

Appeal Decision

Site visit made on 14 February 2017

by Susan Heywood BSc(Hons) MCD MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/Q1825/W/16/3157605

Doebank House and adjoining land, Avenue Road¹, Astwood Bank B96 6AT

- 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 & Mrs S Bolton against the decision of Redditch Borough Council.
 - The application Ref 2016/215/FUL, dated 7 July 2016, was refused by notice dated 18 August 2016.
 - The development proposed is the construction of a traditional style three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Bolton against Redditch Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the impact of the development on the character and appearance of the surrounding area, including its impact on the non-designated heritage asset of Doebank House.

Reasons

4. The Borough of Redditch Local Plan No. 4 (BORLP4) was adopted in January 2017 after submission of the appeal. Policy B(BE).13 of the Redditch Local Plan No. 3, referred to in the reasons for refusal of the application, is no longer relevant. The parties' views on the relevant development plan policies now in force have been sought and the appellants' views have been taken into account in this appeal².
5. I note that BORLP4 policy 37 does not relate to non-designated heritage assets (as set out in the explanation of the policy at paragraph 37.1). However, policy 36 requires all historic buildings, including non-designated heritage assets, to be conserved and enhanced in a manner appropriate to their significance. Policies 39 and 40 relate to design and the character of the area.

¹ The appeal site is located off Doebank Drive which runs off Avenue Road

² The Council did not make further comments on the BORLP4 policies

6. Paragraph 135 of the National Planning Policy Framework (the Framework) states that in considering the effect of a proposal on the significance of a non-designated heritage asset a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The property at Doebank House is an elegant two-storey Regency dwelling. Its eastern elevation forms one side of a three sided courtyard of part single, part two storey buildings, described in the appellants' Heritage Statement as barns. The appeal site comprises currently open land to the south east of Doebank House and to the south of the courtyard. Views of Doebank House and the roofs of the courtyard buildings are gained across the appeal site from Doebank Drive.
8. It is clear from historic maps that the land surrounding Doebank House was once open and wooded and that the existing driveway to the courtyard is in the same location as it was in 1885. This open land formed part of the setting of this heritage asset and the house and courtyard would have been appreciated by viewers approaching the house along the lane and when turning into the driveway to the courtyard³.
9. Much of this open setting has been lost with the construction of modern housing close to Doebank House to the north, east and most recently the south west, where a dwelling was under construction at the time of my visit. Nevertheless, some linkages with the surrounding countryside and woodland remain, notably to the west and south including across the appeal site. These remaining vestiges of the setting are important links in understanding the historic setting of the building. The appeal site is therefore an important aspect in the setting and significance of Doebank House.
10. I acknowledge that Doebank House is not a designated heritage asset and neither is it on the Local List of heritage assets. Consequently, it is not as important an asset as others which are so designated. Nevertheless, its significance must be taken into account in the consideration of this appeal both by virtue of BORLP4 policy 36 and the Framework.
11. The proposed development would be sited close to and facing Doebank Drive and would be set forward of the adjoining new dwelling at Doebank Lodge to the east. I note that it would be set behind the large garage to the front of Doebank Lodge and this structure would screen a proportion of the new dwelling when approaching from the east. However, on travelling beyond the garage, the proposed dwelling would come into full view. Its siting would further curtail views of Doebank House and the courtyard buildings when approaching from the east along Doebank Drive. The siting of the proposed dwelling would also lead to a further visual separation between Doebank House and its courtyard buildings and the woodland to the south. In this respect, the proposed development would cause further considerable harm to the setting and significance of the heritage asset.
12. The appellants argue that the proposal would complete the fourth side of the courtyard. However, the proposed dwelling would be separated from the courtyard buildings by the proposed garden area to the rear. It would also be orientated to face Doebank Drive and would therefore turn its back on the courtyard buildings. Neither would it be a subordinate structure being both

³ I note that an apparently original separate driveway to the front of the house has since been removed.

taller than the courtyard buildings running east – west and slightly deeper in plan form than any of those buildings. This form and siting would therefore fail to relate to the courtyard buildings and would not complement or complete the courtyard enclosure as claimed by the appellants.

13. I accept that there is no distinct pattern of development in the surrounding area. Consequently, aside from its impact on the heritage asset, the proposed development would not be out of keeping with the surrounding modern development.
14. I appreciate that the Council's heritage advisor did not raise any objections to the proposal. However, the consultation response does not provide any reasoning to indicate how this judgement was reached. In any case, I have reached my own conclusions having regard to my assessment of the proposal in this case. I also note that the Council did not raise heritage concerns at the pre-application stage, but this is not a matter for me in the consideration of this appeal.
15. For the above reasons, despite the existence of modern development close to Doebank House, I conclude that the proposed development would cause considerable harm to the setting and significance of the heritage asset and in this respect it would be contrary to BORLP4 policies 36, 39 and 40.

Other matters

16. Weighing in favour of development is the benefit of providing an additional dwelling in a sustainable location within the development boundary of Astwood Bank. However, I give only moderate weight to the benefits derived from one dwelling.
17. Interested parties have raised concerns regarding the increase in traffic as a result of the proposal and its impact on the living conditions of the property at No. 15 Badger Brook Lane. Although Doebank Drive is a narrow, single track lane, the impact of traffic from one additional modestly sized dwelling would be unlikely to cause any significant safety concerns along the lane. The dwelling would be located a sufficient distance from the rear of properties on Badger Brook Lane so as to cause no harm to the living conditions of the occupiers of those properties. These matters are neutral factors in the overall balance.

Overall balance and conclusion

18. The Framework requires a balanced judgement to be undertaken having regard to the scale of harm and the significance of the heritage asset.
19. I agree with the appellant that the scale of the harm is not 'substantial' which is a term used in the Framework by which to judge the impact of a proposal on a designated heritage asset. Moreover, being a non-designated asset, the building is not as important in either national or local terms than a designated heritage asset. Nevertheless, it is protected by BORLP4 policy 36 and the requirements in the Framework to take its significance into account. In this case, I have identified the scale of harm on the significance of the asset, which includes its setting, to be considerable. In the overall balance, the moderate weight derived from the construction of one dwelling does not outweigh the considerable harm to the significance of the heritage asset.

20. The proposal would not comply with the development plan and there are no material considerations which would lead me to determine the appeal otherwise. The proposal would not represent a sustainable form of development and I therefore conclude that the appeal should be dismissed.

Susan Heywood

INSPECTOR