

---

## Appeal Decision

Site visit made on 16 January 2018

**by H Baugh-Jones BA(Hons) DipLA MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 January 2018**

---

**Appeal Ref: APP/J1860/W/17/3185713**

**The Old Pump House, New Street, Upton upon Severn WR8 0HP**

- 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 Ms Joanne Jones against the decision of Malvern Hills District Council.
  - The application Ref 17/00868/FUL, dated 8 April 2017, was refused by notice dated 11 August 2017.
  - The development proposed is change of use from office to residential, with dormer and balcony.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development in the heading above is taken from the appeal form as it provides the most succinct yet accurate description.
3. The dormer and balcony have already been substantively constructed and I have determined the appeal on this basis.
4. The Council's reasons for refusal cite policy SWDP 26 of the South Worcestershire Development Plan (2016) (SWDP). However, the Council has confirmed that the inclusion of this policy is the result of a drafting error and it is actually policy SWDP 24 that is applicable to the appeal scheme. Policy SWDP 24 is a broadly worded policy which sets out that development proposals affecting heritage assets will be considered in accordance with the National Planning Policy Framework, relevant legislation and published local guidance. Given that the more detailed requirements relating to heritage are set out in policy SWDP 6, I am satisfied that the appellant will not be prejudiced by my taking policy SWDP 24 into account and I have determined the appeal on this basis.

### Main Issues

5. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the host building; (ii) whether it would preserve or enhance the character or appearance of the Upton upon Severn Conservation Area (CA); and (iii) its effects on flood risk.

## Reasons

### *Character and appearance of the host building*

6. The Old Pump House is a single storey brick and tile built building of modest proportions and with a simple rectangular footprint. It is decoratively detailed including round and segmental arch-headed windows and doors with gauged brick and stone surrounds as well as decorative ridge tiles. The design of the building is typical of Victorian utilitarian architecture. Although the Old Pump House is not a listed building, it is nonetheless of historical architectural merit.
7. The dormer and the balcony that leads off it project out from the western side of the building's roof and are supported by a series of steel pillars. This extension is of very substantial proportions and spans almost the entire length of the roof. The flat roof of the dormer has a shallow slope with its highest part furthest away from the main building's roof.
8. The overall effect is that the dormer has resulted in a top heavy and incongruous addition to the simple form and design of the original building. Moreover, it is clad with oak which visually jars with the materials and decorative features in the original building. I accept that over time, it would weather to have a silver grey patina but this would not reduce its overall unacceptable effect on the character of the host building.
9. The appeal scheme therefore runs counter to policy SWDP 21, which expects, amongst other things, all development to be of high design quality and the detailing and materials to be appropriate to the context. These requirements are in line with the requirement for good design in the National Planning Policy Framework (the Framework) and to which the appeal scheme also runs counter.

### *Upton-upon-Severn CA*

10. The appeal site is located within the CA as is the open area of land to the west which is publicly accessible and crossed by a number of informal paths. Notably, within this open land, there is a footpath running along the top of a substantial earth bund in close proximity to the appeal site that leads to the sports ground and play facilities on the land to the south, also next to the site. The dormer has an imposing and disruptive presence in views from these areas. It also has the same adverse effect when looking into the site from New Street.
11. There are a number of locations within these areas where the dormer and balcony can be seen in the same view as the prominent spire of St Peter and St Paul's Church and it also sits in the foreground of views into the rest of the CA wherein tiled pitched roofs over mostly red brick buildings dominate the built character. The Upton upon Severn CA Appraisal and Management Strategy (2008) highlights the importance of the church spire in views from the open land to the west of the appeal site.
12. I therefore consider the appeal scheme results in a harmful effect on the significance of the Upton upon Severn CA such that it would fail to preserve or enhance its character or appearance. Thus, it runs counter to policies SWDP 6, SWDP 21 and SWDP 24 that seek to prevent such harm. Whilst this would not reach the high hurdle of substantial harm for the purposes of paragraph 133 of the National Planning Policy Framework (the Framework), it would result in less

than substantial harm that requires clear and convincing justification. Framework paragraph 134 says that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme, including securing its optimum viable use.

13. I acknowledge that the proposal would provide an additional dwelling which carries some weight as a public benefit. However, the contribution of only one dwelling in an area where there is no evidence of a pressing need for more housing, carries only limited weight. This is insufficient to outweigh the clear identified harm to the significance of the designated heritage asset.

### *Flood Risk*

14. The building lies within Flood Zone 3 albeit not within the functional floodplain. For the purposes of policy SWDP 28, the site lies within the 'Yellow Zone' as defined on the SWDP policies map. In relation to the Yellow Zone, policy SWDP 28 permits development where it would be for less vulnerable or water compatible uses as set out in Planning Practice Guidance (PPG). The conversion from the current office use to a residential one would place the building in the 'more vulnerable' flood risk classification<sup>1</sup>. As such, the appeal scheme runs counter to policy SWDP 28 and the Framework, which seeks to direct development away from areas of highest risk.
15. I note the flood defences that the town now benefits from but they do not provide an absolute guarantee that the appeal site will not be affected by flooding.
16. As the proposal involves a conversion, the sequential test need not be applied. The appellant states that the proposed bedrooms could be relocated to the first floor. However, I must determine the proposal before me and it must also be borne in mind that the Council has not consulted on an alternative scheme. I have given consideration as to whether this matter could be addressed by planning condition but I cannot be certain that in making the necessary alterations, the scheme would not be substantially different to that proposed. Consequently, in light of what the PPG says<sup>2</sup>, it would not be appropriate to impose such a condition.
17. The proposal would therefore run counter to policy SWDP 28 and the Framework.

### **Conclusion**

18. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

*Hayden Baugh-Jones*

Inspector

---

<sup>1</sup> Paragraph: 066 Reference ID: 7-066-20140306

<sup>2</sup> Paragraph: 012 Reference ID: 21a-012-20140306