



Appeal Decision

Site visit made on 2 July 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/G1630/D/19/3227986

38 Hailes Street, Winchcombe, Cheltenham, GL54 5HU

- 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 Martin West against the decision of Tewkesbury Borough Council
 - The application Ref 18/01142/FUL dated 13 November 2018 was refused by notice dated 4 March 2019.
 - The development proposed is access and vehicular parking off Chandos Street
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are as follows: i) whether the proposed development would preserve or enhance the character or appearance of the Winchcombe Conservation Area (the 'CA'), and, linked to that, the setting of a listed building, and whether the development would conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty (the 'AONB'); and ii) the effect of the proposal on highway safety.

Reasons for the Recommendation - *First main issue*

4. The appeal site is located in the CA and AONB. It comprises a Grade II* listed building situated on a corner plot at the junction between Hailes Street and Chandos Street. A Cotswold Dry Stone wall runs from the side elevation of the property on Hailes Street and remains unbroken along the public highway until it reaches the rear access on Chandos Street.
5. The surrounding semi-rural part of the CA is characterised by the historic nature of the buildings. Hailes Street is lined with an unbroken row of properties that vary in size and design, but which retain a consistency in terms of architecture, materials and historic character. While the nature of the buildings on Chandos Street is less consistent with vehicular openings present along the road, development has been sympathetic and in keeping

with the overall area. The site currently contributes positively to the character and appearance of the Conservation Area by virtue of the listed building and Cotswold Dry Stone wall, which are prominent features within the immediate location.

6. The building is noted in its listing description as one of the finest more formal houses in the town. It dominates Hailes Street when viewed from the corner junction, from which point the prominent plot, surrounding properties and unbroken section of the wall contribute to its significance. From Chandos Street it is less imposing, but the slight rise in elevation allows rear views of the building to be experienced along the narrow road in combination with the boundary wall. The setting of the listed building contributes positively to its significance from both a visual and historic perspective.
7. The proposal involves the replacement of 4 metres of the boundary wall with solid timber gates and a splayed apron to allow for vehicular access and parking. This would result in the loss of a small portion of the wall when taken as a whole, and due to its location would not be visible from Hailes Street or the corner junction. However, it would introduce a significant visual break in the section of the wall visible along Chandos Street, particularly when experiencing views of the property. While other vehicular openings exist along the road and reclaimed stone would be used for outward splaying, the introduction of a large, solid timber gate with associated ramping and splays would appear an incongruous addition in the immediate location. When combined with the introduction of vehicular parking within the boundary of the property the nature of the space would be altered, which would cause visual harm to the setting of the listed building and have an adverse effect on the appearance of the street scene.
8. The proposal would cause visual harm to designated heritage assets. It would not impact the fabric of the listed building itself and would only be visible from a limited section of the CA. As such, this would equate to less than substantial harm having regard to the National Planning Policy Framework. Nonetheless this harm must still be given considerable importance and weight. From the information provided there are limited public benefits to the development. It would improve the convenience for accessing the property, improve parking for the occupier/visitor, and reduce the pressure for on-street parking in the surrounding area, which is already controlled by restrictions. Nonetheless the benefits advanced are not sufficient to outweigh the harm identified, particularly when considering the weight to be given to the conservation of these assets.
9. The Council also submits that the proposal would be harmful to the Cotswolds AONB. Great weight should be given to conserving the landscape and scenic beauty of such designated areas and affords them the highest status of protection in relation to these qualities. It also recognises cultural heritage as an important consideration in these areas. While no management plan has been provided, by being an incongruous addition to the immediate historic and semi-rural setting as outlined above, the proposal would fail to conserve the natural beauty of the locality because of the potential visual harm to the landscape.

10. I find that the development would fail to preserve or enhance the character or appearance of the Conservation Area, harm the setting of a listed building and it would fail to conserve the landscape and scenic beauty of the AONB. Accordingly, it would fail to comply with Policies SD4, SD7 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031, and Saved Policy HEN2 of the Tewkesbury Borough Local Plan to 2011.

Second main issue

11. The proposed vehicular access would be located on the lower end of Chandos Street towards the junction with Hailes Street. It is a particularly narrow section of the road comprising a single lane with no footpath or street lighting, with vehicles having to stop and pull in further up the road to allow safe passing. At the junction a small section of the road widens into two lanes with a footpath on either side.
12. Details of speed surveys have not been provided, but the appellant has stated that traffic speeds are generally lower than 30 miles per hour due to the width and alignment of the road. Nonetheless, the proposed parking space appears to be relatively small and constrained by the narrow road such that it is uncertain that a vehicle using it would be able to conveniently and safely enter and leave in a forward gear. Vehicles would have to reverse into or from the space close to the busy Chandos Street and Hailes Street junction as the street narrows to one lane, which has the potential to increase collision risk. It is noted that the existing line of sight on either side is poor and that limited information on visibility splays has been provided by the appellant.
13. I find that the increase in the risk of vehicle collisions as a result of the proposal would cause unacceptable harm to highway safety in the area which, in accordance with Paragraph 109 of the Framework, merits refusal on highways ground. The proposal would conflict Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031, which seeks to maintain a safe and efficient highway network.

Other Matters

14. The appellant has referred to an extant planning permission for a 3.35m gap in the boundary wall to provide bin storage. The claim is that the impacts of the current proposal would not be substantially different from those of the bin storage. Limited information on the nature and content of the extant permission is provided, although it does not include a vehicular access with associated splays and solid timber gate. The impacts of the proposals are therefore notably different. Furthermore, no evidence has been submitted as to the likelihood of the extant permission being implemented, such that there is no greater than a theoretical possibility that the development might take place. Limited weight is therefore attached to this argument.
15. The appellant has also referred to other vehicular accesses and parking at properties within the vicinity. Limited further information has been provided on the nature of these developments or their comparability to the current proposal. In any event, this proposal should be assessed on its own site-specific circumstances.

16. The personal circumstances of the appellant are acknowledged, whereby the development would support the occupants into old age particularly in light of a recent change in circumstances. The efforts of the appellant to maintain the property and garden are also noted, as are its concerns about whether the Council dealt with the application in a proactive manner. However, such circumstances can be afforded little weight in planning terms, and do not override the other considerations identified in this recommendation.

Conclusion and Recommendation

17. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR