

APPEAL BY MR AND MRS COX AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DWELLING HOUSE ON LAND TO THE REAR OF GRINDLEY COTTAGE, CHURCH LANE, BETLEY

<u>Application Number</u>	15/01033/FUL
<u>LPA's Decision</u>	Refused
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	25th August 2016

In dismissing the appeal, the Inspector found the main issue to be the effect of the development on the setting of the Grade I Listed Building, St Margaret's Church, and on the character of the Betley Conservation Area.

- The appeal site lies within the Betley Conservation Area. St Margaret's Church, a Grade I listed building, adjoins the northern boundary of the site. The graveyard within which the listed building sits and the detached graveyard to the north of Church Lane are noted in the Conservation Area Appraisal as 'significant open spaces'. The land surrounding the church provides an open setting and as it is also elevated the heritage asset creates a prominent feature within the street scene.
- The residential properties in the area vary in terms of their age, scale and design. Several in the vicinity of the church, including Grindley Cottage and Grindley House, are identified in the Conservation Area Appraisal as 'positive buildings'. The appeal site forms part of the garden to Grindley Cottage.
- The site is relatively well screened by existing mature trees on its boundaries with the lane to the cricket club and its car park. There are also trees within the central area of the site, some of which would be lost as part of the development. The level of screening provided by the trees varies between seasons and from several viewpoints the foliage limits views of the church and would filter views of the proposed dwelling. The boundary with the church is marked by a hedge recently planted within the graveyard which in time will increase the degree of enclosure of the appeal site.
- From vantage points in the area filtered views of the dwelling would be possible and in some views it would be seen in the context of the church. This would be particularly so from the car park of the cricket club where in times when there is no foliage on the trees the dwelling would be seen in the foreground. The dwelling would impose on the open view of the tower currently seen from The Butts. Furthermore, from Church Road and various points within the detached graveyard, the proposed dwelling would be seen in the backdrop to the church. The appeal site is therefore important in the wider setting of the listed building. The proposed dwelling would have the potential to encroach into the open character of that setting which is of significance to the heritage asset.
- It is accepted that other properties in the area are seen in the context of the church. However, most of these properties are set on lower ground and do not detract from the prominence of the listed building
- The proposed dwelling is described by the Appellant as a cottage of traditional appearance built of reclaimed brick and sandstone under a slate roof. However the dwelling would be split level. The elevation facing the church would be part single and part two storey and would contain openings of varying proportions including large full height windows.
- It is accepted that there is a variety of styles of property surrounding the church however there is no detailed analysis or substantive explanation which justifies the design of the dwelling now proposed and the contribution it would make to the setting of the heritage asset.
- On balance it is considered that the siting and design of the dwelling would be unsatisfactory and cause harm to the setting of the listed building, contrary to Policy B5 of the Newcastle under Lyme Local Plan 2011 (LP) and the aims and objectives of the National Planning Policy Framework which resist development which would adversely affect the setting of a listed building.

- In respect of the degree of harm that would be caused to the setting of the heritage asset it is considered it would be less than substantial. The balance against public benefits required in these circumstances by the Framework is addressed later.
- Any development on the appeal site would be important in the transition from the built development of the settlement and the rural landscape beyond. Given the identified design concerns, it is considered that the proposal would fail to create a strong sense of place and would not promote or reinforce local distinctiveness. As a result the proposal would not integrate well into the landscape and the historic character of Betley. On this basis the development would fail to preserve or enhance the character or appearance of the Betley Conservation Area. However, the harm it would cause would be less than substantial.
- In circumstances where less than substantial harm is identified, the Framework requires the proposal to be weighed against the public benefits the proposal would bring. No public benefits have been identified in evidence and although the provision of a dwelling would go towards addressing the national housing shortage, there are no details of the effect it would have locally. It is therefore concluded that there are no public benefits sufficient to outweigh the harm identified to the setting of the listed building and the character of the conservation area.

Recommendation

That the decision be noted.