
Appeal Decision

Site visit made on 23 November 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 23rd December 2016

Appeal Ref: APP/G1630/W/16/3156781

64 North Street, Winchcombe, Cheltenham GL54 5PS

- 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 DZK Country Cottages against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00422/FUL, dated 13 April 2016, was refused by notice dated 30 June 2016.
 - The development proposed is "demolition of existing garage building and erection of a single dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage building and erection of a single dwelling at 64 North Street, Winchcombe, Cheltenham GL54 5PS in accordance with the terms of the application, Ref 16/00422/FUL, dated 13 April 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development provided by the application form has been amended by subsequent documents. The description of development provided by the appeal form reflects the proposal before me and I adopt it accordingly.
3. The draft Winchcombe and Sudeley Neighbourhood Plan (WSNP) was approved at a referendum on 24 November 2016. Although not currently made, it can be offered significant weight as a material consideration. The parties were given an opportunity to comment on the change in status of the document in terms of any relevance to their case.

Main Issue

4. The main issue is the effect on the character and appearance of Winchcombe Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

Reasons

5. The appeal site is within the Winchcombe Conservation Area and the Cotswolds Area of Outstanding Natural Beauty (AONB), and is subject to an Article 4 direction which removes a number of permitted development rights under the GPDO¹. Winchcombe Conservation Area covers the central, southern and eastern areas of the small town of Winchcombe which is characterised by its

¹ Town and Country Planning (General Permitted Development) Order 2015

medieval street pattern and sloped topography. The surroundings of the landmark of St Peter's Church have an overall density of development which varies in each street with buildings typically of different scales and form. However, there is a general consistency of Cotswold limestone or roughly dressed stone walls and concrete or slate roof materials. Buildings along North Street are predominantly of a high density consisting of terraced cottages with narrow frontages that open onto the street. The buildings consist of a mix of two and one-and-a-half storeys, with dormer windows a prevalent feature.

6. The Conservation Area has a series of narrow back lanes that generally run parallel to main streets, of which Cowl Lane at the rear of North Street is typical. It would appear likely that Cowl Lane historically had a primary function as access to the rear of properties facing North Street. However, the character of Cowl Lane has changed over time through substantial infilling consisting of dwellings and garages of different style, scale and materials, particularly on its eastern frontage. A number of two storey properties facing North Street are Grade II listed buildings, including No 62 that has different proportions and a more detailed facade than surrounding properties. The site lies at the rear of the adjacent No 64, which is a lower one-and-a-half storey building with dormer windows that adjoins Nos. 66 and 68 which are of a similar height and character, albeit with wider frontages.
7. Saved Policy HEN2 of the Tewkesbury Borough Local Plan to 2011 (LP), adopted March 2006, requires that development within a conservation area must be of a high standard of design and preserve or enhance the character or the appearance of the conservation in terms of scale, form, materials and quality. Proposals retaining traditional building lines are favoured and special attention should be given to the protection and enhancement of historic features which contribute to the townscape and historic character. The LP pre-dates the publication of the National Planning Policy Framework (the Framework), and its intended plan period has long since expired. Nevertheless, Saved Policy HEN2 remains consistent with the objectives of the Framework in terms of its approach to designated historic assets and can be given considerable weight. Emerging Policies 1.1, 3.2 and 5.3 of the WSNP and Emerging Policy SD9 of the Joint Core Strategy - Submission Version - November 2014 (JCS), also follow the approach of the Framework and can be given significant weight based on the advanced stage of plan preparation.
8. The appeal site is located on the eastern side of a section of Cowl Lane where it bends towards the south east with a gentle upward slope in that direction. The site is currently occupied by a timber garage of modest height and footprint, together with associated hardstanding. The height of the garage and the presence of boundary treatments and landscaping to the east, results in only limited and distant views of the roofscape of properties facing North Street from the immediate frontage.
9. The existing garage has a similar building line to an adjacent garage that is associated with a bungalow to the north (Hogwood) of comparable height despite a difference in land levels. When taken together with the alignment of Cowl Lane, this limits the prominence of the existing site and garage when viewed from a northern direction. A detached brick building to the south consisting of a commercial garage is of more substantial height and in a set back position.

10. The existing garage and adjacent buildings are largely screened from views from the south along Cowl Lane due to the position of Cowl Cottage, a part two storey and one-and-a-half storey dwelling with dormer, which adjoins the narrow highway where no pedestrian footway is present. Opposite to the appeal site, and outside of the Conservation Area boundary, is a pair of modern two storey semi-detached dwellings and a prefabricated building in use as a medical centre adjacent to Back Lane car park. The character and appearance of the existing garage offers little contribution to the historic significance of the Conservation Area given the mixed character of its surroundings in terms of scale, form, building lines and materials.
11. The appeal proposal would remove the existing timber garage and replace it with a detached one-and-a-half storey dwelling. The dwelling would be sited in a set back position with a front building line behind the adjacent domestic garage to the north and the commercial garage to the south. Hardstanding at the front would provide off street parking. The design of the building would incorporate a pitched roof with a gable facing Cowl Lane, including 2 dormers proposed to the southern roofslope. In addition, there would be 4 rooflights, 3 of which would be within the northern roofslope. A rear pedestrian access to Nos. 64 and 66 would be maintained along the northern side elevation.
12. The gable end of the building would front Cowl Lane in a similar manner to the neighbouring detached buildings, Cowl Cottage nearby and other residential properties further to the south east that are also within the Conservation Area. The building would be taller and consist of an increased bulk and massing when compared with the existing timber garage. However, its set back position would limit its prominence in the street scene with some screening afforded by buildings to either side due to the differences in building lines and land levels. Furthermore, the dwelling would be viewed in the wider context of the similar height, scale and form of the more prominent Cowl Cottage and other residential properties on Cowl Lane. In this context, the proposal would be viewed as a subservient and complementary addition to the varied character and appearance of the existing Cowl Lane street scene, subject to appropriate materials, landscaping and boundary treatments being secured by condition
13. The Council expressed concerns regarding bland elevations and modern detailing. However, predominantly blank elevations with minimal windows are not uncommon to existing properties along the eastern side of Cowl Lane. Furthermore, the existing examples are in more prominent locations, when compared to the proposed north elevation which would be largely screened by Hogwood and its detached garage. The extent of window detailing, roof pitch of front gables and presence of chimney stacks also varies in the street scene, and rooflights and dormers are an established feature. Consequently, the dwelling would not be viewed as out of place in Cowl Lane.
14. The development is located to the rear of No 64, a one-and-a-half storey property, in a location with slightly higher land levels. However, the tightly packed nature of properties which face North Street would prevent any intervening views with or influence upon the character of that street scene or the setting of its listed buildings. As such, the dwelling would not be viewed as a dominant or harmful addition relative to views of properties on North Street or related views within the Conservation Area.

15. As the site is in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act also requires special attention to be paid to the desirability of preserving listed buildings and their settings. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. I have found that the development would make the positive contribution desired by paragraph 131 of the Framework upon local character and distinctiveness. This includes a minor enhancement to the character and appearance of Winchcombe Conservation Area in terms of the Cowl Lane street scene and no detrimental effect on the setting of nearby listed buildings.
16. The Cotswolds AONB is a landscape with the highest status of protection in relation to landscape and scenic beauty. Paragraph 115 of the Framework requires great weight to be given to conserving its landscape and scenic beauty and Policy SD8 of the JCS follows that approach. I consider that the development would respond accordingly given its appropriate relationship to its immediate context within the built envelope of Winchcombe and its consequent limited prominence in the wider landscape.
17. I conclude that the development would enhance the character and appearance of Winchcombe Conservation Area when viewed from Cowl Lane and would not harm the Cotswolds AONB. The development would not, therefore, be contrary to Saved Policy HEN2 of the LP, Emerging Policies 1.1, 3.2, 5.1 and 5.3 of the WSNP and Emerging Policies SD8 and SD9 of the JCS. The policies are consistent with the Framework.

Other Matters

18. The Council have indicated that it cannot demonstrate a deliverable 5 year supply of housing as required by the Framework. The development would make a very limited contribution in that respect in a sustainable location in a rural service centre. Nevertheless, this matter is not decisive on the outcome of the appeal given my conclusion on the main issue.
19. The access and car parking arrangements would not have a detrimental impact on highway and pedestrian safety. There is no evidence before me which would indicate that the loss of an existing garage space to the rear of No 64 and the addition of a single dwelling would be significant in terms of parking demand or traffic generation.
20. The internal living space and external amenity space would provide an acceptable living environment for future residents. In this regard, there is no substantive evidence that the proximity to the existing commercial garage would cause unacceptable noise and disturbance, given the presence of existing residential properties nearby. The living conditions of occupiers of neighbouring properties would also be preserved provided that conditions are imposed to secure appropriate landscaping, boundary treatments and restrict the position of rooflights above floor level in the interest of privacy. The separation distance to surrounding properties is sufficient to prevent any impact on outlook in terms of overshadowing or overbearing.

Conclusion

21. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be allowed and planning permission granted subject to conditions as set out below.

Conditions

22. The Council provided a suggested list of conditions. Where appropriate, the wording has been slightly amended to accord with paragraph 206 of the Framework. In the interest of certainty in terms of the planning permission granted, conditions indicating the time limit for the development to commence and to ensure that the development is carried out in accordance with the approved plans are necessary.
23. The site is archaeologically sensitive as it is located within the Winchcombe settlement, where there may be significant archaeological remains relating to the medieval settlement. A detailed assessment and investigation of the site has not been submitted with the application. However, given that the site is occupied by an existing garage and consists of previously developed land, I consider that this matter can be addressed by a pre-commencement condition to secure an agreed specification for archaeological investigation, mitigation and recording to be undertaken during the development.
24. Based on my conclusion on the main issue, it is necessary that a condition is imposed to ensure samples of materials are submitted to and agreed by the local plan authority. This is required in the interest of achieving a satisfactory appearance of the development and preserving the character and appearance of Winchcombe Conservation Area. In addition and also in the interest of preserving the living conditions of occupiers of neighbouring properties, full details of all hard and soft landscaping are also required, including hardsurfacing, landscape planting and boundary treatments.
25. I have taken account of the consultation response from Severn Trent Water and consider that a condition requiring details of foul and surface drainage is an appropriate requirement of the development to provide a satisfactory means of drainage and to reduce the risk of flooding.
26. As previously mentioned, notwithstanding the approved plans, a condition requiring further details of the rooflights and to ensure that they are positioned at a height of not less than 1.7m above floor level is necessary and imposed accordingly.
27. The conditions relating to materials, landscaping, drainage and rooflights should relate to the submission and agreement prior to any above ground development hereby permitted being commenced rather than pre-commencement. Such an approach is appropriate given the demolition and archaeological investigation which would take place. Appropriate requirements for implementation are also included in the conditions.

Gareth Wildgoose

INSPECTOR

SCHEDULE

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: 0227-01/01b, 0227-01/02c, 0227-01/03b, 0227-01/04 & 0227-01/05.
- 3) No development shall take place until an archaeological investigation of the site has been carried out in accordance with a specification to be submitted to and be approved in writing by the local planning authority. The specification shall include how any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted are to be preserved or retained. The investigation shall be undertaken by an appropriately qualified archaeologist in accordance with an agreed programme, and shall include the recording of findings and subsequent publication of results.
- 4) Before any above ground development hereby permitted is commenced, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby approved, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 5) Before any above ground development hereby permitted is commenced, full details of all proposed hard and soft landscape works, including details of boundary treatments, paved areas and other hard surfaces and landscape planting, shall be submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of a dwelling or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 6) Before any above ground development hereby permitted is commenced, a scheme for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. The details shall be implemented in accordance with the approved details prior to the first occupation of the dwelling and shall be maintained as such thereafter.
- 7) Notwithstanding condition 2, before any above ground development takes place, full details of the proposed rooflights at a minimum scale of 1:5, including a position not lower than 1.7m above floor level, shall be submitted to and approved in writing by the local authority. The rooflights shall be constructed in accordance with the approved details and maintained as such thereafter.