over the last few years – reasons given were to reduce crown to improve other trees health which contradicts the application submission;
- When neighbouring properties have applied to raise the garden wall they were only allowed to build on the original wall;
- The dwelling would not be in keeping with the Conservation Area;
- The location for the dwelling is not appropriate;
- There has already been a noticeable loss of owls and bats since the tree removal;
- The revised access is still on a dangerous bend;
- During weekends and evenings there are parked cars;
- Original concerns also remain;
- The revised proposed driveway is still unsuitable;
- Neighbouring applications for revised driveways have been rejected;
- The plans do not take considerations of the setting of the listed building The Academy;

- The trees are identified as important in the Conservation area appraisal;
- The size of the building has increased which will have a greater impact on wildlife;
- The site is an important part of the Conservation Area;

### Comments of the Business Manager

#### Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3 as assessed below.

#### *Location*

The first criterion of Spatial Policy 3 requires new development to be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principle Villages and have a range of local services themselves.

Winthorpe is spatially close to the Newark Urban Area and despite the severance of the road network through the creation of the A1, the Urban Area is only a short travel distance from the village. Winthorpe also has a number of services including a public house; primary school; community centre and Parish Church.

The site is within the existing residential curtilage of the dwelling known as the Academy with other residential curtilages to the south; north east; and east of the site. In this respect the plot is considered to represent infill development. There is allowance in SP3 for the development of infill plots where villages do not meet the locational criteria but given that Winthorpe does have its own services, the development need not rely on this allowance to be acceptable as I am satisfied that the proposal would satisfy the locational criteria of SP3 in any case.

#### *Scale*

The requirement of SP3 is that new development should be appropriate to the proposed location and small scale in nature. The proposal relates to the erection of a single dwelling which is considered small scale in numerical terms when taken in the context of the size of the village. The scale of the proposal in respect to its design implications is discussed further in the Character section below.

## *Need*

The wording of the 2019 Core Strategy requires new housing to demonstrate that it would help to support community facilities and local services. Given the location of the site in the confines of the village, I am satisfied that the occupiers of the proposed dwelling would have sufficient opportunity to support and help sustain the longevity of the existing local services within the village.

## *Impact*

In some respects the Impact criterion lends itself to discussion in the context of other material consideration such as the impact on the highways network and neighbouring amenity (discussed in further detail below). In respect of local infrastructure, I am again satisfied that the development for a single dwelling could be accommodated for within existing village infrastructure without causing a detrimental impact.

## *Character (including in the Heritage Context)*

SP3 confirms that new development should not have a detrimental impact on the character of the location or its landscape setting. In order to properly fulfil this assessment, reference must be made to the existing character constraints to which the site is subject to, notably in the context of being within the designated Conservation Area but also falling within the setting of adjacent listed buildings.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9. The policy requires that development must promote local distinctiveness and protect heritage assets (including their setting).

Chapter 12 of the NPPF 2018 provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed



building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of recent court cases (in particular: *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* (2014); *The Forge Field Society v Sevenoaks District Council* (2014); and *Mordue* (2016)).

The application has been accompanied by a Heritage Impact Assessment in line with the requirements of paragraph 189 of the NPPF. The assessment identifies importance of the nearby listed buildings but focuses assessment on the impact to the host dwelling – the Grade II listed The Academy.

The revised proposal has been submitted on the basis of discussions with Officers during the life of the application owing to significant concerns which were raised with the original submission in respect that it was considered the original proposal would detract from the view of The Academy therefore harming its listed building setting.

The proposal as revised has been designed on the basis that the bulk of the dwelling would be hidden behind the walls of the northern and eastern elevations served by a flat sedum roof which sits below the maximum height of the wall. Other notable design features include large expanses of glazing to the southern elevation which would ultimately provide the vast majority of natural light for the proposed occupiers. These amendments are again a reflection of the concerns raised in respect to the original proposal.

The basis of the revised submission is that the traditional brick garden wall which will ultimately form the northern elevation of the dwelling would ensure that the modern volume of the proposed dwelling remains hidden from the host property. There would be approximately 35m in distance separating the proposed dwelling from the host property. On this basis it is submitted that the revised proposal can be considered as subservient to the original dwelling with further screening offered by the proposed retained tree cover.

The revised details have been assessed by colleagues in Conservation with the comments listed in full above. It is accepted that the use of a brick boundary wall would not appear completely out of character in the context of the area. However, there are still identified and significant heritage issues in developing this part of the site in principle. Although the revised design of the building, replicating a workshop is an improvement to the original proposal, the matter remains that these buildings would not have been located to the front of the host property. The development of this part of the site would therefore represent an awkward relationship which would harm the setting of the host dwelling.

Although the development as revised intends to remove very few tree specimens (a matter discussed in further detail below) the hard standing required for the dwellings parking, and indeed the domestic elements which would occur outside of the control of the planning system (e.g. washing lines) would significantly alter the natural character of this tree area and its contribution it makes to the setting of The Academy and the character of the conservation area. Moreover, the development would detrimentally alter the contribution this area makes to Winthorpe Parkland.

Even in the proposals revised form, the Conservation Team have identified that the development would amount to heritage harm. Having clarified with the Conservation Officer, the harm would be less than substantial in their view, albeit harm nonetheless. I would agree entirely with their assessment in this respect and therefore find it necessary to apply the balance outlined in the NPPF.

Paragraph 196 of the NPPF (2019) states that:

*'Where a development proposal will 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 including, where appropriate, securing its optimum viable use.'*

Whilst there would be a public benefit in terms of a contribution towards the Districts Housing Supply, it is my view that this would be a marginal contribution. Set in the context where the District has a five year land supply allowing for development in more sustainable settlements, the marginal contribution to housing supply is not considered to outweigh the heritage harm identified.

### Impact on Trees

Core Policy 12 of the Core Strategy and Policy DM7 of the Allocations and Development Management DPD (ADMDDPD) outline the importance of the protection and enhancement of the area's biodiversity and open spaces. The protection of individual sites is vital as part of the preservation of the overall 'Green Infrastructure' network of green spaces, landscapes and natural elements that intersperse and connect the District's settlements and surrounding areas.

