
Appeal Decision

Site visit made on 13 March 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 4 April 2017

Appeal Ref: APP/F0114/W/16/3166334

Braeside Cottage, Gooseberry Lane, Keynsham BS31 1EY

- 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 E Bewley against the decision of Bath & North East Somerset Council.
 - The application Ref 16/01904/FUL, dated 19 April 2016, was refused by notice dated 5 July 2016.
 - The development proposed is to erect a detached house and garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal site is located within the Bath/Bristol Green Belt. The Council considers that the proposal would amount to limited infilling within an otherwise built up frontage and as such would not amount to inappropriate development within the Green Belt. I find no reason to take a contrary position.
3. Since refusing the planning application, the Council has adopted the Keynsham Conservation Area Appraisal and Management Plan (KCAAMP). It therefore represents a material consideration in the determination of this appeal. The appellant has had opportunity to comment on this, therefore no party has been prejudiced.

Main Issue

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

Reasons

5. The appeal site comprises the sloping southern side and front garden of Braeside Cottage, which is a two storey detached dwelling within the Keynsham Conservation Area. The site occupies an elevated position on the eastern side of the River Chew Valley, within the Steel Mills and Wellsway character area as identified in the KCAAMP. In combination with Dapps Hill, the area has a distinctively verdant and small village character.
 6. A historic public right of way runs across the southern boundary of the site and connects Gooseberry Lane with the elevated B3116. The appeal proposal would be highly visible in its elevated position in the approaching views from
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the west between the attractive group of cottages at the foot of Gooseberry Lane, the spatial character of which is little different to that shown on the 1842 Tithe Map. The townscape analysis of the KCAAMP identifies these and Braeside Cottage as a non-designated heritage assets of pre-1884 origin, which contribute to the character and appearance of the Conservation Area.

7. At present, the site is open and allows for views through to the trees and vegetation at the rear. Because the land slopes relatively steeply towards the back of the site, the high stone front wall and picket fence do little to screen these views. Whilst individually the trees are of no particular merit, combined they provide an attractive backdrop to the site. They also form part of the contiguous woodland in the centre of the Conservation Area which is highlighted in the KCAAMP as significant foliage and a valuable part of the public realm and setting to the area which positively contributes to the overall character. I agree with this appraisal. The appeal proposal would, however, largely obscure the trees and vegetation and in doing so would detrimentally affect a key view within the Conservation area. This harm would not be materially mitigated by planting to the front of the house.
8. The proposal would also likely partly obscure views from the upper parts of the adjoining public right of way to the east across the River Chew Valley towards the picturesque Dapps Hill character area, particularly during the winter months.
9. The KCAAMP identifies the nearest listed building to the site as the 17th century Dapps Hill Bridge (grade II). Given the juxtaposition of the dwelling in relation to the bridge, I am satisfied that the proposal would preserve the setting of the same. Nevertheless, the proposed infill development would substantially disrupt the composition of elements identified above and erode the historic pattern of development which combines to contribute to the Conservation Area's special architectural and historic interest.
10. Taken in isolation, I do not raise concern regarding the design of the proposed dwelling, which would match Braeside Cottage in terms of its main ridge height and eaves level. However, the constrained nature of the site is such that the proposal would appear squeezed into the gap between Braeside Cottage and the public right of way and would be positioned forward of the main building line of the former. There would evidently be little space either side of the dwelling and to the rear, thereby contrasting with the more comfortable plot to build ratios which predominate in the area. Accordingly, I agree with the Council that the proposal would amount to an overdevelopment of the site.
11. I therefore conclude that the proposal would fail to preserve or enhance either the character or appearance of the Keynsham Conservation Area, the desirability of which is fully anticipated by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Such an outcome would also conflict with the expectations of Saved Policy BH.6 of the Bath and North East Somerset Local Plan (LP) and Policy CP6 of the Bath and North East Somerset Core Strategy and paragraph 132 of the National Planning Policy Framework (the Framework). Whilst the magnitude of harm identified in respect of the Conservation Area as a whole may be considered as less than substantial in the context of paragraphs 134/135 of the Framework, I do not consider that the arguments advanced in favour of allowing the appeal amount to benefits that

would outweigh the substantial weight I must attach to the designated heritage asset's conservation.

12. It follows therefore that the proposal would also be contrary to Saved LP Policies D.2 and D.4, which state, amongst other matters, that development will be permitted where it responds to the local context in terms of appearance, siting, spacing and layout; reinforces or complements attractive qualities of local distinctiveness; or improves areas of poor design and layout.
13. The Council's reason for refusal also states that the proposal would be detrimental to the visual amenity of the Green Belt, contrary to Saved LP Policy GB.2, which seeks to resist the same. However, as it has been found that the proposal would not amount to inappropriate development in the Green Belt, it should not be regarded as harmful either to its openness or to the purposes of including land within it. I do though agree that the proposal would be harmful to the visual amenity of the land included within it. In any case, the harm to the character and appearance Conservation Area is sufficient in its own right to warrant withholding planning permission.
14. The Council has also stated that since determining the application, the weight that can be afforded to its Placemaking Plan District-wide Strategy and Policies (Placemaking Plan) has increased. It is explained that following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. Having regard to paragraph 216 of the Framework, I agree that as the stage of preparation has advanced, greater weight can now be afforded to the Placemaking Plan. However, I have not been provided with details of the Inspector's Interim Statement and Main Modifications. I cannot therefore be definitive about the weight which should be afforded to the Placemaking Plan policies. Moreover, the policies of the Placemaking Plan are not referred to in the reasons for refusal and the Council has not identified which policies it considers the proposal to be in conflict with and why. For these reasons, the Placemaking Plan has had limited bearing on my decision.

Other matters

15. I acknowledge that the proposal would not cause unacceptable harm to the living conditions of neighbouring residents and that the Council's arboriculture, highways and drainage officers have not objected to the proposal. However the lack of harm is a neutral matter in the planning balance and therefore cannot weigh in favour or mitigate the harm of the appeal proposal.

Conclusion

16. For the above stated reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR