
Appeal Decision

Site visit made on 31 October 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 26th January 2018

Appeal Ref: APP/P1805/W/17/3179390

Chapel Drive, Wythall B47 6JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs Karen Martindale, Heart of England Baptist Association against Bromsgrove District Council.
 - The application Ref 16/1095, is dated 24 November 2016.
 - The development proposed is demolition of all existing structures and erection of 2 No. 4 bed Detached Houses and 1no. Bungalow with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of all existing structures and erection of 2 No. 4 bed detached houses and 1no. bungalow with associated parking at Chapel Drive, Wythall B47 6JL in accordance with the terms of the application, Ref 16/1095, dated 24 November 2016, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. The application was submitted in outline for access, layout and scale, with landscaping and appearance reserved for future consideration, as identified under Section 3 of the appellant's planning application form, dated 24 November 2016. I have determined the appeal on this basis.

Main Issues

3. Although there is no formal decision from the Council it has considered the proposals and indicated that had it been in a position to determine the application it would have refused permission. The Council is concerned that without sufficient justification the proposal would result in the demolition of buildings, which are identified as non-designated heritage assets, and; the impact of the proposed dwelling at Plot 3 with respects to its scale and layout on the Wythall Institute building and wider street scene.
4. Accordingly, the main issues are whether the loss of non-designated heritage assets is justified and, if not, whether such demolition would result in harm, and; the effect of the proposed dwelling at Plot 3 with respects to its scale and layout on the character and appearance of the surrounding area including the setting of the Wythall Institute building.

Reasons

Loss of non-designated designated heritage assets

5. Similar to the advice contained in the National Planning Policy Framework (the Framework), Policy BDP 20 of the Bromsgrove District Plan, adopted January 2017 (BDP) seeks to support development proposals which sustain and enhance the significance of heritage assets including their setting. This includes non-designated heritage assets including (but not limited to) those identified on the Local List.
6. Policy BDP 20 also states that in considering applications that directly or indirectly affect heritage assets, a balanced judgement will be applied having regard to the scale of any harm or loss as a result of proposed development and the significance of the heritage asset.
7. Also Policy BDP 20 requires that proposals likely to affect the significance of known or potential heritage assets or their setting should demonstrate an understanding of their significance in sufficient detail to assess the potential impacts. The demolition of buildings or the removal of trees and other landscape features which make a positive contribution to an area's character or appearance is also resisted.
8. The existing buildings on the appeal site, which the Council has identified as non-designated heritage assets are the Wythall Baptist Chapel and an associated Manse.
9. According to the Council the Wythall Baptist Chapel was included in the first draft of a Local List in 2005/6 because of its distinctive form, function and historic associations with the Parish, but the Local List was never adopted. The Council further advises that it is now in the process of compiling a Local Heritage List, with defined criteria, and in the opinion of the Council's Conservation Officer, the Wythall Baptist Chapel and also the Manse, because of its association with the Chapel, should be considered as non-designated heritage assets.
10. In terms of significance, located at the back of the pavement approximately half way along Chapel Drive, the Wythall Baptist Chapel comprises a two storey scale building with a rectangular footprint, a projecting wing and a large modern single storey porch/entrance extension. The building is finished in roughcast brick and a shallow pitched slate roof with overhanging eaves. Other notable features include arched windows. This building also contains a memorial to the dead of the Great War. In terms of its history the building was originally constructed for candle making in about 1795 and then later in the 19th Century converted for use as a Chapel.
11. However, the Wythall Baptist Chapel has been substantially altered with less sympathetic additions including the extension and the installation of modern replacement windows and a door.
12. Whilst the Wythall Baptist Chapel has a distinct form having been altered and extended in the past it is by no means original. The function of the building has also changed over time. Therefore, architecturally and historically the identity and integrity of this building have been compromised. For these reasons in my judgement the Wythall Baptist Chapel is of limited architectural and historic significance. Furthermore, because of its non-conforming design and form

- relative to more modern domestic architecture nearby it fails to make any positive contribution to the character and appearance of the surrounding area.
13. The Manse was constructed in the 19th Century and is located to the west of the Wythall Baptist Chapel. This is a two storey dwelling of red brick and slate roof construction. Based on the Council's appraisal the significance of this building is through its historic association with the Wythall Baptist Chapel. Having already found the Chapel to be of limited historic significance, I therefore also judge the Manse to be of a minimal historic significance. Whilst I acknowledge the Manse is an attractive building, I have not been presented with any strong evidence in relation to its architectural significance. Furthermore, as it is set back from Alcester Road and largely screened by trees its contribution to the character and appearance of the area is also limited.
 14. It is argued by the Council that in accordance with Paragraphs 132 and 133 of the Framework the appellant has failed to provide suitable justification for the demolition of the heritage assets or demonstrate that such loss is outweighed by substantial public benefits. However, these tests are only applicable to 'designated heritage assets'. Moreover, in considering applications which directly or indirectly affect non-designated heritage assets, Paragraph 135 of the Framework sets out a lesser requirement, which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
 15. The Council also asserts that the appellant has not had due regard to the retention and continued use of the non-designated heritage assets. I note that the appellant has provided some explanation as to why the Wythall Baptist Chapel is not suitable for conversion and re-use but very little information in respect of the Manse. In my view the level of information provided by the appellant, whilst limited, is nonetheless proportionate to the significance of these particular heritage assets. Moreover, whilst the retention of such non-designated heritage assets may often be desirable, Policy BDP 20 does not prohibit the demolition of non-designated heritage assets, in the absence of such information.
 16. I also note that the Worcester County Council Historic Environment Advisor raised no objection to the demolition of the non-designated heritage assets and further advised that the likely impact on the historic environment caused by the proposed development may be offset by the implementation of a programme of historic building recording.
 17. For the above reasons, I am satisfied that the total loss of the non-designated heritage assets, which in my judgement are of limited significance and make no significant contribution to the character and appearance of the area is acceptable and would not result in any significant harm. As such, I find no conflict with Policy BDP 20 of the BDP.

Character and appearance

18. Located at the junction of Chapel Drive and Alcester Road, the appeal site has frontages onto both these roads and is also adjacent to the Wythall Institute building, which fronts onto Alcester Road. This is a large hall, which was designed by a local architect and constructed in 1888. I agree with the Council that this is a fine example of a Victorian public building, which is identified as a non-designated heritage asset because of its architectural quality and historic

associations with the Parish. Development on the appeal site would be within the 'setting' of this non-designated heritage asset.

19. Plot 3 of the proposed development comprises a two storey detached 4 bedroom dwelling. This dwelling would be orientated to address Alcester Road, as does the Manse and the majority of other buildings along this road.
20. In terms of layout the two storey element of the proposed dwelling on Plot 3 would be set behind the front building line of the Wythall Institute building and would also be broadly in-line with nearest dwelling to the north (425 Alcester Road). Consequently, the layout of Plot 3 would be in keeping with the adjacent pattern of development.
21. When viewed from along Alcester Road the proposed dwelling at Plot 3 would largely be screened by a mature tree to the front of the appeal site. Notwithstanding this, in terms of scale it would be comparable in height and width to the Wythall Institute building.
22. The proposed dwelling at Plot 3 would be adjacent to but separated from the Wythall Institute building by an existing driveway and substantially screened by a mature hedge along the shared boundary, which is to be retained. Therefore, the proposed dwelling would not result in any overbearing impact on the Wythall Institute building.
23. For the above reasons the scale and layout of the proposed dwelling at Plot 3 would be acceptable and would not result in any adverse effect on the setting of the Wythall Institute building or the character and appearance of the surrounding area. Accordingly, I find no conflict with the overall design aims of Policy BDP 19 or BDP 20, which amongst other matters seeks new development to respect the significance and setting of existing heritage assets.

Other Matters

24. Whilst the bungalow at Plot 2, would be single storey, given the varied scale of buildings in the wider area this would not have any demonstrable adverse effect on the character of the locality.
25. Based on the submitted elevations of the proposed dwelling at Plot 3, the flank gable onto Chapel Drive, presents a relatively plain facade. However, this is not for consideration at this stage as 'appearance' is a 'reserved matter'.
26. Some concerns have been raised locally about the proposal and its potential effects on the local environment. These include potential impacts on flooding, highway safety and parking.
27. In respect of flooding the Council has advised that the appeal site falls within Flood Zone 1 and therefore is of low risk to flooding. However, I note concerns over existing flooding incidents locally and at the appeal site. Furthermore, the Council's Drainage Engineer is concerned about the suitability of the ground for the proposed use of infiltration drainage systems. To this end a condition is suggested.
28. With regards to highway safety, there are concerns with respects to the location of the proposed parking spaces to Plot 2 and the access to Plot 1. I also note that the Council has suggested that the access remains inconclusive with conflicts for vehicles and goes on to suggest that conditions would be

required in the event of approval. In the absence of any technical evidence in respect of the above parking and access issues, I am satisfied that these matters could be dealt with by planning conditions if the appeal were to succeed.

29. There is also a request from a neighbour that the number of parking spaces for Plots 2 and 3 are increased due to the lack of public transport availability. Based on the planning conditions suggested by the Council only two spaces per dwelling have been requested, as shown on the proposed layout. As such, in the absence of any substantive evidence to the contrary, I judge the proposed on-site parking provision to be acceptable.
30. As a result, on the balance of the evidence before me and subject to the application of appropriate conditions on any permission granted, I am satisfied that none of these concerns are significant enough to find against the proposal in this particular case.

Conditions

31. The conditions set out in the schedule below are based on those suggested by the Council and agreed by the appellant. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
32. I have attached conditions limiting the lifetime of the planning permission and setting out the requirements for the reserved matters in accordance with the requirements of the Act. A condition referring to the approved plans is also imposed as this is necessary for the avoidance of doubt.
33. In the interests of highway safety conditions are imposed requiring the details of the proposed access, provision of the proposed parking areas and a Construction Method Statement.
34. To promote sustainable modes of transport a condition requiring cycle parking provision is imposed.
35. In the interests of the living conditions of the occupiers of the proposed dwellings and neighbouring residential properties a condition is necessary relating to foul and surface water drainage.
36. In the interests of the appearance of the area and the protection of existing trees, there is exceptional justification for the removal of permitted development rights.
37. Conditions are imposed to safeguard existing hedges and trees, in the interests of the appearance of the appeal site and surrounding area.
38. Given that the proposal would result in the total loss of non-designated heritage assets conditions requiring a Written Scheme of Investigation relating to archaeological investigations and its implementation are also necessary.
39. I have not imposed the Council's suggested conditions in relation to details of proposed boundary treatments, external materials and landscaping, as these would be dealt with under 'reserved matters'.

40. I have also not imposed a condition requiring the installation of vehicle electric charging points. As I have not been provided with any specific policy justification for this requirement.
41. Conditions 5 and 12, which prevent any development approved by the planning permission from commencing until they have been complied with, are considered fundamental to the development hereby approved.

Conclusion

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

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as they relate to access, layout and scale: Location Plan, Proposed site layout – Drawing 10A, Proposed bungalow – Drawing 7A, House No. 1 – Drawing 6A, Plot 3 and House No. 2- Drawing 9.
- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide details for the parking of vehicles of site operatives and visitors. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) The development hereby permitted shall not be brought into use until the access and parking facilities (2 spaces per dwelling) have been properly constructed, surfaced and drained in accordance with details to be submitted to and approved in writing to the local planning authority. These areas shall thereafter be retained and kept available for those uses at all times.
- 7) Prior to the first occupation of the dwellings hereby approved secure parking for 4 cycles to comply with the Council's standards shall be provided within the development hereby approved and these facilities shall thereafter be retained for the parking of cycles only.
- 8) All existing trees on the development site shall be protected in accordance with the requirements of BS5837:2012 during the course of all on-site development works.
- 9) The existing trees and hedges on the development site shall be retained and shall not be otherwise removed without the previous specific written consent of the local planning authority. Any trees or hedges removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees or hedges of such size and species as may be agreed in writing with the local planning authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A to E shall be carried out.
- 11) The disposal of foul and storm water shall be in full accordance with details to be submitted to and approved in writing by the local planning authority. The scheme for the disposal of foul and storm water shall be

operational in accordance with the approved details prior to the first occupation of the dwellings hereby approved.

- 12) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 13) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 12 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.