
Appeal Decision

Site visit made on 21 March 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/D4635/W/16/3165399

43 Wakeley Hill, Penn, Wolverhampton WV4 5RA

- 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 Mrs Helen Caddick against the decision of Wolverhampton City Council.
 - The application Ref 16/00783/FUL, dated 14 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is a 3 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on: (a) the setting of the listed building comprising numbers 43-49 Wakeley Hill; and (b) the character and appearance of the surrounding area.

Reasons

Setting

3. Paragraph 128 of the National Planning Policy Framework (Framework) states that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the assets' importance but, as a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
 4. The 'Design and Access Statement and Heritage Statement' submitted with the application included no acknowledgement of the listed status of Ivy Terrace and no reference to its setting. The addendum document, submitted in September 2016, included a copy of the listing description but did not set out any assessment of the significance of the designated heritage asset or its setting. As it is necessary to define the setting of an asset before the effect of a development proposal on that setting can properly be assessed the application was deficient in that respect.
 5. The historic mapping shows that Ivy Terrace existed much in its current form by 1884 although it stood as an isolated building at that date. The OS maps
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of 1884, 1902 and 1914 indicate that the building formerly occupied a narrow and elongated curtilage extending in both directions along Wakeley Hill. The 1937 OS map shows a curtilage identical to that which exists now which includes the appeal site and the 'dog leg' form of the eastern boundary. This evidence appears to disprove the appellant's suggestion that the land on which 51A Wakeley Hill has been constructed previously formed part of the garden or curtilage to the listed building.

6. As is often the case with buildings of its period, the setting of Ivy Terrace has changed since its original construction, not least because of subsequent development along Wakeley Hill and to the rear of the building. However, its curtilage has remained unchanged for more than 80 years and, based on my observations on my site visit, I consider that that it is this curtilage that now defines the setting of the listed building.
7. To the rear that setting is defined by the boundary fences and mature vegetation enclosing the combined area of the rear gardens to the four cottages. Although it lacks a uniform boundary treatment, the curtilage to the front is clearly demarcated by the highway edge and the boundary fences/hedges to the adjacent dwellings at Numbers 41 and 51A. The open form and appearance of the front gardens are an important component of the building's setting and the gaps at either end are critical in terms of how the listed building is seen and experienced within the street scene.
8. From the east the curvature of the road allows a view of the front elevation of the building and its roof and chimneys. However, it is because of the gap between Nos. 49 and 51A, and the set back of 51A, that the gable to No. 49 is prominent providing the viewer with a clear appreciation of the narrow depth of the building and the asymmetrical roof at its eastern end. Its physical separation from the more modern, hipped roof property at No. 41 is also readily apparent in this view and is of considerable importance in helping to identify Ivy Terrace as separate and distinct from its neighbours.
9. Because No. 41 is not set as far back from the road as No. 51A the gap comprising the appeal site is of even greater importance in providing a visual separation between the two adjacent buildings. The hedge to the side boundary of No. 41 provides some screening to the view from the west but the upper half of the gable and part of the pitched roof to the original, single storey side addition are visible. This view also provides a clear appreciation of the separate identity and distinct character of the listed building.
10. In my assessment, the gaps at either end of the listed building are crucial components of its setting. The proposed new dwelling would fill one of those gaps. It would result in a substantial reduction in the visual separation of the building from the neighbouring dwellings and would have a significant adverse effect on how it is seen and experienced in views from Wakeley Hill.
11. The harm resulting from the loss of the existing gap would be compounded by the site's development with a modern dwelling of a wholly different form, scale and appearance to the listed building. Some harm to the setting has already been caused by the removal of parts of the boundary hedge and the introduction of gravelled parking areas at each end of the terrace. The extension of the parking at the western end would further add to that harm.

12. Accordingly, I find that the proposal would result in significant harm to the setting and significance of a designated heritage asset. I agree that the harm would be less than substantial for the purposes of applying the relevant policies in the Framework. Paragraph 132 of the Framework states that, when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation. Paragraph 134 states that, where a proposal would lead to less than substantial harm to the significance of a designated asset that harm should be weighed against the public benefits of the proposal.
13. The proposal would have some economic benefit in respect of the investment and employment involved in its construction and would contribute an additional dwelling to the supply of housing in the area. These should be classed as public benefits but are of a very modest scale. Having regard to the duty, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, that special regard should be had to the desirability of preserving listed buildings and their settings I find that these benefits would not outweigh the harm that would be caused.
14. The proposal conflicts with the policies in section 12 of the Framework and with saved Policy HE17 of the Wolverhampton Unitary Development Plan (2006) (UDP), which states that development affecting the setting of a listed building will only be permitted if it respects and enhances the special architectural and historic interest of the building. It conflicts with UDP Policies HE14, which requires that proposals within the curtilage of a listed building should not adversely affect its setting, and HE1, which requires that all development should take account of the character of the area including the special contribution of listed buildings to that character. In addition, it is contrary to Policy ENV2 of the Black Country Core Strategy (2011) (BCCS) which requires that development proposals should preserve important aspects of the historic environment and their settings.

Character and appearance

15. Although there are some exceptions, the prevailing form of development along Wakeley Hill is of dwellings set in medium sized plots with adjacent properties separated by garages or driveways to the side. Most properties have some form of boundary treatment providing partial enclosure of their front gardens and parking areas and vegetation within those gardens adds to the character of the street.
16. In contrast, the appeal proposal would occupy almost the full width of the site and would be in very close proximity to the neighbouring dwellings. This would result in a cramped form of development that would be out of character in this part of Wakeley Hill. The absence of boundary treatment to the site frontage and the use of the entire frontage for parking would have a negative effect on the street scene. There is significant variety in the style and design of the housing along Wakeley Hill. However, the elevational treatment proposed would result in a development that jars with rather than complements its immediate neighbours and which would not make a positive contribution to the street scene.

17. I therefore find that the proposal would be detrimental to the general character and appearance of the street scene along Wakeley Hill. For this reason the proposal conflicts with UDP Policies D1, which requires that all development should demonstrate a high standard of design and contribute to a strong sense of place, and D4, which states that development should respond positively to the established pattern of streets and buildings and spatial character. It is also contrary to BCCS Policy CSP4, which requires that development proposals should demonstrate a clear understanding of the historic character and local distinctiveness of the area and make a positive contribution to place making and environmental improvement.
18. The Council has cited a number of other policies in its reasons for refusal but I am not certain that these are directly relevant to the issues in the appeal and see no conflict with them. However, the conflict with the policies that I have identified above is sufficient for me to conclude that the proposal conflicts with the development plan as a whole.

Conclusions

19. For the reasons set out above I find that the proposal would result in less than substantial harm to the setting and significance of a designated heritage asset and that that harm would not be outweighed by the public benefits of the scheme. Because of the harm that would be caused to the listed building and to the character and appearance of the surrounding area the proposal conflicts with the relevant policies of the development plan. No material considerations have been identified that would outweigh that conflict.
20. I therefore conclude that the appeal should fail.

Paul Singleton

INSPECTOR