The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 11 October 2017

Appeal Ref: APP/H1840/W/17/3177011
83-85 Friar Street, Droitwich Spa, Worcestershire WR9 8EQ

- 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 Uche Oguike (Fountain Droitwich Limited) against the decision of Wychavon District Council.
- The application Ref W/16/00323/PN, dated 4 February 2016, was refused by notice dated 6 December 2016.
- The development proposed is construction of 1 no. detached dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The original planning application for two dwellings was amended during the course of the planning process to one three-bedroom dwelling. It is the amended application that is the subject of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Droitwich Spa Conservation Area (DSCA) and the settings of nearby listed buildings.

Reasons

4. The appeal site comprises an area of garden land to the rear of 83-85 Friar Street. That property operates as a dental practice on the ground floor with a residential flat above. The site is to the west of Chorley Road, which separates it from an adjacent car park, and leads to a short terrace of modest red brick dwellings. It then becomes a private road running to the rear of the site and leading to a Fire Authority facility, further to the west. The site is located within the DSCA and this part of Friar Street has a row of listed buildings from Nos 59-81 to the south west of the appeal site.

5. It is proposed to construct a detached two storey three-bedroom property. It would be of modern design with a pitched roof of zinc or other metal and offset gables whilst the walls would comprise of grey render and timber panelling. As the development would be within the DSCA, I am mindful of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance'* of conservation areas.

6. The Conservation Area Appraisal and Management Plan (CAA)[1] provides a detailed assessment of the DSCA. It notes that the integrity of the historic town has been badly affected by 20th century development but that it nevertheless retains elements of its historic plan, many of its historic buildings and a strong local identity. It also identifies a number of distinct 'character areas'. Friar Street and the surrounding area, including Chorley Road, fall within the 'High Street Character Area' encompassing the town's Saxon and Medieval core. Although many of the buildings are from a later period, the CAA says that the earlier medieval plan is still very much evident in the area, identified by the tight grain of small narrow linear plots, the presence of a back lane and tightly packed buildings sited immediately at the back of the pavement.

7. It is acknowledged in the CAA that in the latter part of the 20th century and more recently the High Street Character Area has seen redevelopment for car parking, as well as development in former gardens, some of which has undermined the visual and historic integrity of these core areas. The Council's specialist Conservation Officer advises that Friar Street has retained that medieval pattern of development, particularly on its north side and refers to advice in the CAA which states that: *'Preservation of the remaining historic buildings and plan form in this area is critical to the preservation of the special interest, character and appearance of this part of the conservation area.'* I note that the Conservation Officer's assessment is supported by Worcestershire County Council's Historic Environment Advisor, who says that by the 13th century the layout of the town, as it survived into the 18th century, seems to have been established. Moreover, that the appeal site *'is located in an area of medieval house plots, extending back from Friar Street.'* I give significant weight to the assessment contained in the CAA and the supplementary professional views of two specialist Council Officers.

8. The Council submit that development at the location would be out of keeping with that historic street pattern, building line and plot layout which characterises the High Street Character Area. Although there are some ancillary buildings to the rear, the main building line if formed by the buildings fronting on to Friar Street. The appellant maintains that the appeal site is not located on Friar Street and that its frontage would not be affected, as the proposed dwelling would be sited to the rear, adjacent to Chorley Road. However, it is clear from the CAA and the advice of Council Officers that the medieval plan or pattern of development refers to the long narrow tenement plots which stretch back from the street, which would include the appeal site to the rear of Nos 83-85.

9. A Heritage Statement (HS)[2] was submitted by the appellant with the original proposal for two dwellings. However, although it refers to the CAA, the relatively brief written elements of the HS do not contain any detailed analysis of the significant aspects of the 'High Street Character Area' identified in the CAA. As any harm to the medieval pattern of development still evident on the north side of Friar Street, is not systematically considered in the HS, I do not find it persuasive in that respect.

10. The appellant says that there are many modern structures on Chorley Road and on Friar Street, including the Norbury Estate, along with car parks and a

[1] Adopted 3rd September 2013
[2] Heritage Statement for Stoneleigh Architectural Limited issued 5th March 2016

supermarket further to the east. However, the HS advises that the *'the section of the Conservation Area adjacent to the application site is largely bereft of modern influences found in other sections of the Conservation Area'* and that *'the character has largely been retained.'* The HS refers to some contemporary brick-built additions and considers the terrace of dwellings on Chorley Road, to the rear of the site, to be *'largely unobjectionable and plain in their appearance'.* It says *'their impact on the conservation area can only be described as neutral.'* In any event, the CAA recognises that some modern development has had a detrimental effect on the DSCA which is why it considers the protection of *'the remaining historic buildings and plan form'* to be 'critical' to the preservation of this part of the DSCA.

11. Therefore, on balance, I find that I am more persuaded by the Council's view that, although the area has been affected by modern development, this part of Friar Street is one of remaining pockets where the medieval plan and plot form remains evident. Consequently, residential development of the type proposed would be out of keeping and have a negative effect on the historic street pattern, building line and plot layout which characterises the High Street Character Area.

12. In addition to being within the DSCA, Nos 83-85 are identified as unlisted buildings of local interest in the CAA. They adjoin Nos 79-81, which is Grade II listed and dates from the late 16th century. Its timber frame and painted brick façade forms part of an impressive row of listed buildings on the north side of Friar Street, from numbers Nos 59 to 81, including 'The Old Cock Inn' dating from the 18th century.

13. Statute also requires that decision makers have special regard to the desirability of preserving listed buildings or their settings. [3] The Glossary to the National Planning Policy Framework (the Framework)[4] defines the setting of a heritage asset, which includes listed buildings, as the surroundings in which a heritage asset is experienced. That is quite a wide definition.

14. It is recognised in the CAA that loss of gardens and historic plot divisions, mainly to modern development and car parking, has undermined the integrity of the historic plan of the town and harmed the setting of many of its listed buildings. It advises that those losses should not be taken as a guide or precedent to justify further loss.

15. Although the appellant states that the proposed house would not be readily visible from Friar Street, it would be in the field of vision in longer views, looking in a westerly direction along Friar Street from adjacent to the car park. Whilst part of Chorley Road is private, the Planning Practice Guidance (PPG)[5] states that the contribution that setting makes to the significance of the heritage asset does not necessarily depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance. Therefore, views towards the rear of the listed buildings even from private parts of Chorley Road remain relevant. Moreover, the contribution made by the historic street pattern and plot layout to the setting of the listed buildings is not dependent on the extent of public views

[3] s66(1) Planning (Listed Buildings and Conservation Areas) Act 1990
[4] Published March 2012
[5] Planning Practice Guidance: Conserving and Enhancing the Historic Environment ID: 18a-13-20140306

and it would, to a degree, be adversely affected by the placing of a significant built form at that location.

16. There would also be views towards the rear of the listed buildings from the car park and those parts of Chorley Road with public access. The HS notes the proximity of the appeal site to, and views from, 'a public car park which experiences a heavy footfall'. The appellant holds that any glimpses of the new building would, because of its size and siting, be read as *'a smaller ancillary building beyond the principal frontage buildings'.* However, I consider that the contemporary design of the building, with its offset gabled roof, prominent eastern elevation and proposed materials, would draw the eye, notwithstanding some screening from a boundary fence and trees.

17. The appellant refers to harm already caused to the character of the area by the set of modern buildings on the north side of Friar Street, including a supermarket, car parks and the fire authority facility. However, the fact that harm may already have been caused in the past, as noted in the CAA, does not set a precedent that would justify the unsympathetic design and siting of further built forms in the remaining historic elements of the area.

18. It is submitted by the appellant that the modern design is indicative of an effort to avoid the appearance of a pastiche of older styles. The Framework states in paragraph 60 that: *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'* Paragraph 58 also refers to the need to *'respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'* Therefore, while modern design is to be encouraged it also needs to be sensitive to its local surroundings. That general design consideration becomes paramount in the context of designated heritage assets, such as conservation areas and listed buildings. Whilst there is nothing intrinsically objectionable to the modernity of the design in isolation, and high quality suitable materials could be secured by condition, its location, form and lack of reference to any surrounding development would make it appear incongruous in this part of the DSCA.

19. The CAA also notes that tees are a significant feature throughout much of the DSCA and comments on mature trees around Friar Street that are remnants of historic planting. It emphasises the importance of retaining trees for their contribution to the street scene and for the role they play in screening or softening new development. There are a number of mature trees within the appeal site. The Council expresses concern that they could be lost or affected by the development. There is a 'Topographical Plan (Existing)' showing existing trees and a 'Topographical Site Layout Plan (Proposed)'. Whilst, on the face of it, comparing these plans indicates that some trees to the rear of the site would be lost, the appellant's 'Appeal Statement' refers to one tree that may not be saved. Moreover, at least one of the of the trees indicated amongst those intended to remain along the eastern boundary of the site, appears to be in close proximity to the side elevation of the proposed dwelling and could be adversely affected by construction works. It appears to me, therefore, that some trees would be lost which would also adversely affect the appearance of the DSCA.

20. Paragraph 132 and 133 of the Framework detail the approach where substantial harm to a heritage asset has been identified. Paragraph 134, on the other hand, deals with the situation where less than substantial harm has been identified. It reflects the great weight that the Framework attaches to the conservation of heritage assets by confirming that even less than substantial harm has to be considered.

21. On balance, I have found that the proposal would have adverse effects by compromising the historic pattern of development in the DSCA and consequently the settings of nearby listed buildings within it. However, given that the impact would be to the rear of Friar Street and that the development consists of one detached building, I consider that the harm would be less than substantial. In accord with paragraph 134 of the Framework, I must weigh that harm against the public benefits of the proposal.

22. Paragraph 7 of the Framework identifies three dimensions of sustainable development: economic, social and environmental. The proposal would make some economic contribution during the construction period in relation to employment and the purchase of materials. In social terms, it would also add to the supply of housing and future occupiers would make some contribution to the viability of local facilities and services. However, those benefits would inevitably be fairly limited as the development amounts to just one dwelling. Moreover, the social role also refers to the provision of a high quality built environment. Whilst the dwelling could itself be of high quality, its adverse effect on designated heritage assets and lack of sympathy with surrounding development weighs against it.

23. Environmentally, I have found that the proposal fails to preserve or enhance the built and historic environment. I note that the appellant suggests that it would improve the current poor state of the appeal site, but that could equally be achieved either without the development or may be possible via some alternative proposal. Overall therefore, I consider that the limited public benefits are not sufficient to outweigh the harm that I have identified.

24. The above factors lead me to conclude, on balance, that the proposed development would harm the character and appearance of the DSCA and the settings of nearby listed buildings. It would consequently be contrary to policies SWDP1, SWDP2, SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan[6], which, amongst other things, require that development conserves and enhances heritage assets and their settings and integrates effectively with its surroundings whilst reinforcing local distinctiveness. It would also fail to accord with the similar guidance contained within the CAA and the Framework.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

[6] Adopted February 2016