

Appeal Decision

Site visit made on 8 November 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 05 December 2016

Appeal Ref: APP/H1840/W/16/3156283

Bristol House, Main Road, Ombersley, Worcestershire WR9 0DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr D Preece against the decision of Wychavon District Council.
 - The application Ref W16/0114/RM, dated 26 January 2016, sought approval of details pursuant to condition No 1 of a planning permission Ref W/15/01000/OU, granted on 11 September 2015.
 - The application was refused by notice dated 8 July 2016.
 - The development proposed is a new detached dwelling and garage.
 - The details for which approval is sought are: appearance, landscaping, scale and layout.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the setting of Bristol House, a grade II listed building, and the setting of Ombersley Conservation Area (OCA).

Reasons

3. The appeal site comprises part of the garden to Bristol House which dates back to the 17th Century but has later extensions and alterations. The listed building is a simple vernacular house constructed in painted brick and rendered infill with timber frame and clay tiles. It is 1.5 storeys with rooms in the attic and a dormer window to the front elevation. Bristol House is a good example of a vernacular building exhibiting the use of traditional materials and construction methods. As such, from the evidence available to me, I consider that the significance of Bristol House is largely derived from its form, fabric, age and architectural features.
 4. In addition, the setting of the listed building, forming one of several vernacular dwellings, which front Main Road, with sizeable rear gardens, also makes a valuable contribution to its significance. These dwellings are different in character, size and type. However, they are similar in that they are mainly positioned close to the road so that most of their garden areas are located at the rear. These gardens contain small, generally low level structures such as sheds and outhouses and have several trees and shrubs interspersed.
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5. The site is outside of the OCA to the north of the OCA boundary. The OCA covers the historic core of the village and from the details available to me I consider that the significance of the OCA is largely drawn from the variety of historic buildings that it contains together with its use of materials, pattern of development and the relationship of buildings to the spaces around them. When approaching the centre of the village along Main Road the dwellings, within the vicinity of the appeal site, and their large rear gardens provide an attractive setting to the OCA and as such form part of its significance.
6. S.66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) advises 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. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
8. The proposal seeks permission for the reserved matters for a 3 bed dwelling and garage. Those reserved matters are the appearance, landscaping, layout and scale of the development. Access from Main Road to the proposed dwelling would be via an access adjacent to Bristol House. The dwelling would be constructed in red brick with a tiled roof and it would be around 10 metres in width and depth. It would be located about 40 metres to the rear of Bristol House.
9. As a result of its substantial footprint, scale, mass and height the proposal would be significantly bigger than the listed building. Moreover, due to the topography the garden slopes up slightly towards the rear boundary. Consequently, the height of the dwelling would be exacerbated, in relation to the listed building, by its higher floor level. Both the double garage and the dwelling would dominate the views into this rear garden area from adjacent dwellings. Furthermore, the dwelling would appear prominent when viewed from Main Road along the access drive and from the rear gardens of adjacent properties. Consequently, it would detrimentally affect the views to and around the listed building.
10. The dwelling would also be of a larger scale and form than many of the nearby dwellings fronting Main Road. Where there are buildings behind the frontage they have the appearance of outbuildings or are subservient in scale and form to the frontage dwellings. Due to its height, footprint, scale and mass the proposal would appear suburban in character rather than a simple cottage and it would dominate this part of the setting of OCA especially when seen from Main Road. This would erode the character and appearance of the area including the setting of OCA.
11. Whilst I acknowledge that the appellant tried to compromise with the Council in relation to the design of the dwelling and that he considers the Council failed to give clear guidance in relation to design. However, this is not a

matter to be addressed through this appeal. The appellant has also drawn my attention to other developments that have been built or approved in the area. However, I do not have the full details of these schemes and so cannot be certain that the circumstances are the same. In any case, I am required to determine the appeal proposal on its own merits.

12. Therefore, taking all the above points into consideration, the proposed development would have a negative impact on the setting of the listed building and the character and appearance of the area including the setting of the OCA. Thus, the significance of the designated heritage assets would be harmed. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
13. In the language of the Framework, the harm the proposal would cause to the significance of the setting of OCA would be less than substantial as the impact of the proposal would be relatively localised in relation to the whole of the setting of the OCA. In relation to the listed building the harm would also be less than substantial on the basis that the development would harm only part of the significance of the heritage asset. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
14. One additional dwelling would be provided which would have economic and social benefits. However, for the reasons given above, the adverse impacts of the development on the heritage assets would significantly outweigh the public benefits that would flow from the provision of one new dwelling. As such, the proposal would not comply with paragraph 134 of the Framework. I reach that conclusion not least because similar benefits could be secured by a proposal that did not have the harmful impacts identified.

Conclusion

15. In conclusion the proposal would harm the character and appearance of the area and the significance of the settings of the listed building and the OCA. It follows that it would be contrary to Policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan 2016 which, amongst other things, require development to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and to conserve and enhance the significance of heritage assets including their setting.
16. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
17. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR