
Appeal Decision

Site visit made on 6 September 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 19 October 2016

Appeal Ref: APP/R1845/W/16/3151236

**Former Women's Royal Voluntary Service Hall, Lax Lane, Bewdley
DY12 2DZ**

- 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 Metro Realty Homes Limited against the decision of Wyre Forest District Council.
 - The application Ref 15/0329/FULL, dated 4 June 2015, was refused by notice dated 18 March 2016.
 - The development proposed is residential development comprising of 4no. dwellings with associated access and amenities.
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Decision

1. The appeal is allowed and planning permission is granted for residential development comprising of 4no. dwellings with associated access and amenities at Former Women's Royal Voluntary Service Hall, Lax Lane, Bewdley DY12 2DZ in accordance with the terms of the application, Ref 15/0329/FULL, dated 4 June 2015, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the adjacent Bewdley Conservation Area and the settings of nearby listed buildings.

Reasons

3. The four semi-detached townhouses would, according to the Council Officer's report, be about 1.8 metres higher than the properties to the immediate south east, being 20-24 Gardners Meadow. The appellant advises that the three storey design was partly informed by the location within a flood zone so habitable rooms have been situated on the upper floors. The red brick townhouses with brown/grey clay tiled roofs incorporate dormer windows and other features such as dental coursing characteristic of both historic and modern buildings in the area.
4. Three and four storey buildings are not uncommon in the wider locality. The townhouses would front onto Gardners Meadow and though the immediately adjacent dwellings are two storeys, there are three storey buildings within that area. The floor height of the development would also sit below existing floor heights along Gardners Meadow reducing the perception of its greater overall height. Gardners Meadow is a private road providing access for residents so public views from within that area would be more limited.

5. Though many of the buildings on Lax Lane are single storey, as the proposal is to the rear of existing buildings and the proposed houses would be side on to it, views of the development from Lax Lane would be limited. Overall therefore, I do not consider that the character and appearance of the immediate street scenes of Gardners Meadow or Lax Lane would be significantly adversely affected.
6. I now turn to consider the effect on Bewdley Conservation Area (CA), adjacent to the appeal site, and the settings of nearby listed buildings within the CA. The Planning (Listed Buildings and Conservation Areas) Act 1990 ss. 66(1) and 72(1) require that decision makers have special regard to the desirability of preserving the building or its setting and to preserving or enhancing the character and appearance of a conservation area. The 'setting' comprises the surroundings in which such heritage assets are experienced and can include views to and from the heritage asset.
7. The listed buildings on the northern side of Lower Park, though forming a dense set of facades, do benefit from private gardens and some undeveloped land to the rear which contributes to their settings. From the corner of Lax Lane and Severnside South there are views, between the built environment and mature trees, of parts of the upper storeys and roofs of the listed buildings in the distance. The proposed three storey townhouses, within a site abutting the CA and listed buildings, would be within the field of vision from that public vantage point. The development would also be visible, as accepted in the appellant's Heritage Statement, from the junction of Lax Lane and High Street as a back drop to 15 Lower Park.
8. It would also be seen looking towards Lower Park from the road within the Gardners Meadow development. Though this is a private road, Planning Practice Guidance (PPG)¹ states that the contribution that setting makes to the significance of the heritage asset does not necessarily depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
9. The development would be visible from the rear upper floors of listed buildings on Lower Park, including Nos 15, 6 and 7, though some of the views would be oblique. Whilst such views can also be an aspect of 'setting', the skyline already consists of an existing built environment, including the houses in Gardners Meadow, and mature trees and vegetation. The current views outwards are, therefore, not open vistas of parkland which would be interrupted by the development. Rather, the development would form additional buildings in the skyline, though its greater height and proximity to the CA and listed buildings would give it some prominence.
10. Taking into account all of the above factors, I find that the development would cause some limited harm to the character and appearance of the adjacent CA and the settings of nearby listed buildings. As such, the proposal does conflict with Policy CP11 of the Wyre Forest District Council Core Strategy (2006-2026) (Adopted December 2010) (CS) and Policies SAL.UP6, SAL.UP7, and SAL.B2 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2013 (LP), insofar as they seek to protect the character and appearance of the CA and the settings of listed buildings.

¹ Planning Practice Guidance: Conserving and Enhancing the Historic Environment ID: 18a-13-20140306

11. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions. Paragraph 132 of the Framework says that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Though I have found some harm, for the reasons already explained, I consider that the harm would be less than substantial. That conclusion is shared by the Council. Paragraph 134 of the Framework says that where a development proposal would lead to less than substantial harm that harm should be weighed against the public benefits of the proposal.
12. The PPG states that public benefits could be anything that delivers economic, social or environmental progress as described in paragraph 7 of the Framework. In economic terms, the development would contribute to the economy by providing short term employment during construction and in the purchase of construction materials. Future residents would also be likely to contribute to the local economy and potentially to the locally available workforce.
13. Socially, it would contribute to the supply of quality housing with the provision of four townhouses in a suitable location with easy access to a range of local services. The appeal site is part of a site allocated for residential, business or community uses by Policy SAL.B2 of the LP and identified as suitable for residential use in the Strategic Housing Land Availability Assessment (SHLAA).
14. The development would also be in accord with one of the twelve core land-use planning principles, elucidated in paragraph 17 of the Framework, which encourages the effective use of land by re-using land that has been previously developed. In addition, there is public benefit in bringing a vacant site back into use which if left vacant for an extended period provides the potential for antisocial behaviour. Future residents would support the viability of local services and are likely to make a contribution to the community through interaction and involvement.
15. From an environmental perspective, as the development is only about 350 metres from the town centre it would increase the likelihood that future residents would make more journeys on foot or by bicycle rather than by private motor car, in accord with paragraph 30 of the Framework. The planting scheme would also contribute to the ecology of the site and help to mitigate any perceived negative visual effect. Cumulatively, I consider these benefits to be significant.
16. In conclusion, the harm that I have identified to the character and appearance of the adjacent CA and the settings of nearby listed buildings is very limited. Therefore, it is less than substantial harm and I consider that it is clearly outweighed by the overall public benefits of the proposal.

Other Matters

17. In addition to the main issues, local residents and groups have raised other matters. Concerns have been expressed about parking. As the proposal includes integral car ports and additional visitor parking spaces within the site, I do not consider that it would add to parking difficulties in the area. With regard to vehicle access, I note that the highway authority is satisfied with the proposed arrangements. It has also been suggested that four townhouses is excessive for the size of the site but the Council found the housing density

acceptable and I share the Council's view. The effect on the living conditions of the occupants of neighbouring properties was also carefully considered by the Council and I agree with the Council that there would be no significant harm.

Conditions

18. I have considered the various planning conditions that have been suggested by the Council, amending them if necessary. A condition setting a time limit for the commencement of the development is a statutory requirement. For the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be carried out in accordance with approved plans is appropriate.
19. Conditions regarding materials, windows, hard and soft landscaping and bin stores are necessary to safeguard the character and appearance of the area including the adjacent CA and nearby listed buildings. A condition relating to site access, the service road and turning and parking areas is necessary in the interests of highway safety. A condition concerning parking for bicycles is appropriate to maximise accessibility for bicycles. The conditions relating to car ports and floor levels are appropriate for flood prevention and mitigation.
20. A condition in respect of drainage is necessary to ensure that the drainage arrangements are adequate. A flood management and evacuation plan is necessary to protect the safety and living conditions of future occupiers. Conditions restricting permitted development rights are appropriate to safeguard the character and appearance of the adjacent CA, to ensure private garden space is retained for future occupiers and to protect the living conditions of occupants of neighbouring properties. A condition relating to an archaeological scheme of investigation is appropriate given the proximity of the site to the medieval settlement of Bewdley.

Conclusion

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

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4129-P-01; 4129-P-14 C, 4129-P-15, 4129-P-75 A, 4129-P-76 A, 4129-P-35 A, 4129-P-32 B, 4129-P-33 B, 4129-P-34 C, and 4129-P-10.
- 3) No development shall commence until details of all external surfacing and facing materials, including in the new wall to be constructed along Lax Lane have been submitted to and approved in writing by the local planning

authority. Development shall be carried out in accordance with the approved details.

- 4) All new window openings shall be set back 75mm from the facing brickwork.
- 5) No development shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include;
 - (i) a statement setting out the design objectives and how these will be delivered;
 - (ii) hard surfacing materials;
 - (iii) an implementation programme.

The landscaping scheme shall be carried out in accordance with the approved details before any part of the development is occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management/or maintenance.

- 6) Details of soft landscaping works shall include planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
- 7) The development hereby permitted shall not be occupied until details of the design and materials to be used in the construction of the bin stores have been submitted to and approved in writing by the local planning authority. The construction of the bin stores shall be carried out in accordance with the approved details.
- 8) No development shall take place until details have been submitted to and approved in writing by the local planning authority of how the site access, service road and turning and parking area would be surfaced and drained. No dwelling shall be occupied until the approved site access, service road and turning and parking area has been constructed. The approved site access, service road and turning area shall be retained thereafter, with the parking areas kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 9) No dwelling shall be occupied until space has been laid out within the site for 12 bicycles to be parked (3 spaces per unit) and that space shall thereafter be kept available for the parking of bicycles.
- 10) The carports hereby permitted shall be kept open at all times and shall not be enclosed or converted to habitable space.
- 11) No building hereby permitted shall be occupied until foul and surface water drainage works shall have been implemented in accordance with the details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard

to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The development shall be carried out in accordance with the approved details.

- 12) No development shall take place until full details of the finished floor levels for all habitable rooms, which shall be set no lower than 23.06 metres above ordnance datum, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 13) No building hereby permitted shall be occupied until a flood management and evacuation plan shall have been implemented in accordance with the details that shall first have been submitted to and approved in writing by the local planning authority. In a flood event, the development shall be managed in accordance with the agreed details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no alterations shall be made to the roofs of the dwellings or outbuildings constructed which are incidental to the enjoyment of the dwelling houses.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no windows shall be constructed on the south-east elevation of plot 4.
- 16) No development or demolition works shall take place within the area edged red on Drawing No 4129-P-15 until an Archaeological Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions.