



Appeal Decision

Site visit made on 24 April 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2019

Appeal Ref: APP/X1355/W/18/3216871

Land to the West of Bridgewater Arms, Winston DL2 3RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Stuart Hendriksen against the decision of Durham County Council.
- The application Ref DM/17/03751/OUT, dated 1 February 2018, was refused by notice dated 26 October 2018.
- The development proposed is 16 dwelling houses (C3 use) plus infrastructure and landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to the appeal was in outline with all matters reserved for future consideration and I have dealt with the appeal accordingly. An indicative scheme to illustrate how the site might accommodate the dwellings proposed has been produced, which I have taken into account on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the setting of the nearby Grade II listed building, and on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located on the edge Winston, a small village with limited services, laid out in a linear fashion along the B6274 that runs through the village. The appeal site comprises a parcel of land immediately to the West of the Bridgewater Arms, a Grade II listed building.
5. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the building or its setting. I am also mindful that paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset (DHA), great weight should be given to the asset's conservation.
6. With regards the Bridgewater Arms, the DHA, the listing refers to the Grade II listed building as being a former school house dating from 1851 with later additions and alterations. The description notes that the attached public house

- to the east is not of special interest. On the basis of the evidence before me and my observations on site, the appeal site is within the setting of the listed building.
7. While a Heritage Statement was submitted, the appellant has not described the significance of the heritage asset affected or sought to grapple in any meaningful technical detail with the implications of the proposed development on the significance, as required by paragraph 189 of the Framework.
 8. The indicative plan shows a garage and semi-detached property very close to the DHA. The introduction of dwellings in close proximity to the DHA with associated residential paraphernalia would adversely affect the setting of the listing building resulting in a loss of significance.
 9. While I note the appellants comments regarding the retention of the existing boundary treatment between the appeal site and the DHA, I do not consider that the low-level stone wall would mitigate the impact of the proposed development.
 10. The proposed development would introduce significant built development onto this otherwise open site, necessitating the removal of a number of notable trees that contribute to the character and appearance of the area. As such, the development not accord with the otherwise open and rural character and appearance of the surrounding area.
 11. I acknowledge that, as detailed previously, the application that led to this appeal was in outline only with all matters reserved and as such the plans submitted with the appeal are indicative only. However, there is no substantive persuasive evidence before me to demonstrate that amendments to the site layout would overcome the harm I have identified.
 12. The harm to the DHA would be less than substantial and in accordance with Paragraph 196 of the Framework this harm should be weighed against the public benefits of the proposal.
 13. The proposed development would deliver approximately 16 new homes and while the 5-year housing land supply position is at dispute between the parties, I none the less give this public benefit some weight. However, it does not overcome the harm that I have identified above, harm that I am required to give great weight to.
 14. As a consequence, I find that the proposed development would have a harmful effect on the setting of the nearby Grade II listed building, contrary to the requirements of s66(1) of the Act, and on the character and appearance of the surrounding area. Accordingly, I find there to be conflict with the design, landscaping, heritage protection and conservation aims of saved Policies GD1 (Bb & I), ENV3, ENV10 (B & D) and BENV3 of the Teesdale Local Plan as well as paragraph 193 of the Framework.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

M Brooker

INSPECTOR