
Appeal Decision

Site visit made on 21 February 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 7th March 2017

Appeal Ref: APP/F0114/W/16/3164528

**Rowan House, High Street, Freshford, Bath & North East Somerset
BA2 7WF**

- 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 Peter King against the decision of Bath & North East Somerset Council.
 - The application Ref 16/03713/FUL, dated 25 July 2016, was refused by notice dated 30 September 2016.
 - The development proposed is described as *"provide off-street parking for two cars. 3 metre gap in boundary of vegetable garden on south side of High Street opposite 'Rowan House'. Gap to be created by extending existing pedestrian access by removing a 2.5 metre section of sub-standard, poorly repaired wall and relocating stone gatepost at western end of new gap. No traditional rubble is removed"*.
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Decision

1. The appeal is allowed and planning permission is granted for creation of new access opening and construction of parking area for two cars at land opposite Rowan House, High Street, Freshford, Bath & North East Somerset BA2 7WF in accordance with the terms of the application, Ref 16/03713/FUL, dated 25 July 2016, subject to the following 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: Photo Ref A, Photo Ref B, Photo Ref C, Site Location Plan Ref E, Site Plan 2 & 16/03713/FUL Ref F.
 - 3) The use of the vehicle access and parking area hereby permitted shall not commence until it has been surfaced and drained in accordance with details that have been approved in writing by the Local Planning Authority.
 - 4) The alterations to the boundary wall and the relocated pillar shall match the existing boundary wall and pillar in respect of type, size, colour, pointing, coursing, jointing, profile and texture.
 - 5) The parking area hereby permitted shall not be used other than for the parking of vehicles associated with 'Rowan House'.

Procedural Matter

2. The description of development and the address of the appeal site in the banner heading are taken from the application form. I have used the Council's
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more concise description of development and their site address in my formal decision, for the purposes of clarity.

Main Issues

3. The main issues in this appeal are:

- The effect of the proposal on the safety of highway users.
- The effect on the character and appearance of the Freshford and Sharpstone Conservation Area.
- The effect on the setting of the Grade II listed 'Rowan House' and 'Rose Lawn'.

Reasons

4. The appeal site comprises part of an extended garden situated on the opposite side of High Street to 'Rowan House'. A boundary wall about 1.5 metres high constructed in random coursed natural stone with a 'cock and hen' coping, runs along the expansive frontage of the extended garden. There is a pedestrian entrance from High Street in the north east corner of the wall, denoted by stone gate piers.

Highway safety

5. The proposed access and parking area would be formed by removing around 3.5 metres of wall adjacent to the pedestrian entrance. The rest of the wall would be retained at its existing height. Drivers of vehicles emerging from the new access would not be able to see over the wall. Given also that there is no footway adjacent to the wall, drivers would be emerging directly onto the carriageway. Therefore, although drivers might have some visibility in a north east direction, they would have little warning of any traffic approaching along High Street from the south west.
6. Visibility from the access could be increased by siting a convex mirror on top of the front gate pier of Rowan House, immediately opposite. However, the Council considers that the mirror would require listed building consent. Whilst the appellant intends to apply for consent, there is no guarantee that it would be forthcoming. I could not impose a planning condition requiring provision of a mirror, as it is uncertain whether the appellant would be able to comply with its requirements. Such a condition would therefore not meet the test of reasonableness.
7. The above notwithstanding, the carriageway on this part of High Street is relatively narrow and vehicles therefore have to pass one another with care. There are a number of other vehicular accesses along High Street in the vicinity of the appeal site. The maximum speed limit on High Street is 20mph. Consequently, vehicle speeds on this part of High Street are likely to be low and drivers will generally be exercising caution, due to the possibility of encountering oncoming traffic or vehicles emerging from the existing accesses.
8. The limited visibility to the south west would be likely to encourage drivers to emerge cautiously from the new access to join the carriageway. As a result, oncoming drivers are likely to have reasonable advance warning of a vehicle emerging from the new access. Given the limited vehicle speeds involved, the

proposal is therefore unlikely to significantly erode the existing highway safety conditions for the users of High Street.

9. I also understand that 'Rowan House' does not have any off-street parking and its occupants, who are unable to park on this part of High Street due to its limited width, must therefore park on the road elsewhere in the village. Given the constraints on other roads in the village in terms of their limited width and their alignment, the small reduction in on-street parking offered by the proposal would be a modest benefit in highway safety terms, to which I attach some weight.
10. Overall therefore, I find that the proposal would provide a high standard of highway safety. Consequently, it would accord with saved policy T.24 of the adopted Bath & North East Somerset Local Plan 2007(LP).

Character and appearance of the CA

11. The appeal site and its surroundings are within the Freshford and Sharpstone Conservation Area (CA). High rubble stone boundary walls are identified as being of special interest in the Conservation Area Character Appraisal (CAA), which also advocates resisting their removal to provide vehicular access or parking.
12. Due to its traditional materials, height and overall length, the wall contributes positively to both the character and appearance of this part of the CA, which is also informed by the absence of substantial buildings on the extended gardens. On the whole, the stone walls at the front of adjacent gardens have a more limited visual presence in the street scene, mostly being lower and fragmented by vehicle and pedestrian accesses.
13. In comparison with the overall length of the wall, the section that would be removed in conjunction with the proposal would be relatively small. Due to the location at the north-east end of the wall, partly utilising the gap afforded by the existing pedestrian entrance, the proposal would preserve a substantial, uninterrupted expanse of the wall along almost three quarters of the frontage of the extended garden. Consequently, the proposal would not result in the fragmentation of the wall.
14. Most of the section of wall that would be removed has also been subject to an insensitive modern repair. In isolation, that would not provide sufficient justification for its removal, as it forms part of a traditional boundary. However, it does reduce the importance, in both a visual and historic sense, of that part of the wall.
15. The existing pedestrian entrance gate pier would be rebuilt at the end of the wall and a permeable surfacing material would be used for the access and parking area. Overall, the appearance of the proposal would therefore not be dissimilar to that of the older accesses serving some of the extended gardens on High Street. Consequently, the proposal would not possess some of the more 'suburban' characteristics of recent accesses in the locality.
16. Taking into account all of the above factors, I find that proposal would not significantly erode the visual and historic contribution to the CA made by the existing wall. Therefore, the proposal would preserve the character and appearance of the CA.

17. Consequently, the proposal would accord with saved LP Policy BH.6, as it would preserve the character and appearance of the CA in terms of external materials, design and detailing. Moreover, the proposal would accord with saved LP Policy BH.7, as it would not involve the substantial demolition of the wall. Furthermore, the proposal would not be inconsistent with the CAA.
18. I have also been referred to the Freshford and Limpley Stoke Neighbourhood Plan (NP). For the reasons set out above, the proposal would accord with the NP Planning and Development Policy.

Setting of listed building

19. 'Rowan House' and the attached 'Rose Lawn' are a pair of substantial dwellings of classical design and proportions constructed of ashlar Bath stone, dating from the early to mid-19th Century. They are set back slightly from the High Street, behind a high hedge.
20. Due to its modest scale and the limited impacts described above, the proposal would not have an adverse effect on the setting of the listed building. Therefore, the proposal would accord with saved LP Policy BH.2, as it would preserve the listed building's special architectural or historic interest and it would not adversely affect the building's contribution to the local scene.

Conditions

21. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. I have also imposed conditions requiring the details of the surfacing and draining of the access and parking area to be approved and restricting the use to the occupiers of 'Rowan House', in the interests of highway safety. I have also imposed a condition requiring the alterations to the boundary wall including the repositioned gate pier to match the existing wall, to preserve the character and appearance of the CA and the setting of the listed building.

Conclusion

22. The proposal would not adversely affect the safety of highway users. It would preserve the character and appearance of the CA and the setting of the listed building. Consequently, the proposal would accord with the Development Plan and be consistent with the CAA. The proposal would also be consistent with the guidance in the National Planning Policy Framework, as it would not have an adverse impact on the significance of the designated heritage assets.
23. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR