
Appeal Decision

Site visit made on 10 January 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/C3430/W/16/3159872

Land adjacent to Otters Reach off High Street, Kinver, South Staffordshire DY7 6HE

- 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 Terry Gormley against the decision of South Staffordshire Council.
 - The application Ref 16/00182/FUL, dated 19 February 2016, was refused by notice dated 21 September 2016.
 - The development proposed is erection of 1no detached dormer bungalow to include re-positioning car port to existing house (Otters Reach) and creation of emergency exit from Chenevare Mews car park.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Kinver Conservation Area.

Reasons

3. S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework (the Framework) says great weight should be given to a heritage asset's conservation. Paragraph 134 states that where less than substantial harm would occur to a heritage asset, the public benefits of the scheme should be weighed against the harm. Policy EQ3 of the South Staffordshire Core Strategy Development Plan Document 2012 (Core Strategy) states, amongst other things, that the conservation and enhancement of South Staffordshire's historic environment will be achieved by the consideration of development in conservation areas against any management plan and appraisal adopted for that area.
 4. The Council has not furnished me with a copy of its management plan for Kinver. Nevertheless, it states that the significance of the Conservation Area is defined by its historic layout comprising long and thin medieval burgage plots set behind the buildings on the High Street which line the street, which it says are remarkably intact and an important component in understanding the historic development of the area. The Council also states that historically, any
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buildings that would have been positioned on the backs of burgage plots in this location would have been small, informal and functional. The appellant does not dispute this. I observed at my site visit that a number of the original burgage layouts have been eroded or amalgamated, and that some larger buildings were present to the rear of some plots. Nevertheless the historic layout exists in a great many other cases, and is sufficient for me to concur with the Council's assessment on the significance of the Conservation Area.

5. The submitted drawings show, which I observed at my site visit, that the layout for land between Nos 45/46 High Street through to Chenevare Mews is somewhat at odds with the established and largely surrounding burgage layout, with the subdivision of the land being perpendicular to it. A car parking area exists across the whole of the back of these buildings. Both Otters Reach and the appeal site, which is its current garden area and which sits behind this car park, are clearly and distinctly divorced from the frontage land, the boundary reinforced by a close boarded fence. The amalgamation of the plots and irregular subdivision appear permanent with little obvious evidence before me as to how the original burgage layout could in some way be reinstated.
6. Accordingly, I find that there is no burgage plot or historic layout here to protect in this instance. The proposed development would have no significant effect on the historic pattern and layout of the area. I therefore do not agree with the Council that the proposed development would erode the linear form of the village.
7. However, the design of the proposed dwelling is neither small nor informal in its appearance. Designed to a conventional and suburban bungalow, the proposed dwelling would include unfamiliar features such as fussy detailing at the eaves and a rear terrace and balustrading. It would contrast with what the Council says would be traditional in this location. I appreciate that the approach taken by the appellant is to replicate the existing property at Otters Reach, with the ornate detailing an attempt to beautify the façade. Nevertheless, Otters Reach is also not reflective of traditional vernacular of the area in design terms, and it should be the blueprint for future development in the area. The proposed development would not understand or respond to the local historic context, and as a result would appear notably at odds and significantly harmful to the character of the area. While the property would not be readily visible from the High Street, it would be apparent from within the publicly accessible areas to its front, and its discord with the Conservation Area when viewed from here is sufficient for me to find harm.
8. The proposal would result in the creation of an additional dwelling and would likely generate local construction jobs and a new emergency access, which the Council raises no objection to, all of which would all amount to public benefits that weigh in the scheme's favour. However, for the reasons given above, the proposed development would fail to preserve the significance of the Conservation Area, and the benefits of the scheme are not in my judgement sufficient to outweigh the considerable harm I have identified. I therefore find the proposed development would not accord with the relevant part of the Framework, or with Core Strategy policy EQ3, details of which I have already set out above.

Other Matters

9. Concerns have been raised by surrounding occupiers in respect to the effect of the proposed development on protected trees. The evidence before me indicates that two protected trees, listed as T74 and T75, both of which are Black Poplars, are in an adjacent property. Insufficient evidence is before me to suggest that the proposed development would have any bearing on the health of the identified trees, or that they would be harmful to the living conditions of the future occupiers of the proposed dwelling such that inevitable pressure would occur for them to be lopped. The Council has not raised this as an issue, and I have afforded such concerns with little weight in my decision.
10. Matters relating to flooding have also been raised as a concern. However I note that the Environment Agency in their letter to the Council dated 11 March 2016, clarifies that the appeal site lies in Flood Zone 1, and as such is at the lowest risk of flooding. In the absence of evidence to the contrary, I am satisfied that the appeal site would not be at any significant risk of flooding, the Council did not raise this as an issue. Matters on the effect of the structure of neighbouring buildings are not before me.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR