

Appeal Decision

Site visit made on 24 August 2016

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 21 October 2016

Appeal Ref: APP/J1860/W/16/3150147

Broadwas Hall, A44 Broadwas, Worcestershire WR6 5NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Robert Shepherd against Malvern Hills District Council.
 - The application Ref 16/00202/FUL is dated 3 February 2016.
 - The development proposed is the creation of new vehicular access from the A44 to serve Broadwas Hall.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of new vehicular access from the A44 to serve Broadwas Hall at Broadwas Hall, A44 Broadwas, Worcestershire WR6 5NE in accordance with the terms of the application Ref 16/00202/FUL dated 3 February 2016 subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs has been made by Dr Robert Shepherd against Malvern Hills District Council. This application is the subject of a separate decision.

Procedural Matters

3. The appeal was made against the failure of the Council to give notice of its decision on the application within the appropriate period. Subsequent to the submission of the appeal, the Council have confirmed that they would have refused the application for the following reason, which I intend to consider this appeal on the basis of:

The creation of an access in close proximity to the existing original access would be detrimental to the historical significance in which Broadwas Hall is experienced and would not preserve or enhance the significance of this heritage assets or the rural character of the area. It is considered that this would amount to less than substantial harm to the heritage assets but that the public benefit of this harm has not been clearly justified. This is considered in conjunction with NPPF paragraphs 132-134, SWDP6 (Historic Environment) and SWDP24 (Management of the Historic Environment) and SWDP 21 Design.

4. I note that reference has been made to 'new gates' on the title of one of the submitted plans. It was clarified at the time of my visit that this did not form part of the proposal, and that the appeal application was accompanied by plans: Location Plan (Job No: 14/29 Drwg No: 01), Proposed Site Plan (Job No: 14/29 Drwg No: 02) and Proposed Vision Splays Job No: 14/29 Drwg No: 04). I have considered the appeal on this basis.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area and on the setting of listed buildings.

Reasons

6. Section 66 (1) of the Act requires the decision-maker to have special regard to the desirability of preserving listed buildings and their setting and any features of special architectural or historic interest they possess. The National Planning Policy Framework (Framework) sets out in chapter 12, policies for the conservation and enhancement of the historic environment and requires the identification and assessment of the significance of heritage assets; in this case the listed building. It also states that the significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Reference has been made to a number of Policies, including SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan, which require, amongst other matters, high quality design that integrates with its surroundings and conserves and where appropriate, enhances heritage assets and their setting.
7. Broadwas Hall is a Grade II listed 19th Century Country House. It is a three-storey building and its front elevation displays a high level of architectural detailing, which is set out in the listing description and includes features such as the decorated central porch. In addition to its architectural interest, historically the building is significant in that it reflects a country house property of this period.
8. The Framework advises that the setting of a heritage asset is the surroundings in which it is experienced. Broadwas Hall is approached by a long drive from the A44 and is only seen in glimpses from this main road. Views towards the building are also initially restricted by the slight curvature of the drive and dense vegetation and trees, but which then open, to give views across the landscaped grounds towards the listed building. As well as this lawn area, the orientation of the building, which gives views over the countryside to the north and west, provides an important setting to the listed building.
9. The proposal seeks a new access off the A44 to the east off the existing one and which would join the existing drive to the south of the detached garage. I recognise that it would alter the historic approach to Broadwas Hall and create a separate access, which would necessitate the clearing of some vegetation. However, from my site observations, given the distance between the new access and the listed building and the existing planting that would remain, I consider that there would be limited visibility from the A44 towards the Hall. Whilst recognising the garage would be partially viewed from the new access point, the drive would still provide an initially secluded approach to Broadwas Hall, prior to views opening across the lawn area. The contribution of the drive

to the setting of the listed building would not give rise to any adverse impacts and furthermore, the other important aspects of the setting which contribute to the significance of Broadwas Hall, including the presence of the lawn garden area and the countryside would remain unchanged.

10. I note the differing views on the design intention of the original drive and more specifically on whether it was intended provide an impressive or 'grand arrival', however for the reasons set out above, I do not consider that the proposed drive would result in an unacceptable impact on the significance of this heritage asset. There are a number of other listed buildings in the area around the appeal site, including a cluster of buildings around Stone Farm. I have limited information before me on the significance of these heritage assets. However, I acknowledge the contribution that the rural character along this section of the A44, which consists of grass verges, hedges and trees to both sides of the carriageway makes to the setting of these buildings.
11. The additional entrance and the need for adequate visibility splays would result in the removal of some vegetation but given the limited width of the proposed access and the extent of the dense planting along both sides of the road in the vicinity of the proposal, I do not consider the development would result in an unduly suburbanisation of the area. I also note the concerns expressed in relation to the surfacing of the driveway but I was able to see a number of tarmac-surfaced accesses and drives in the area. In this context, I do not consider the gravel bound drive proposed would be unduly harmful. As such, there would not be any unacceptable adverse effect on the rural character and appearance of the area or to the significance to the setting of the Stone Farm group of listed buildings.
12. Accordingly, I conclude that the proposal would not adversely harm the significance of the listed building arising from its setting. I also conclude that it would not unacceptably harm the character and appearance of the area. The appeal proposal would not conflict with Policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan, which require, amongst other matters, development proposals that conserve and enhance the significance of heritage assets, including their setting and high quality design that integrates effectively with its surroundings. There would also be no conflict with the Framework's principles of conserving and enhancing the historic environment.
13. I note the concerns raised in relation to the speed of traffic along the A44 and the increased potential for accidents arising from the development. However, given the proposed access would provide adequate visibility and the lack of objection from the Highway Authority, I do not consider the proposal would result in any unacceptable impact on highway safety.
14. I have considered the Council's suggested conditions in the event that the appeal was to be allowed. The standard time for the commencement of development will be imposed as well as a condition requiring compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have added a condition regarding visibility splays to provide an acceptable level of visibility at the junction with the A44. A condition requiring the submission of landscaping details are necessary in the interests of the character and appearance of the area and the listed buildings. This condition

includes details of hard landscaping to the driveway and the parking/turning area, although I have not been provided with the justification for a condition requiring a specification for the construction of the vehicular access to be provided. A condition is also required in relation to the submission of details relating to site operatives during the construction of the development to prevent inappropriate parking on the A44, in the interests of highway safety. The wording of the suggested conditions has been amended in the interests of enforceability without altering their meaning.

15. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Job No: 14/29 Drwg No: 01), Proposed Site Plan (Job No: 14/29 Drwg No: 02) and Proposed Vision Splays Job No: 14/29 Drwg No: 04).
- 3) Before the development hereby permitted is brought into use, visibility splays shall be provided, in accordance with the submitted details on Proposed Vision Splays plan (Job No: 14/29 Drwg No: 04), from a point 0.6m above ground level at the centre of the subject access to the appeal site and 2.4 metres back from the near side edge of the adjoining carriageway (measured perpendicularly), for a distance of 93 metres to the east and 107 metres to the west along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow within the area of the splays, which would obstruct visibility described above.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the surfacing material to the driveway and parking turning area, and the soft landscaping works, including a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size and number of plants proposed. The landscaping works shall be carried out in accordance with the approved details before the development is brought into use.

If, within a period of five years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

- 5) No development shall take place until details of the parking of vehicles of site operatives and visitors within the appeal site, has been submitted to, and approved in writing by the local planning authority. The provision will be retained, kept available and adhered to during the construction period of the development.