
Appeal Decisions

Site visit made on 18 July 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 08 August 2017

Appeal A Ref: APP/Y3940/W/17/3169377

66 High Street, Royal Wootton Bassett, SN4 7AR

- 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 Miss Bendall against the decision of Wiltshire Council.
 - The application Ref 16/04489/FUL, dated 11 May 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the partial demolition of brick wall to create vehicular access.
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Appeal B Ref: APP/Y3940/Y/17/3169375

66 High Street, Royal Wootton Bassett, SN4 7AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Miss Bendall against the decision of Wiltshire Council.
 - The application Ref 16/04935/LBC, dated 11 May 2016, was refused by notice dated 19 August 2016.
 - The development proposed is the partial demolition of brick wall to create vehicular access.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Procedural Matters

3. 66 High Street is a grade II listed building within the Royal Wootton Bassett Conservation Area. As required by Sections 16(2), 66(1), and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.
4. The original applications sought both planning permission and listed building consent for the partial demolition of a brick wall to create a vehicular access. The Council refused both applications and the appellant has submitted appeals for the refusal of planning permission and for the refusal of listed building consent.
5. The main parties have referred to the existing front boundary wall as being modern. Nevertheless the Council refused the applications on the basis of the

wall being a listed curtilage structure. From my visit it was apparent that much of the wall is constructed of modern brick, but the lowest visible courses are of a different age, brick and coursing pattern than the brickwork above. Neither party have provided conclusive evidence of the age of the wall. On the basis of the evidence before me, I have therefore considered the wall as being a listed curtilage structure.

6. The original application descriptions referred to the partial demolition of the wall. However, the evidence of both the main parties refers to the full removal and replacement of the wall. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear that the scheme comprises the demolition of the wall and its replacement. The Council have dealt with the proposal on this basis and so shall I.
7. As set out above, there are two appeals on the same site, one for planning permission and the other for listed building consent, seeking the demolition and erection of a brick wall to create a vehicular access. I have considered each proposal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

8. The main issue is whether the proposal would preserve a listed building, its setting or any features of special architectural or historic interest it possesses, and linked to that whether the works would preserve or enhance the character or appearance of the Royal Wootton Bassett Conservation Area

Reasons

9. The Royal Wootton Bassett Conservation Area encompasses much of the length of the High Street. The essentially straight linear form of this wide street provides long views of the rows of mostly historic properties either side of it. The street has a vibrant character, in part due to the variety of uses found within the close knit buildings along it. There is a sense of enclosure to the public realm formed by the buildings and boundaries abutting the roads and footways. This and the dominance of the High Street, the number and quality of the historic buildings in the area, and the diversity of the uses are all part of the significance of the conservation area.
10. 66 High Street is a two storey brick and tile house, with 3 bays and a central front door. The symmetrical appearance of the house, with its decorative stone detailing, sash windows and canopied front door has an elegance that gives the house a notable prominence. This and the set back of the house behind a deep front garden along with its position perpendicular to the High Street, is part of the special interest of this listed building.
11. The formal symmetry of the house is emphasised by the presence of the front boundary wall which provides a clear division between the public and private realm. The height of the wall controls the views of the house, with the positioning of the pedestrian gate and path leading directly to the front door thereby reinforcing the formality of the building. As such the wall gives a distinct enclosure to the house that not only emphasises the prominence of the listed building but makes a positive contribution to the character and appearance of the conservation area.

12. The reduction in the height of the wall along with the provision of a wide vehicular access to provide parking would erode the enclosed nature of the garden, thereby unacceptably blurring the clear demarcation of the public and private realm that is an important element of the setting of the listed building and the character and appearance of the conservation area. Even with a proposed tandem parking layout and the retention of soft landscaping either side, the parking would dominate the garden. Moreover, the configuration of a walled visibility splay along with the use of grasscrete would have an incongruously modern appearance at odds with the historic nature of the property.
13. I noted that the properties either side of No 66 have vehicular accesses. However, these accesses have a different appearance and positional relationship to the houses they serve than the appeal proposal. I have also had regard to a scheme referred to by the appellant that is considered to be a local precedent. I do not have the full planning history of 56 High Street before me, but from the information provided the scheme is very different to the appeal proposal, including parking to the rear. As such it does not form a direct comparison to the proposed works and moreover my decision has to be based on the merits of a particular case in accordance with the requirements of the current development plan and all other material considerations.
14. The National Planning Policy Framework (the Framework) requires that great weight should be given to the significance of designated heritage assets. The appellant has drawn my attention to the local support for the scheme. However, the requirements of the Framework and the statutory duties of the Act apply in all cases even where there is local support for a proposal.
15. Thus, for the reasons given the proposal would unacceptably harm the setting and special interest of a listed building, and it would fail to preserve or enhance the character or appearance of a conservation area. This would be contrary to the requirements of Core Policies 57 and 58 of the Wiltshire Core Strategy (2015), which seek amongst other things, a high standard of design that protects, conserves and possibly enhances the historic environment, reflecting the Framework.
16. The Framework also requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this case there would result in less than substantial harm due to the comparative size of the scheme compared to that of the listed building and the conservation area.
17. The appellant has drawn my attention to the reduction in the need for public parking being a public benefit that would outweigh a minor harm. Both street and public car parking exist nearby and would be available for the occupiers of No 66 to use. Nor is it uncommon in historic urban areas for homes not to have on-site parking. The house is currently occupied by tenants of the appellant and the choice to purchase and not to live in the property would be a personal one. Nor would the absence of parking preclude the maintenance of the property. Thus the proposal would provide a personal benefit for the appellant and although there would be a public benefit of reducing parking within the area, it would be very limited and would not outweigh the harm I have found.

Other Matters

18. The appellant would welcome discussions with the Council as regards details of the proposal, and for the appeal it has been suggested a gate could be provided and different materials used, rather than those specified in the original applications. However, the appeal process should not be used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. In this instance there would be several differences between the appeal scheme and that considered by the Council. The details of the proposed changes for the appeal have not been provided, but from the evidence before me they would differ significantly from the original applications. As others have not had an opportunity to comment, I am therefore unable to accept them as amendments.

Conclusion

19. For the reasons given above and having considered all other matters raised, the appeals are dismissed.

J J Evans

INSPECTOR