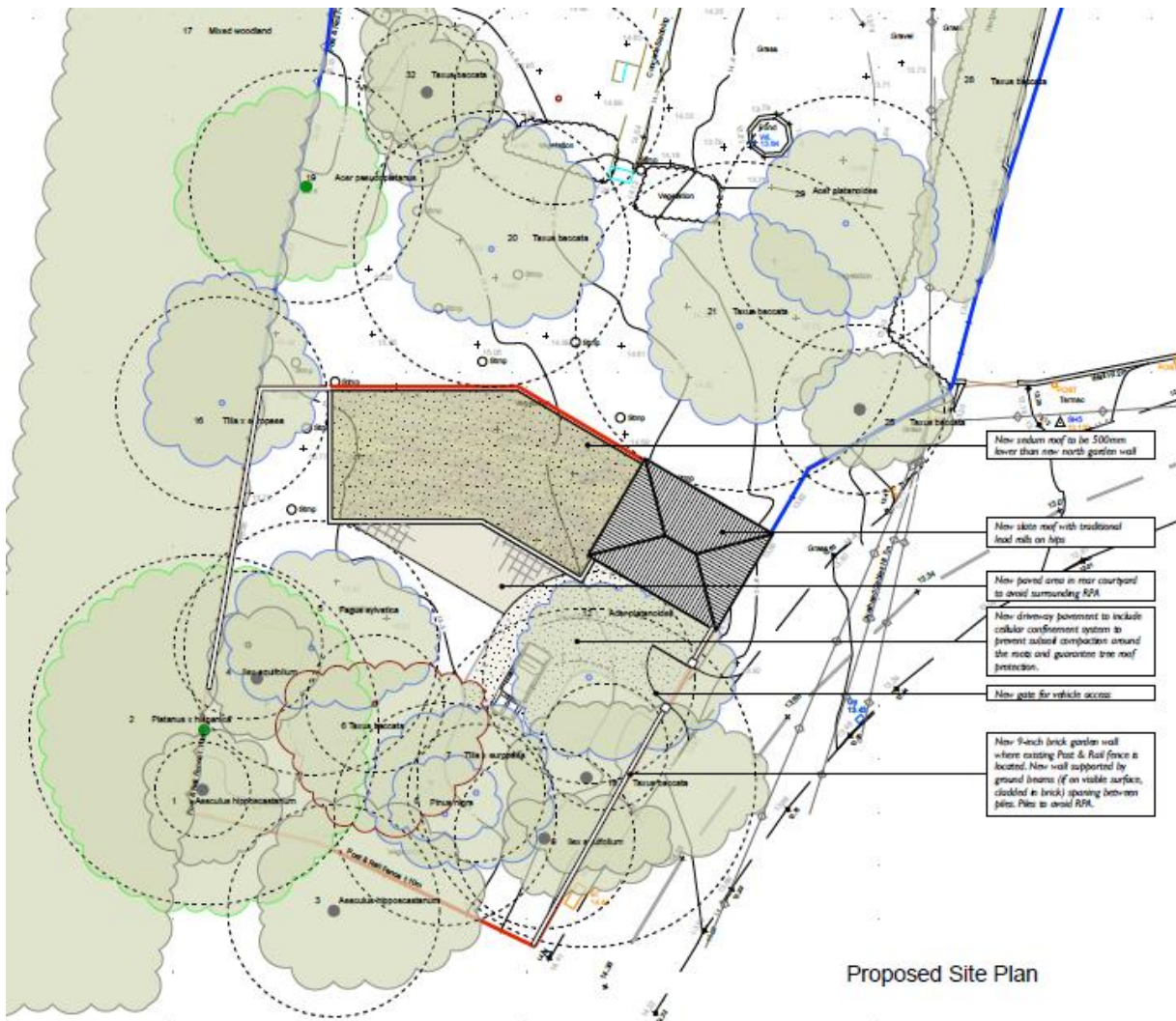
The submitted Design and Access Statement contends that the proposed dwelling would be located in an area of the site where no moderate or high quality trees would need to be removed or affected. Moreover, it is stated that special care has been taken to remove as few specimens as possible. It is notable that the impact on trees is referenced as a concern through the comments of the Parish Council.

The original application was accompanied by a Tree Survey dated 8<sup>th</sup> September 2018. The report states that the area of the south of the property (i.e. the development site) was originally planted with specimen trees but some of the original trees have been lost and it has become overgrown with self-set holly, yew and horse chestnut. Several of the trees lean heavily over Gainsborough Road where the frontage is dark and cluttered.

The revised proposed site plan details that 5 specimens would be removed within the site itself with another 5 specimens also proposed for removal within the wider blue line site of the applicants ownership. None of the trees marked for removal are above Category C albeit there are other Category A and B specimens on the site which are marked for retention. The tree works

proposed have been reviewed by the Tree Officer with full comments listed in full above. The original comments did raise concern with the validity of the submitted survey, a matter which has been discussed during the life of the application. Despite the attempts of the revised submission, the Tree Officer remains dissatisfied that the specimens intended for retention could be adequately protected given the proximity of the building to the root protection areas but also the impacts of the proposed hard surfacing, access and boundary treatments.

In addition to the above, I agree with the Tree Officer that a large proportion of the proposed garden for the dwelling would be occupied by tree cover as shown below by the revised block plan:



Given the orientation of the plot the retained specimens would shadow the rear of the house and lead to a potential demand for further felling in the future. It is acknowledged that the trees are protected by virtue of their presence within the Conservation Area and therefore any future applications for felling would be assessed on their own merits and potentially resisted if the condition and amenity value of the trees warranted such. It is stated that the intention of the applicants to move into the proposed dwelling and that they are fully aware of the fact that they would be living amongst the trees which may amount to a degree of shading.

Unfortunately I do not consider that this would justify the sub-standard amenity provision for any proposed occupier (even if the intention is that the first occupiers would be the applicant). The revised proposal demonstrates that the dwelling would almost entirely be served (with the

exception of one window on the eastern elevation) by south facing windows. The rear garden of the plot would be almost completely occupied by the retained tree cover to a degree that the proposed dwelling would be afforded severely disrupted natural light and significant shadowing from the existing trees which are of a significant scale. It would not be appropriate to mitigate this through further tree removal given the value that these specimens offer to the wider character of the area including in heritage terms.

The modestly sized plot is therefore considered insufficient to deliver an appropriate amenity provision for any proposed occupiers contrary to the requirements of Policy DM5 and the wider sustainability aims of the NPPF.

It is noted that there is a large group Tree Preservation Order to the west of the site at the grounds of Winthorpe Hall. The dwelling would be set a sufficient distance from these specimens such that I have identified no adverse impact on the protected trees.

### Impact on Neighbouring Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The proposal site forms existing residential curtilage and therefore there is an implicit likelihood that any proposed development within the site would have a close spatial relationship with the host dwelling. It is noted that at the current time the site remains within the same ownership as the host dwelling but this is by no means a guarantee for the future and it is therefore necessary to ensure that the development can create an appropriate amenity relationship for the lifetime of the development.

In some respects the preceding section on the level of tree cover within the site has an impact on the resultant amenity too in that the retained trees would provide a level of screening to the proposed dwelling which would protect neighbouring amenity. The tree cover is also protected by virtue of the sites presence within the Conservation Area.

As is already referenced, the north elevation of the proposed dwelling would be separated from the host dwelling by a distance by approximately 35m. More notably however, the revised proposed does not feature any windows in the north elevation towards the host dwelling and therefore potential overlooking or overbearing impacts would not be experienced.

The separation distance between the south elevation and the neighbouring dwelling at no. 68 Gainsborough Road would be shorter at around 21m but this relationship would be rear elevation to side gable and therefore is considered an appropriate distance to safeguard neighbouring privacy particularly in the context of the level of retained tree cover which would continue to separate the dwellings.

The plot allows for appropriate separation distances and indeed the level of tree cover significantly reduces the opportunity for the proposed dwelling to create detrimental amenity impacts. However, this does not overcome the substandard level of amenity for the proposed occupiers as discussed in the preceding section.

## Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Access to the site would be created from Gainsborough Road in the eastern boundary of the site. The revised plans show that this would be from a gated access into a small turning area.

The Highways Authority has assessed the submitted application with their comments listed in full above. The local concerns in respect to the proposed access are acknowledged and indeed have been referenced by the comments of the Highways Authority. In making their assessment, including through a site visit, the use of the proposed access and its associated visibility is not considered to amount to a highways safety harm which would warrant resistance of the proposal. However, in the latest comments this is caveated on the basis that visibility splays would need to rely on trees and vegetation being cut back which would clearly amount to greater impacts on trees and heritage than envisaged by the submitted documents.

I noted during my site visit that there were cars parked on the highway which could affect visibility in and out of the access. However, I agree with the Highways Authority that it would be difficult to sustain a reason for refusal solely on this basis. The bends of the road will naturally slow the traffic and a precedent for similar types of vehicular access has been established by the existing neighbouring dwellings. No further details of visibility splays have been sought on the basis of the latest Highways comments given that the development is unacceptable in other respects and therefore it is not considered reasonable to put the applicant to further expense.

Notwithstanding this, if Members were minded to approve then subject to the imposition of conditions suggested by the Highways Authority which could reasonably be attached to any forthcoming permission, I have identified no conflict worthy of refusal against Spatial Policy 7 or the relevant elements of Policy DM5.

## Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The application has been accompanied by a Protected Species Survey carried out by ecologists BJ Collins and dated October 2018. The ecology survey identified a very limited potential ecological impact from any proposal for a development on the garden, with the proposed new dwelling sitting in a landscape which is modified and maintained to a high ornamental standard. The habitats of value on the site include for native hedgerows, on the north-west and part north-east

boundary, as well as a range of non-native mature hedgerows with value for species such as nesting birds. There is an area of deciduous woodland to the southern side of the boundary which has ecological value for a range of mammals, birds and invertebrates.

Requirements for further ecological works are minimal and include mitigation such as undertaking works outside of bird breeding season which could be secured by condition if permission were to be otherwise forthcoming. The report also makes reference to three trees which have bat roosting potential however having cross referenced these specimens with the Tree Survey they are all proposed for retention and therefore I see no reason for further survey works / mitigation measures in line with the current application submission.

### Overall Balance and Conclusion

The applicant has responded to concerns raised by Officers during the life of the application to submit a revised scheme which has specifically attempted to respond to the relationship which the proposed dwelling would have with the host dwelling in the heritage context particularly. Whilst the revised design and its intentions are noted, the matter remains that the development of this part of the site would detract from the setting of The Academy. Moreover, currently this site can still be read in association with the parkland, but the development as proposed would permanently detach the site from the parkland. The parkland makes an important contribution to Winthorpe Hall and other associated buildings, including The Academy and the historical significance and character of the conservation area. On this basis the proposal would amount to less than substantial heritage harm.

In addition to the above, whilst the intentions to retain as much tree cover as possible are supported (and indeed necessary from a heritage perspective), this has detrimental consequences for any proposed occupiers of the dwelling in amenity terms. Almost the entirety of the curtilage associated with the dwelling would be covered by tree specimens, some being of significant scale and height. In the context of almost solely south facing windows, any proposed occupiers of the dwelling would suffer an unacceptable degree of overshadowing and overbearing.

The benefit of a marginal contribution to the Districts Housing Supply is in no way considered to outweigh the above identified harm and therefore the recommendation is one of refusal on the basis of the reasons below.

### RECOMMENDATION

**That planning permission is refused for the following reasons:**

#### Reasons

01

The application site is within the designated Conservation Area of Winthorpe. Moreover, the site is within the grounds of the Grade II listed dwelling known as The Academy and historically the site was part of Winthorpe Hall parkland, therefore within the historic setting of the Grade II\* listed Winthorpe Hall. The trees within the site have been identified in the conservation area appraisal as a significant group of trees. Currently there is a low picket fence between the garden of The Academy and the Parkland belonging to Winthorpe Hall.

The development as proposed would disrupt and significantly alter the contribution this tree area makes to Winthorpe Hall Parkland as well as the designated Conservation Area. Moreover, the positioning of the proposed dwelling, in front of The Academy would represent an awkward relationship with the host dwelling even in the revised form of the design which intends to represent an ancillary building form.

The proposal will also cause harm to the character and appearance of the conservation area as well as the setting of the Grade II listed The Academy and the setting of the Grade II\* listed Winthorpe Hall in respect to its associated Parkland. Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by the public benefits of the proposal, namely in respect of the contributing marginally towards the housing stock within the District and supporting local services. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the local Development Plan namely, Spatial Policy SP3 (Rural Areas); Core Policy 9 (Sustainable Design); Core Policy 14 (Historic Environment); of the adopted Newark and Sherwood Core Strategy 2019, Policy DM9 (Protecting and Enhancing the Historic Environment); and Policy DM5 (Design) of the Allocations and Development Management DPD. The proposal is also contrary to the objectives of preservation required under section 72 of the Act and the Winthorpe Conservation Area Appraisal.

02

The proposed siting of the dwelling is in an existing area of dense tree cover. The proposal would amount to the loss of five trees specifically within the site albeit the quality of these trees does not warrant them worthy of specific retention.

Notwithstanding this, the proposed dwelling would have insufficient functional amenity space that would be completely dominated by surrounding trees intended for retention, the impact of which would be exemplified by the almost complete reliance on south facing windows for the dwelling which would lead to overshadowing and restricted natural light internally.

There would also be seasonal tree debris (from leaves, fruits, seeds etc) which could be seen as a nuisance as well as apprehension of occupants over the possible failure of trees/tree parts that are likely to be of concern to any future occupiers given the close proximity of large trees to their dwellings and this would also lead to pressure for repeat pruning and/or tree felling. Furthermore the space that the dwelling would have access to would be severely restricted and overshadowed with occupiers having to manage their space as woodland rather than garden. Overall it is considered that the proposal is contrary to Policies SP3 (Rural Areas), CP9 (Sustainable Design) and CP12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy (2019) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the adopted Allocations and Development Management DPD which together form the Development Plan, as well as the NPPF, a material planning consideration.

#### Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may

therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Director of Growth and Regeneration**



Committee Plan - 19/00503/FUL

