

Appeal Decision

Site visit made on 4 January 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/Y3940/D/16/3161614

Yew Tree House, Church Lane, Amesbury, Salisbury, SP4 7HA.

- 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 Richard Glover against the decision of Wiltshire Council.
 - The application Ref 16/07378/FUL dated 19 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is described as to replace dilapidated fencing and hedge with 1.8m brick wall. Hedge requires constant attention to prevent it obstructing footpath.
 - Note: "Glynwood" was previous name of property Renamed "Yew Tree House" in June 2014 (Wiltshire Council Letter Enclosed).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the scheme on the character and appearance of Amesbury Conservation Area (ACA) and various nearby listed buildings, registered parkland and a scheduled monument.

Reasons

3. The Appeal site is located close to the southern and western boundaries to ACA, which comprises two main character parts. To the north is the registered parkland, Abbey and Parish church and to the east is the town centre. The Appeal site sits in a transitional area between both parts, although visually relates strongly to the larger and more rural northern part of ACA which is located directly opposite and to the northwest of the Appeal site.
 4. The Appeal site is situated in close proximity to the entrance to Amesbury Abbey (grade II* listed), Amesbury Church (grade I listed); Pear Tree Cottage (Grade II listed), the grade II* listed registered park and 70 metres from a road bridge which is a scheduled monument adjacent to a World Heritage Site.
 5. Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBC Act) requires that when assessing proposals for new development which affect the setting of a conservation area or a listed building, special attention shall be paid to the desirability of preserving or enhancing their
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character or appearance. Consistent with this, core policy 58 of the Wiltshire Core Strategy 2015 (CS) seeks to protect, conserve and where possible enhance the historic environment.

6. Section 12 of the National planning Policy Framework (NPPF) states that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm requires clear and convincing justification, whilst opportunities for new development in conservation areas should be sought. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. At the same time paragraph 58 of the NPPF states that development should not detract from the existing street scene and should respond to local character and history.
7. Yew Tree House is located close to the edge of the main built up area of Amesbury and despite its declining condition the existing hedge makes a valuable contribution to the gentle transition between the town centre and Aylesbury Abbey, the church, the parkland and the open countryside. In views from the east and west the existing hedge relates appropriately to the boundary hedge adjacent to the entrance to the Abbey, as well as the trees and hedges within the churchyard, parkland, gardens and the open countryside.
8. The proposed wall would be visually stark and would have an enclosing and urbanising impact on the street scene and the immediate and wider setting of the western part of ACA, the Abbey, the church, the churchyard, Pear Tree Cottage and the bridge. It would be totally out of keeping with the predominance of hedges and low stone/limestone/brick/flint walls within the immediate area and to the west of the town centre. It would also partially obscure views of Pear Tree Cottage in views from the west, which would have a negative impact on its setting the setting of ACA. For these reasons the proposed wall would cause material harm to the setting of the above heritage assets and the street scene in general.
9. Whilst it is noted there are some taller walls located further to the east, they are located within a more urban environment within ACA. At the same time they are constructed from a combination of stone, limestone, flint and brick and are framed against mature trees which contribute to the verdant character of this part of the conservation area. The low brick wall/tall fence at the junction of Church Lane and Church Street serves to illustrate the enclosing, visually stark and urbanising impact that boundary walls and fences can have on their surroundings.
10. It is acknowledged that the existing fence and hedge are in a state of decline, however this is not a good reason for replacing them with a tall brick wall which would materially harm the setting of various heritage assets and the street scene in general. Although the harm to the significance of these heritage assets would be less than substantial it would outweigh any public benefits that would result from the construction of the proposed wall. This includes the benefits for the Appellant and his family that would result from the security and privacy the proposed wall would provide and by keeping the pavement clear of obstruction.

11. With respect to the Appellants submissions about article 8 of the European Convention on Human Rights, I recognise that there would be an interference with their home and family life. However this must be balanced against the interests of the general population. For the reasons given above, I have found that the Appeal proposal would cause unacceptable harm to the local environment and various designated heritage assets and that this would conflict with the need to protect the environment. I am satisfied that this legitimate aim can only be safeguarded in this instance by dismissing this Appeal and that this would not place a disproportionate burden on the Appellant and his family and therefore I find no violation of their human rights.
12. Finally, the concerns raised by the Appellant concerning the handling of the Appeal application by the Council are noted. However, they are not material to my determination of this Appeal and are a matter that could be taken up directly with the Council.
13. I conclude that the proposal would fail to preserve the character and appearance of the setting of ACA, Amesbury Abbey, Amesbury Church, Pear Tree Cottage and the nearby bridge, contrary to Sections 66 & 72 of the LBC Act and policy 58 of the CS and the design section of the NPPF. At the same time the level of harm that would be caused to the significance of these heritage assets would not be outweighed by any public benefits and the scheme would therefore conflict with section 12 of the NPPF.

Elizabeth Lawrence

INSPECTOR