
Appeal Decision

Site visit made on 10 October 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 04 November 2016

Appeal Ref: APP/X3405/W/16/3154931

Maybank (Apartments), Horse Fair, Rugeley, Staffordshire WS15 2EL

- 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 Nicholas Carney against the decision of Cannock Chase District Council.
 - The application Ref CH/16/086, dated 29 February 2016, was refused by notice dated 7 May 2016.
 - The development proposed is proposed metal railings to existing boundary walling, fronting Maybank (Apartments).
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Decision

1. The appeal is allowed and planning permission is granted for proposed metal railings to existing boundary walling, fronting Maybank (Apartments) at Maybank (Apartments), Horse Fair, Rugeley, Staffordshire WS15 2EL in accordance with the terms of the application, Ref CH/16/086, dated 29 February 2016, subject to the following conditions:
 - (i) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (ii) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Metal Railings to Existing Boundary Walling at; Maybank (Apartments), Horse Fair, Rugeley, Staffordshire, Drg no: 16.0156.001.
 - (iii) The brick materials to be used in the construction of the development hereby permitted shall match those used in the existing wall.

Main Issue

2. This is the effect of the proposal on the setting of the neighbouring listed building and wall.

Reasons

3. The appeal site is a corner plot that has a brick wall capped with blue brick copings running along its front boundary. The site is within an urban area, dominated by street furniture and hard landscaping. The exception to this is two grade II listed 16th Century timber framed cottages, one of which immediately adjoins the appeal site. The cottages have cottage garden style frontages that include a listed stone wall that has soft landscaping behind. The
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frontages, including the stone wall, are of significance in defining the setting to the listed buildings. Immediately in front of the wall is a large highways sign that detracts, in part, from this setting.

4. I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the setting of the listed buildings. The height of the extended brick pillars and the gate and railings proposed would be notable alterations to the existing wall. However, their scale and form would be subservient in scale and complementary to the character of the area which includes other forms of hard landscaping and street furniture including lampposts, railings and signage.
5. The development would adjoin the listed boundary wall at one end and therefore the majority of the development would extend away from the listed wall and would not encroach physically or visually onto the setting of the listed building. Where the development would adjoin the listed wall, the brick pillars and railings would exceed the height of it. However, this increase in height would respect that of the existing wall and therefore would not detract from the form and scale of the wall or the setting of the listed building to be considered harmful.
6. I note that within views from the north of Horse Fair the development would be seen within the context of the setting of the listed building. The permeable nature of the railings would maintain views of the listed building. Furthermore, whilst the proposed brick and metal would contrast with the stone wall and timber framed cottages, this contrast would differentiate the setting of the listed building from the more recent apartments in a sympathetic manner and therefore would not interfere with the historical context of the heritage asset.
7. I find, therefore, in considering the proposal and the setting of the listed buildings and in accordance with the clear expectations of the Planning (Listed Building & Conservation Areas) Act 1990, that the development would have a neutral effect on the setting of the neighbouring listed building and wall. The development, therefore, would not be contrary to paragraph 132 of the Framework which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting, nor policies CP3 and CP15 of the Local Plan¹ that require development to complement and enhance the character and appearance of the local area and conserve and enhance the historic environment.

Conditions

8. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Policy Practice Guidance. As a result I have amended some of them for clarity.
9. In addition to the standard time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plan in the interests of proper planning.
10. As the drawing before me does not stipulate the brick materials proposed, I have amended the condition regarding materials to ensure that the brick proposed matches that used on the existing wall, in the interests of the character and appearance of the area and the setting of the listed buildings.

¹ Cannock Chase Local Plan (Part 1) 2014

Conclusion

11. For the reasons given above, the proposal would not be contrary to the development plan or the Framework and therefore the appeal is allowed.

R Walmsley

INSPECTOR