
Appeal Decision

Site visit made on 30 January 2017

by Veronica Bond LLB (Hons), Solicitor (non-practising)

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

Decision date: 14 February 2017

Appeal Ref: APP/Y3940/W/16/3161182

Land south of 66 Deverill Road, Warminster, Wiltshire BA12 9QS

- 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 C Pitcher against the decision of Wiltshire Council.
 - The application Ref 15/07724/FUL, dated 31 July 2015, was refused by notice dated 2 August 2016.
 - The development proposed is described as 'proposed development of three two storey townhouses with parking'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted during the course of the application but it appears that the Council did not consult upon these. I acknowledge that these revised plans act as a record of the progressive discussion between the appellant and Council, together with the efforts and cost on the part of the appellant in preparing these. However, in the interests of fairness to those parties who have not had an opportunity to comment upon the amended plans, I consider the appeal proposal as being based upon the plans originally submitted and upon which the Council determined the application.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and on the setting and significance of the listed building at The Bell and Crown public house; and the effect on highway safety.

Reasons

Character and appearance/setting of listed building

4. The appeal site was formerly a beer garden for the adjacent public house – The Bell and Crown and is significantly elevated above that premises. There are a mix of property designs and materials in the area but buildings are generally orientated with the principal elevation fronting the road.
5. The Bell and Crown public house is a Grade II listed building. It has an elongated appearance, with materials including natural stone and slate. Its significance is experienced in the context of the appeal site and the nearby row of cottages, both of which create an understated setting in which the character of listed building is prominent.

6. The appeal proposal would introduce three two storey dwellings onto the site. They would be orientated side-on to the road, with their rear gardens facing the side elevation of listed building. Parking for all of the properties would be to the front of the site.
7. The orientation proposed would be out of character with the prevailing development pattern and would be visually jarring in views from the road. The rear elevations of the proposed houses and their back gardens would face in the direction of the public house. The presence of large expanses of rear glazing would be out of character with the more modest sized fenestration seen on the public house building. Domestic paraphernalia within the back gardens would further detract from the setting of the listed building, drawing the eye in the street scene.
8. In view of the sensitive site context, I share the Council's concern as to the combined effect of the heavily glazed rear elevations of the proposed dwellings and associated domestic paraphernalia, along with potential timber boundary treatment, on the setting of the public house. Given that the concern is of the combined effect, the historic presence of a timber fence to this boundary does not alter the harm found. Whilst the reconstructed stone proposed would detract from the more traditional materials seen on the public house, this is something that could be dealt with by condition.
9. The prevalence of parking to the front of the site would contrast with the row of cottages further down the road which directly front the pavement. Whilst some other properties have parking to their front elevations, this would have a harsh effect as proposed in the context of the adjacent listed building. Although I note comments that cars could park on the appeal site in connection with the public house, there appears to be no realistic likelihood of this, or of this area being otherwise used for the storage of residential paraphernalia.
10. As to the design basis for the scheme otherwise, the plot ratios would be similar to those for other nearby cottages and the stepped design would reflect to an extent similar in the area. There would potentially be benefits also to future occupants as regards their rear garden outlook. Reorienting the proposed dwellings would bring their built form closer to listed building but would overcome the harm identified from the orientation proposed.
11. Preventing fly tipping on site and works to the intervening listed outbuildings would assist in improving the setting of the listed building but would not be enough alone overcome the harm identified. I note comments as to the outbuildings connected to the public house being allowed to fall into disrepair but I have no information in relation to the circumstances relating to that situation.
12. I therefore conclude on the first main issue that the proposal would harm the character and appearance of the area and would not preserve the setting and significance of the listed building at The Bell and Crown public house. It would thus conflict with Core Policies 57 and 58 of the Wiltshire Core Strategy (adopted January 2015) (CS) which seek, amongst other things, a high standard of design which enhances local distinctiveness and is sympathetic to historic buildings, and to ensure that development conserves and where possible, enhances the historic environment. The proposal would also fail to accord with paragraphs 57, 58, 60, 64, 132, and 134 of the National Planning Policy Framework (the Framework) , which include similar underlying aims in

the taking of planning decisions, including as regards development within the setting of a designated heritage asset.

13. In reaching my conclusion, I have undertaken my duty pursuant to s66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 as regards development affecting a listed building or its setting. Accordingly, I have had special regard to the desirability of preserving the listed building cited and its setting and any features of special or architectural or historic interest which it possesses.

Highway safety

14. The plans for the appeal proposal do not demonstrate adequate visibility splays in accordance with the Council's guidance due to the presence of a nearby telegraph pole and lack of information as to how this can be re-sited. The obstruction in question would though not significantly impede visibility given its narrow width and other accesses exist on the same road with similar obstructions without evidence of harm.
15. As such, I conclude on the second main issue, that the proposal would not result in any adverse effects as regards highway safety. The development proposed would be capable of being served by a safe access in line with the aims of Core Policy 61 of the CS. There would be no conflict either with paragraph 32 of the Framework, which includes similar aims.

Other Matters

16. The proposal aims to make use of a site which is deemed surplus to the requirements of the public house, securing a viable use for the site. The site is, I understand within the development limits of Warminster and so the residential development proposed would be acceptable in principle, contributing to an apparent local demand for two bedroomed houses. This offers modest weight in favour of the proposal. Detailed concerns as to the Council's handling of the application are not though for me in dealing with this appeal, which I have considered on its merits.

Conclusion

17. The proposal would offer some modest benefits as outlined and would not result in any harm as regards highway safety. This is outweighed though by the harm that would result to the character and appearance of the area and to the setting of the listed building at The Bell and Crown public house. For the reasons above, I conclude that the appeal should fail.

Veronica Bond

INSPECTOR