



Appeal Decision

Site visit made on 16 March 2015

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 June 2015

Appeal Ref: APP/E2530/A/14/2229265

Land off the south side, Kettering Road, Stamford, Lincolnshire PE9 2JS

- 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 James Griffiths (Kier Homes) against the decision of South Kesteven District Council.
 - The application Ref S13/3322/MJRF, dated 2 December 2013, was refused by notice dated 30 May 2014.
 - The development proposed is residential development, comprising 48 houses and associated parking spaces and garages together with access road and turning areas, open space and landscaping, foul water pumping station, surface water balancing pond and open space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The details provided indicate that a number of revisions were made to the planning application before it was determined by the Council. From the evidence before me, the plans and drawings listed by the Council in its suggested condition submitted as part of the appeal process reflect the scheme that was determined by the Council and I intend to consider the appeal accordingly.

Main Issue

3. The appeal site is located outside but adjacent to the Stamford Conservation Area. It is also within relatively close proximity to a number of listed buildings, including the grade II Fryers' Callis almshouses, Burghley Lodges, gateway arches, gates and flanking walls, and the grade II* registered park and garden of the grade I Burghley House. These are designated heritage assets and I am mindful of my statutory and non-statutory duties in these respects.
4. The main issue in this appeal is the effect of the proposal on the character and appearance of the area, with particular regard to whether or not it would preserve the setting of nearby listed buildings and the registered park and garden, and preserve or enhance the character or appearance of the Conservation Area.

Reasons

5. The appeal site is situated to the edge of Stamford, in an area where there is a strong contrast between the tightly-knit urban character of the town and the rural landscape around it. The Stamford Conservation Area extends across the historic core of the town and includes the area known as St Martin's, adjacent to the site,

- as well as some areas of later development. From the details available to me, I consider that the significance of the Conservation Area is largely drawn from the number and variety of high quality historic buildings that it contains and its vibrant mix of uses, together with its use of materials, pattern of development and the relationship of buildings to the spaces around them.
6. In addition, the setting of this part of the town, within the context of the surrounding landscape, also makes a particularly important contribution to the significance of the Conservation Area. The approach to Stamford on London Road retains a largely rural character, which changes abruptly as it rounds the corner into the town, creating a dramatic sense of arrival into the heart of the Conservation Area. Although, due to the school, playing fields and pedestrian crossing, Kettering Road is somewhat more transitional in character, the listed Fryers' Callis almshouses and adjacent football club clearly signal the edge of the urban environment on that side of the road.
 7. Whilst roadside hedges provide screening along much of London Road, the distinct change on the edge of the town from countryside to high density urban development can be seen clearly from the south, including from First Drift and Wothorpe Park, with views of the closely packed roofscapes, punctuated by numerous church steeples, contained within a more expansive largely rural landscape. The Council's Conservation Appraisal indicates that this setting of the town was strongly influenced by Burghley House, and the west gates to its extensive parks and gardens occupy a prominent position on the London Road approach to the town.
 8. From the evidence before me, including the listing descriptions, I consider that the significance of the various listed buildings nearby is largely derived from their form, historic fabric and particular architectural features. However, the distinctive rural setting of the listed 'Bottle Lodges' and gateway contributes positively to their importance and, in reflecting the relationship of the estate to the adjacent settlement and reinforcing its status as a country house, is also important to the setting of the registered park and garden and the wider setting of Burghley House.
 9. The village of Wothorpe is located to the south of the site and contains a listed building, known as The Old Priory, situated to the edge of the settlement, with extensive views over the surrounding countryside towards Stamford. The village lies within the adjoining local authority administrative boundary and has been designated as a Special Character Area within the development plan for that area.¹ This designation acknowledges the strong landscape character, architectural quality and landscape patterns of the settlement.
 10. From the details available to me, I regard the Wothorpe Special Character Area as a non-designated heritage asset. Given the topography within the area, the physical and visual relationship of the village to Stamford and the location of The Old Priory within the village, I consider that the countryside setting of Wothorpe makes an important contribution to its special character, as well as to the significance of the listed building. Consequently, overall and for the above reasons, I consider that, in respect of all these various heritage assets, their setting makes a valuable contribution to their significance.
 11. The appeal site is set back from London Road, separated from it by a field. Although boundary hedges and trees provide some screening, the appeal site is visible from both this road and the Kettering Road, which it adjoins. The site is undeveloped and, as part of the surrounding rural landscape, it forms part of the

¹ Heritage Asset Statement, November 2013, p3.13-3.17

views of the town available from First Drift. Views are also obtained from public footpaths, which cross the site and extend into the landscape beyond, linking Wothorpe to Stamford. From the evidence before me, these paths are well used and the wider landscape setting of this part of the town is highly valued by local residents. In some of these views and from within the site, it can be seen in relation to the nearby listed buildings. I consider that the site is important in this regard and, due to its location and physical and visual relationship with the land and buildings around it, is a key gateway site, which currently makes a strong positive contribution to the setting of the town and the setting of nearby heritage assets, including the Conservation Area.

12. The site is allocated for housing development in the recently adopted *South Kesteven District Council Site Allocations and Policies Development Plan Document 2014 (SAP)* and, as such, the principle of developing the site has very recently been considered acceptable. Notwithstanding the very strong local concerns that have been expressed in this respect, there is no substantive evidence before me that would lead me to consider that this recently adopted allocation, or SAP Policy STM1a, are out of date or that material considerations exist that indicate that the appeal site should not be developed for some form of housing. Such a development would, inevitably, result in a change to the character of the site which, for the above reasons, would be very likely to have some impact on the setting of the town and the nearby heritage assets. However, local and national planning policies and guidance require this change to be managed sensitively.
13. This requirement is reflected in the specific wording of SAP Policy STM1a, which acknowledges the particular sensitivity of the site. Amongst other matters, the policy requires the development of the site to preserve and enhance the setting of Stamford and nearby heritage assets. Furthermore, although the policy envisages an indicative number of 50 houses on the site, it also requires that the quantum of houses built on the site must be supported by a heritage impact assessment (HIA), which demonstrates that the layout and design of a proposal would not adversely affect the approach to the town and nearby heritage assets and preserves local distinctiveness.
14. The submitted HIA identifies that, with regard to the setting of the Bottle Lodges, careful consideration should be given to the design of the southern boundary of the site.² This is also reflected in the landscape and visual appraisal (LVA) which, although it does not assess the landscape and visual effects of the appeal development,³ is detailed in its baseline analysis and identifies a landscape strategy for the development of the site.⁴ However, the appeal scheme would not appear to follow these recommendations as, amongst other matters, development would not be set back from the southern boundary of the site and the design of the proposal would not result in a landscape dominated streetscene or, taking account of its impact from London Road on the Burghley Lodges and west gate, one in which new development on the site would appear as rooftops within groups of trees.⁵
15. Several covered parking spaces would be located adjacent to the access into the site from the main road, with a significant area of open parking situated towards the site frontage, and sizeable access and turning areas close to the southern boundary of the site. The pattern of development proposed, with dwellings variously grouped around these estate roads, access drives and parking areas,

² Heritage Asset Statement, November 2013, p3.31

³ Landscape and Visual Appraisal, February 2014, p1.3.4

⁴ Ibid., p5.4

⁵ Ibid., p3.1.34

together with the absence of significant landscaping within much of the site, would result in a car-dominated layout and an overall design of development that would appear as a modern form of suburban housing. Notwithstanding the more substantial planting and landscaping to the site frontage, the inclusion of footpath links through the site and the varied mix of dwellings, this would be materially at odds with the character of much of the existing townscape in the vicinity of the appeal site.

16. Furthermore, due to the design of the proposal and the limited landscaping proposed on the southern boundary of the site, as well as the topography of the locality and the intervisibility of the site with its surroundings, the scheme as proposed would not effectively blend into the countryside in views from the south. Notwithstanding the roadside hedges or separation distances involved, the proposal would figure prominently in views of Stamford from this direction and, as a result of its inappropriate layout and insensitive design, it would have a significant adverse impact on the approach to the town and on the setting of nearby heritage assets. The envisaged landscaping elsewhere within the site, retention of existing planting, provision of an area of open green space to the south of the site, inclusion of chimneys and the orientation and siting of the dwellings, would not be sufficient to address this harmful impact.
17. Having regard to existing development nearby, I am satisfied that the height and appearance of the appeal dwellings would not be materially detrimental to the character of the area. Furthermore, whilst I share the Council's concerns about the quality of the materials proposed, having regard to the appellant's appeal submissions, I consider that this matter could be adequately addressed by condition. In addition, there is nothing substantive before me to demonstrate that the density of development proposed, in terms of the quantum of dwellings in relation to the size of the site, would be excessive. It is also not a matter of contention that the site is considered very unlikely to have archaeological significance and there is nothing before me that would lead me to consider otherwise in this respect. Nonetheless, none of these matters addresses the harm identified above.
18. The appeal site is located adjacent to Pinfold Lane, which largely comprises individual substantial detached dwellings in relatively generous plots and is distinctively different in character from much of the other development nearby. However, due to its layout, relationship with the surrounding road and footpath network, local topography, boundary screening and areas of more extensive planting, the wider impact of these existing dwellings is limited and materially different to that which would result from the appeal scheme. As a result, this existing development does not lead me to alter my findings above.
19. Similarly, I note that the redevelopment of the football ground, opposite the appeal site on Kettering Road, has recently been approved. Whilst I do not have full details of this proposal, from those available to me, the location and layout of this approved scheme, its relationship with existing development nearby, and its impact on the streetscene and the setting of nearby heritage assets would be materially different to the appeal proposal. Accordingly, I do not regard it as directly comparable with the scheme before me. Moreover, the existence of other development, or permissions granted, elsewhere is not an appropriate reason to allow development that would cause harm.
20. As such, notwithstanding the conclusions of the HIA and the absence of objections from the Council's conservation officer, I am not satisfied overall that the scheme as proposed would respond appropriately to the challenges of this particular site. For the above reasons and on the evidence available to me, including the detailed

concerns raised by the Stamford Civic Society and others, together with the comments of English Heritage, I consider that the proposal would be unsympathetic to the sensitive context of its location, as it would not integrate successfully with the surrounding historic, built or natural environment, would not preserve local distinctiveness, and would cause harm to the setting and significance of the nearby heritage assets and the character of the surrounding landscape.

21. Accordingly, I conclude that the proposal would be materially harmful to the character and appearance of the area and would not preserve the setting of nearby listed buildings and the registered park and garden or the character and appearance of the Conservation Area. It would not be in accordance with SAP Policy STM1a, or the *South Kesteven District Council Core Strategy 2010* Policy EN1, which seeks to protect local character and appearance, including in relation to landscape and the historic environment.
22. The proposal would be harmful to the significance of nearby heritage assets and I give this considerable importance and weight. However, the proposed development would not lead to the loss of the listed buildings or the registered park and garden, and would affect one site situated adjacent to, but outside, a much larger Conservation Area. The proposal would also be separated by some distance from the Wothorpe Special Character Area. Accordingly, I consider that the resulting harm, whilst material, would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal. For non-designated heritage assets, paragraph 135 requires a balanced judgement to be made, having regard to the scale of any harm or loss and the significance of the heritage asset.
23. The main public benefits resulting from the scheme would be the provision of a significant number of new dwellings, in a location that is within easy reach of a range of local services and facilities. This would contribute to the mix of housing available within the local area and add to the local housing stock. Furthermore, a completed planning obligation has been provided which, amongst other matters, would provide 17 units of affordable housing as part of the scheme. From the details available to me, I am satisfied that this element of the obligation would meet the relevant tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework. As such, this affordable housing represents a benefit of the proposal which is appropriate for me to take into account. The appeal scheme would also result in support for local services and facilities, both during the construction of the dwellings and after their occupation, which would have economic and social benefits. Given the general encouragement in the Framework for such development, I give these benefits significant weight.
24. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a designated heritage asset in considering the impact of a proposal on its significance. It goes on to state that significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development as proposed would not make such a contribution, nor would it meet the aims of paragraph 109 of the Framework, to protect or enhance valued landscapes.
25. Consequently, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the designated heritage assets, or the Wothorpe Special Character Area and the surrounding landscape.

Consequently, the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Other matters

26. There are benefits that weigh in favour of the scheme and contribute towards the aim of achieving sustainable development. However, paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. For the reasons given above, I consider that the harm identified would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal would not meet the overarching aims of the Framework to achieve sustainable development and I find that its contribution to the supply of local housing, including its provision of affordable housing, would not be a compelling reason to allow this appeal.
27. A number of other local concerns were raised in relation to the proposal, including in respect of traffic generation, public rights of way, pedestrian links to the town centre, the effect on local services, flooding, drainage, pollution and ecology. However, having regard to the evidence before me and taking into account my findings above, it is not necessary for me to consider these matters further in this case.
28. The submitted planning obligation would also provide financial contributions towards the provision of allotments, education and health facilities, works to the highway, household waste and recycling, and open space on and off the site. However, as these contributions seek to address certain impacts of the proposal, given my findings above, it is not necessary for me to examine the obligation in detail.
29. I note that the application was recommended for approval by the Council's officers. Whilst I recognise that the outcome of the appeal is very likely to be disappointing to the appellant, particularly in these circumstances, this matter does not lead me to alter my findings above.

Conclusion

30. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Anne Napier-Derere

INSPECTOR