



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/17/3182709
10-12 Priory Road, Malvern WR14 3DS

- 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 I.E. Developments Ltd against the decision of Malvern Hills District Council.
 - The application Ref 16/01654/FUL, dated 10 November 2016, was refused by notice dated 23 February 2017.
 - The development proposed is new apartment building comprising 6 no. 2 bed apartments together with replacement of 12 Priory Road with 1 no. 3 bedroom dwelling. Refurbishment and extension of 10 Priory Road – net increase 6 units.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would preserve or enhance the character or appearance of designated heritage assets.

Reasons

3. The appeal site comprises nos. 10 and 12 Priory Road and the substantial area of open land around, but mostly to the rear of them. Although originally constructed as residential dwellings, these properties have more recently been used as offices although they are currently unused. There is a public car park opposite the site on the other side of Priory Road and Priory Park (the park) lies immediately beyond the rear site boundary. A substantial leisure complex building lies next to the site beyond its northern boundary. There is a Public Right of Way (PRoW) that runs along the site's southern boundary and provides a pedestrian route between Priory Road and the park.
4. The appeal site and the park broadly occupy a hillside location. However, the site and the eastern part of the park are flat which creates a stepped terrace effect on the otherwise sloping land. Consequently, the appeal site sits at a lower level than the park. The site and its surroundings including the park are located within the Great Malvern Conservation Area (CA). In addition, there are grade II listed buildings to the south (nos. 14 and 16 Priory Road). The bandstand within the park is also grade II listed as are the Council House to the north and a property known as The Grange near to the park's north-western edge.

5. Amongst other things, policy SWDP 21 of the South Worcestershire Development Plan (2016) (SWDP) requires all development to be of a high quality design that integrates effectively with its surroundings. Specifically, it says that development should respond to surrounding buildings and the distinctive features or qualities that contribute to visual and heritage interests of the townscape, frontages, streets and landscape quality of the area. The policy also seeks to ensure that the views, vistas and skylines of Worcester city and the towns are maintained and safeguarded, particularly where they relate to heritage assets.
6. SWDP Policy SWDP 6 broadly seeks to conserve and enhance heritage assets and policy SWDP 24 says that development proposals affecting them will be considered in accordance with the National Planning Policy Framework (the Framework), relevant legislation and published local guidance.
7. Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. Surrounding properties, including nos. 14 and 16 are generally large detached dwellings set within very substantial landscaped plots. Although there is considerable variation in age and design in the vicinity of the site, in combination with the park, the overall effect is one of a verdant, stylish and very spacious area within this part of Malvern. From the PRoW, the appeal site, the existing buildings and no. 14 are experienced in the same context and therefore share a setting around the park.
9. Within the park next to the site boundary is a building of linear form providing a series of shelters incorporating bench seating. In front these and along the eastern side of the large pool opposite, is a wide walkway punctuated by raised planting beds. There are currently far-reaching views across the pool to the landscape lying to the east. Because of the topography, mostly only the uppermost parts of nearby roofs are seen in these views.
10. Accordingly, in views from park, there is a distinct sense of openness to the east. In my view, this is an intrinsic element of the park's appreciation from within it and which also serves to visually anchor it in its wider setting. Whilst the proposed apartment building would not span the entire width of the site in views from the park, it would nonetheless protrude above the shelter building by about 3m and have an imposing and obtrusive presence that would detract from the overall appreciation of the park and disrupt the views to the east.
11. Furthermore, from the higher land within the park and from the bandstand, the view is of an open landscape beyond red brick buildings with mostly steeply pitched and intricately detailed tiled roofs. The design of the proposed apartment building with its very shallow pitched zinc covered roof and a substantial amount of glazing sitting above the park's eastern perimeter would appear greatly at odds with this context. Although trees within the park would filter some of the views, this would not be sufficient to mitigate these adverse effects.
12. Nos. 10 and 12 occupy the foreground in views towards the Malvern Hills to the west and there is a distinct absence of significant built form to the rear of these buildings. The apartment building would sit behind the new no. 12 and would fill a very substantial proportion of that space. It would be prominent in views

from Priory Road and appear dominant behind no 12 in views from around the PRoW and through the gap between nos. 10 and 12. Although set back into the site, its presence would be overbearing and diminish the openness of this part of Malvern. It would therefore be harmful to the significance of the CA.

13. Furthermore, nos. 10 and 12 share a number of design characteristics and sit together between the leisure complex and the PRoW. They complement each other and although not subject to any statutory heritage designation, they nonetheless display design qualities that sit comfortably within their historic location. They are therefore important components of a wider distinct form of development that makes a significant valuable contribution to the CA's character and appearance. The proposed redevelopment of no. 12 would very markedly upset the visual balance between it and no. 10. Given that these buildings occupy a prominent location next to the road and the car park, the existing pleasing form of development on the site would be disrupted resulting in further harm to the character and appearance of the area. This would be the case regardless of the proposed apartment building's presence.
14. At my site visit, I observed a number of people using the PRoW and it is clearly a popular route between Priory Road and the park. The views from the PRoW and the appreciation of the existing buildings and the surrounding area would also be harmed in views from along this route. In particular, the proposed apartment building would have a dominant and overbearing presence by way of its mass and the overall change to the character of built form on the site would be visually discordant within its setting.
15. I consider that the leisure complex building already detracts from the character and appearance of the CA. However, its presence does not justify further harm to the heritage asset's significance, particularly given its proximity to the appeal site and where there would be a resulting concentration of detracting buildings within this part of the CA.
16. I therefore consider that the appeal proposal would fail to preserve or enhance the character or appearance of the Great Malvern CA. I also find that it would have a harmful effect on the settings of the bandstand and no. 14 Priory Road. Thus, the significance of these other designated heritage assets would not be preserved or enhanced.
17. The proposal therefore conflicts with policies SWDP 6, SWDP 21 and SWDP 24. Whilst I do not consider that the level of harm would quite reach the high hurdle of substantial harm for the purposes of paragraph 133 of 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.
18. I acknowledge that the proposal would provide additional housing, which carries some weight as a public benefit and it would also provide some local economic benefits from construction activity and the subsequent increased use of shops and services by the development's future occupiers. However, the social and economic benefits arising from the net increase of only six dwellings, particularly in an area where there is no evidence of a pressing need for more housing, is not sufficient to outweigh the clear identified harm to designated

heritage assets. The appellant argues that the proposed apartment building would overlook the park and that this would enhance it. However, this is a matter of security that cannot be equated with visual or physical harm to the heritage asset and which the SWDP and the Framework seek to prevent. As such this argument carries very little weight.

Conclusion

19. The proposal runs counter to the Framework and the development plan. Consequently, the appeal does not succeed.

Hayden Baugh-Jones

Inspector