

Report to Planning Committee

Application Number: 2019/1180

Appeal Ref: APP/N3020/W/23/3315686

Site Address: 34 Main Street, Calverton

Application description: Proposed demolition of existing dwelling and erection of 3 retail units at ground floor with 8 apartments over

Case Officer: Kevin Cartwright

The planning application was refused permission on the 1st August 2022 for two reasons, reproduced below, having been considered at the Planning Committee of the 27 July 2022:

- 1) The three storey element of the proposal would result in less than substantial harm to the setting of the Conservation Area and Listed Church that is not outweighed by the identified public benefit of the development, contrary to Part 16 of the National Planning Policy Framework (NPPF), Policy 11 of the Aligned Core Strategy (ACS) and Policies LPD 26, LPD 27 and LPD 28 of the Local Planning Document (LPD).
- 2) The design of the proposed development would result in in less than substantial harm to the setting of the Conservation Area and Listed Church that is not outweighed by the identified public benefit of the development, contrary to Part 16 of the National Planning Policy Framework (NPPF), Policy 11 of the Aligned Core Strategy (ACS) and Policies LPD 26, LPD 27 and LPD 28 of the Local Planning Document (LPD).

The appeal was dismissed with the Inspector having a considered a number of key issues outlined in turn below.

Firstly, the majority of the application site is within Calverton Conservation Area (CAA) and the Inspector did not feel that the poor state of the site, in terms of maintenance, was an overriding factor that should allow for a development that would be unsympathetic to the CCA given that it would be possible to refurbish the existing building. The Inspector considered that the shop fronts in building A would be acceptable and its form and materials would be reflective of period cottages nearby. However, the roof form and massing was out of character with the area and large parking area to the front of the site would detract from CAA.

Building B, which was proposed to be three-storey in height and, in particular, the height of the built form would be out of character with the area and its overall design have an adverse impact on the setting of the CCA, as well blocking views into and out of CCA. Moreover, the proposal would have a detrimental impact on mature trees.

The Inspector considered the harm CCA to be less than substantial; however, the public benefits of the scheme, be they, economic, social or environmental, did not outweigh that harm to allow the appeal to succeed.

Secondly, the Inspector concluded that the impact on ecology would not be acceptable. The ecology report submitted in support of the application indicated that there were likely bats in the bungalow proposed to be removed and further surveys would be required. However, no surveys were completed and, as a result, the impact on protected species was unclear and this justified dismissing the appeal in that it is not possible to condition such surveys.

Thirdly, in respect of the impact on the setting of Listed Buildings, notably St Wilfrid's Church and Corner Cottage, the Inspector did not consider that their setting would be detrimentally affected in that whilst the appeal site has characteristics consistent with the early development pattern there is nothing to indicate that it has a historic or functional relationship with the Listed Buildings.

Therefore, in conclusion, the Inspector dismissed the appeal on the key two grounds of being out of character with the area and detrimental to CCA, as well as not having enough information to fully assess the impact on ecology.

Furthermore, an application for costs was also made against the Council, which was allowed. The Inspector considered the reasons for refusal to be vague and ambiguous. As a result, it was not clear to the appellant what the key issue of concern was for the Council. This lack of clarity was considered to be unreasonable behaviour, which would allow an award of costs.

As a result, the appeal has been dismissed but costs were allowed.

Recommendation: To note the information.