
Appeal Decision

Site visit made on 29 June 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/Y3940/W/17/3172533

9 London Road, Chippenham SN15 3AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Chris Akhidenor against the decision of Wiltshire Council.
 - The application Ref 16/08479/OUT, dated 30 August 2016, was refused by notice dated 30 January 2017.
 - The development proposed is outline application for residential development of 12 flats with primary access off London Road with all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with all matters (access, layout, scale, appearance and landscaping) reserved for future consideration. A block plan, Ref GTA/09/001, has been submitted showing three blocks of flats, seven car parking spaces, and a vehicle access onto London Road. The appellant has confirmed that this is for illustrative purposes only. I have determined the appeal on that basis.
3. An amended illustrative block plan to the original submission has been submitted by the appellant in association with his response to the Council's appeal statement. The amendments include the addition of 8 parking spaces, making a total of 15, and a resulting alteration to the footprint of blocks A and C at ground floor level, which are material changes to the original illustrative plan. I note that the neighbouring residents have not been formally informed of this and that the Council has not had the opportunity to consider it. Whilst it does not fundamentally change the substance of the application, due to those changes I find that some residents and the Council could be prejudiced. Therefore I have determined the appeal based on the original submission.
4. The submissions make reference to the Chippenham Conservation Area Management Plan supplementary planning guidance (the SPG). I have afforded some weight to that document due to its role in supporting the relevant development plan policies.
5. The appellant, in his submissions, requests that the appeal is allowed with consideration of a costs award. However, no costs application has been made by the appellant.

Main Issue

6. The main issue is whether the proposed development would preserve the setting of the Grade II listed buildings (the LBs) comprising 9 London Road and 43 and 45 London Road and preserve or enhance the character or appearance of the Chippenham Conservation Area (the CA).

Reasons

7. The site is located within the CA and immediately adjacent to the LBs. As such, as set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention has to be paid to the desirability of preserving the setting of the LBs and preserving or enhancing the character or appearance of the CA. These are statutory duties.
8. The CA comprises a mix of designs and types of buildings which, in the vicinity of the site, relate to both modern and older properties including the LBs. I have had regard to the SPG which identifies that London Road has seen incremental development along with the retention of many of the listed buildings, resulting in a sometimes haphazard standard of townscape quality. The LBs stand out in that context as providing a visual link to the area's historic past without being dominated, in terms of their immediate setting, by modern incompatibly designed buildings. Cyppa Court is a modern office building to the south of the site but is clearly separated from No 9 London Road by the appeal site and is just outside of the CA.
9. The site is currently in an overgrown state, detracting from the setting of the CAs and the streetscene generally, in a prominent corner location. One of the development guidelines of the SPG is therefore to seek appropriate and sensitive redevelopment of the surrounding derelict land to No 9. I therefore acknowledge the principle of developing the site and also note that planning permission has previously been granted for 22 flats on the site. However that permission has now lapsed and pre-dates the National Planning Policy Framework (the Framework) which sets out the great weight that should be given to the conservation of designated heritage assets. Furthermore, that previous proposal was a detailed application, which included full design details.
10. Unlike that previous proposal, the current outline appeal submissions include no such detailed design, only an illustrative block plan. The current proposal involves significantly less flats. However, that does not necessarily mean that they could be accommodated as well or better than the previous scheme, especially as the building footprints are illustrated to be different than before, albeit set back from London Road. The scheme is also illustrated to include surface level parking and it is disputed by the parties as to the level of parking required. That is an unclear position currently as the size of flats in terms of the numbers of bedrooms, reflecting the number of potential occupants and car owners, is not shown or specified. That is another factor that would have a bearing on the design and layout of the proposal.
11. Ordinarily, full design details would be secured at the reserved matters stage. However, in this case I am unable to fulfil my statutory duty due to a lack of evidence as to how the proposal would relate to the LBs, particularly in terms of scale and appearance, and therefore also the character or appearance of the CA to which the LBs are integral. Furthermore, as I am not able to assess whether or not harm would be caused in respect of those heritage assets, I am

therefore also unable, were there to be any such harm, to make the important distinction between whether that would be less-than substantial or substantial harm, having regard to paragraphs 132-134 of the Framework. The current overgrown nature of the site, the presence of mature trees on the corner site boundary in terms of screening or softening effects, and the previous permission for a different proposal on the site would be insufficient basis to enable me to give the required special attention to the proposal.

12. I acknowledge that the Council could have, but did not, request further details at the application validation stage. However, I have determined the appeal on its merits based on the submissions presented to me.
13. For the above reasons, I am unable to determine whether or not the proposed development would preserve the setting of the LBs and preserve or enhance the character or appearance of the CA. As such, it would be contrary to Policies CP57 and CP58 of the Wiltshire Core Strategy which together in respect of this issue require development to have a high standard of design and protect, be sympathetic to and conserve historic buildings, and to conserve and where possible enhance the historic environment. It would also be contrary to section 12 of the Framework which relates to conserving and enhancing the historic environment.

Conclusion

14. The Framework sets out that there should be a presumption in favour of sustainable development and that to achieve this, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.
15. The proposal would make a small contribution to the supply of housing in the area. However, this would not outweigh my findings in respect of not being able to fulfil the statutory duty to pay special attention to the desirability of preserving the setting of the LBs and preserving or enhancing the character or appearance of the CA. It would therefore not be a sustainable form of development.
16. Therefore, for the reasons given above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR