
Appeal Decision

Site visit made on 18 February 2017

by JP Sargent BA(Hons) MA MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/C3240/D/3163786

48 Coalford, Jackfield, Ironbridge, Telford TF8 7NA

- 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 Colin Meredith against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2016/0622, which was undated, was refused by notice dated 8 November 2016.
 - The development proposed is the erection of a timber outbuilding with pitched tiled roof to match existing building to be used when the house is in flood to store furniture etc.
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Decision

1. The appeal is dismissed.

Procedural matters

2. As initially proposed the structure was to be an open-sided pergola. However, during the course of the application it was amended to an enclosed building. Moreover, the original description of development also included the placement of iron railings on top of an existing wall but this was not mentioned in the Officer Report, the decision or the appeal form and no details were submitted. I have therefore determined the appeal on the basis of the description above, which is taken from the appeal form.

Main Issues

3. The main issues in this case are
 - a) whether the development would fail to preserve the character or appearance of the Severn Gorge Conservation Area and the outstanding universal value of the Severn Gorge World Heritage Site¹ (WHS) and so cause harm to these heritage assets;
 - b) the effect of the development on flooding;
 - c) the impact of the development on land stability and
 - d) if any harm would be caused to the heritage assets whether that would be outweighed by public benefits.

¹ Also called the Ironbridge Gorge World Heritage Site in the Council's submissions.

Policy

4. The Council has cited policies from the submission version of the *Telford & Wrekin Local Plan 2011-2031*. However, I cannot be certain those policies will be adopted in their current form, and so they have been given limited weight.
5. Reference has also been made to saved policies from the *Wrekin Local Plan 1995-2006* (the Local Plan). Of these Policies SG1, SG4 and HE3 seek to protect the character and appearance of the conservation area and the WHS, as do Policies CS14 and CS15 in the Council's *Core Strategy Development Plan Document*, while Local Plan Policy UD2 addresses the need for good design more generally. Local Plan Policies OL3 and OL4 aim to protect the Green Network, and Policy EH14 in the Local Plan requires demonstration that sites will be sufficiently stable for development.

Reasons

Character and appearance

6. The significance of the WHS and the conservation area lie, in part, in the way they cover the sites and buildings of the Severn Gorge that illustrate and explain the development of this important historic industrial area. The street of Coalford makes a positive contribution to this, due to its collection and arrangement of simple houses and cottages of various ages and styles positioned prominently along the river.
7. No 48 lies between the street and the river bank in a long, thin curtilage. The house is at one end, and on higher ground at the other by the road, is the building subject of this appeal. It is already partly built, with its roof structure standing on pillars. If permission were to be granted the walls would be infilled to create an enclosed structure.
8. I raise no objections to the use of timber in the elevations. Although the Council said it was not a suitable material to my mind it would show the building to be subservient to the more solidly built house. However, what is proposed measures some 5m by 4.5m, and rises to a ridge height of 3.2m (2.1m to eaves). In my opinion and mindful of the footprint of housing around the size of the development means that, notwithstanding the external materials, it does not appear as a subservient element. Furthermore, given its prominence in views from the road and the river, once completed it would be unduly dominant when looking from Coalford or from the bridge to the west. In particular from the bridge its sizeable roof is especially noticeable, concealing the older housing beyond. Finally, I share the Council's concern that the roof pitch is unduly low and fails to reflect what is found on the adjacent historic dwellings nearby.
9. Whilst it was said it would screen the adjacent pumping station, any effect it would have in that regard can only be when approaching from the east. In any event, that is a low structure that is already concealed to a great degree by a beech hedge, and is less intrusive than the sizeable building now before me.
10. The Appellant also drew attention to a previous proposal for a garage in the garden. However I have no details of the appearance of that structure, and nothing to show such a garage can be lawfully built here. Therefore that is not afforded significant weight.

