
Appeal Decision

Site visit made on 19 July 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 15th August 2017

Appeal Ref: APP/Y3940/D/17/3173453
47 Alfred Street, Westbury BA13 3DZ

- 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 Judy Jones against the decision of Wiltshire Council.
 - The application Ref 16/11171/FUL, dated 12 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is the temporary erection of a steel construction garage.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form. The garage has been constructed and I shall consider the appeal accordingly.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Westbury Conservation Area (CA).

Reasons

4. The site lies immediately opposite a group of individually listed buildings within the Westbury CA. They include the Horse and Groom Public House and the restored Bitham Mill (a former woollen mill). Alfred Street is predominantly residential with a traditional row of cottages immediately adjacent. The appeal property is a more recent part brick, part rendered semi-detached house set back from the cottages. The road widens out towards the mill entrance and this creates an attractive, loose knit and informal arrangement of buildings around the junction of Alfred Street and Bitham Mill.
5. The garage subject of this appeal sits almost entirely forward of the host property. It is screened by the adjacent terrace on one side but is particularly visible when viewed from the listed property "The Little House" and from the entrance to Bitham Mill. It has a utilitarian appearance and the finished colour, materials and detailing only serve to increase its prominence. As a result it constitutes an incongruous feature in the CA, detracting from its character and appearance.

6. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a heritage asset, in this case the Westbury CA, is a matter of considerable importance and weight. The garage has an adverse effect on the significance of this designated heritage asset and for that matter also detracts from the wider setting of the listed buildings on the opposite side of the street though the harm that would result is "less than substantial" in the words of the National Planning Policy Framework (the Framework).
7. Where less than substantial harm occurs the Framework indicates that this should be weighed against the public benefits of the development. The appellant has outlined that she requires the garage on a temporary basis to house a classic car and motorbike until such time as she is able to proceed with the original approved planning application¹ though indicates a requirement for between 5 to 10 years. I understand this desire to provide accommodation for these vehicles however these are personal circumstances which derive a private benefit and do not outweigh the harm that has occurred to the CA and would not be justified even on a temporary basis.
8. For the above reasons the development would fail to preserve or enhance the character or appearance of the Conservation Area in conflict with Policies 57 and 58 of the Wiltshire Core Strategy and the Framework which amongst other things seek to ensure that development makes a positive contribution, enhances local distinctiveness, use high standards of materials and finishes and that heritage assets are protected and enhanced.
9. The appellant has outlined her approach to design and materials was intended to pay homage to the industrial and agricultural character of the conservation area, blending colours to match local brickwork and render. She has also indicated a willingness to cover the structure with brick slips. Whilst I note these comments I have found the design approach is not sympathetic to the restored mill or the listed building opposite. The offer of alternative treatment is also noted but I do not consider remedial additions or alterations would overcome the harm identified.
10. The appellant has also outlined the lack of objection from the Town Council and notes only one neighbour commented on the scheme. This may be so but it does not diminish the harm which has been identified.

Conclusion

11. For the above reasons and having considered all matters raised, I conclude the appeal should be dismissed.

Janet Wilson

INSPECTOR

¹ Planning permission ref 15/06674/FUL for side garage and front porch dated 24/08/15