11. Furthermore, he submitted photographs of what he considered to be similar structures in the Gorge. However, I was unfamiliar with the histories of those sites, though noted some of the structures were closer to their host buildings and others were extensions. Consequently they do not lead me to different findings.
12. Although the Council expressed concern about the effect on the Green Network, it has not demonstrated that the adverse impact to this would be in addition to the harm to the historic designations.
13. Therefore, for these reasons the garage before me would fail to preserve the character and appearance of the conservation area or the outstanding universal value of the WHS, thereby causing harm to the significance of these designations. However, the size of the structure means this harm would be less than substantial.

Flooding

14. The *National Planning Policy Framework* (the Framework) advises that inappropriate development in areas at risk of flooding should be avoided.
15. The Council contended that the site of the structure was within Flood Zone 3, and it is reasonable to assume it would have arrived at this designation after undertaking appropriate assessments. As a result, the garage may influence the floodplain by affecting the paths of the river when in flood, yet no Flood Risk Assessment was forthcoming. In response the Appellant has said in the 4 years he has lived there the land occupied by this structure has not come close to flooding, even though the house itself has been flooded annually. He also said its land level was above the second highest flood level recorded.
16. I do not question the Appellant's assertion, though as evidence I consider it is not sufficiently robust by itself to discount the Council's contention that the site was within Flood Zone 3. Moreover, I noted on my visit what appeared to be flood defence measures at the houses on the opposite side of Coalford, further from the river.
17. It was said that water would be able to pass through the structure, but details of how that would be achieved have not been given, and if walling is to be present then, to my mind, it would be inevitable that some impediment would result. Indeed, as the building is to be used as a store for furniture during floods, it is difficult to see how a significant throughput of water could be possible. Whilst the loft area only could be used for storage, given its 1m height and the roof structure it contains the opportunities it offers would be limited.
18. Accordingly, in the absence of any evidence to show otherwise, I conclude the proposal would adversely affect the floodplain by impacting on the flow of the river when in flood, in conflict with the Framework.

Stability

19. The Council said the structure was in Instability Zone 4, and large scale mitigation and stabilization could be required. Therefore a Slope Stability Assessment was needed. However, given the relatively light-weight nature of the structure the Council has failed to show that the risks are unacceptable or

that such issues could not be reasonably and satisfactorily secured by means of a condition.

20. Accordingly, I conclude that the structure would not cause harm as a result of slope instability, and so in this regard it would not conflict with Local Plan Policy EH14.

Benefits to outweigh the harm

21. In the Framework one of the core planning principles is the need to conserve heritage assets in a manner appropriate to their significance. Paragraph 132 says great weight should be given to the conservation of a designated heritage asset, and any harm requires clear and convincing justification. In paragraph 134 it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that harm should be weighed against the proposal's public benefits.
22. Moreover, if further harm would occur it is nonetheless open to the decision-maker to grant permission if material considerations indicate otherwise.
23. In this case I have found harm would be caused to the significance of the historic environment and because of its impact during periods of flooding. In response the public benefit and the material consideration offered by the Appellant is that the building would provide a store for furniture when the main house was flooded and for the equipment necessary for protecting the house at times of flood. I do not question the Appellant's intentions and I appreciate the disruption caused by floods must be great. However, it has not been shown this is the only way such storage can be achieved, and indeed even if provided there is no certainty it would be used in that manner. Overall, I therefore find that such a use does not outweighing the harm the works cause to the designated heritage assets or constitute a material consideration sufficient to support the scheme in the light of the conflict with the Framework.

Conclusions

24. Accordingly I conclude that the development would fail to preserve the character and appearance of the conservation area and the outstanding universal value of the WHS, causing less than substantial harm to the significance of both. In the absence of any public benefits to outweigh this harm the development would therefore conflict in this regard with Local Plan Policies UD2, SG1, SG14 and HE3, Policies CS14 and CS15 in the Core Strategy and the Framework.
25. Moreover, it would also impede the river unacceptably in times of flood and displace the flood storage capacity and so again would conflict with the Framework.
26. For these reasons the appeal should be dismissed.

J P Sargent

INSPECTOR