
Appeal Decision

Site visit made on 3 December 2019

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/V3310/W/19/3236625

Edington Burtle Church of England School, Mark Road, Burtle, Bridgwater TA7 8NJ

- 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 James Glimstead against the decision of Sedgemoor District Council.
 - The application Ref 55/19/00005, dated 20 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is described as 'front wall as built'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that the development was substantially complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area including the setting of the Grade II listed Church of St Philip and St James; and
 - ii) the living conditions of the occupiers of The White Bungalow and 3 Robins Lane with particular regard to disturbance from lighting.

Reasons

Character and appearance and heritage assets

4. The proposal is sited in a rural location, within a cluster of development that forms a part of Burtle. A defining characteristic of this area is its openness and a significant feature of the built form is the Grade II listed church. I note that the original school building has a close relationship with the church in terms of siting, materials and form. Furthermore, the church dominates views on approaches across the open and flat landscape. Therefore, I consider that the setting of the church and its significance includes the appeal site buildings and the surrounding open fields.

5. I have little detail of the boundary treatment that has been replaced. However, from the evidence before me it was constructed from a variety of materials, including traditional stone, reconstructed stone and concrete block, and had a varied height. Based on the evidence provided I conclude that the original wall was not a non-designated heritage asset.
6. The replacement wall has been built on the same footprint from reconstructed stone that matches the extensions to the adjacent building. The materials have a uniform appearance. Furthermore, they have been laid with regular coursing, to a single height across the length of the wall, with a cement topper. Cumulatively, the uniformity, height, materials, construction and lighting of the wall generate a contemporary and suburban character and appearance.
7. Within the area I noted a range of boundary treatments, including a notable absence of hard landscaping. I do not consider that there is one defining or dominant form of boundary treatment. However, a common characteristic is for boundary treatments that are modest in scale and retain a high degree of openness. Furthermore, although I have noted some functional external lighting in the area, this is a rural landscape, with a relative absence of lighting.
8. The wall is positioned on the opposite side of the appeal site buildings to the church. However, from approaches on Mark Road and Burtle Road the wall is seen clearly in the context of the old school building, its additions and the listed church. The materials match the extensions to the original school building. However, I do not have full details of how these additions came to be and it is not necessarily desirable to utilise similar materials in all cases. Due to the wall's character and appearance, and the enclosure it creates, it appears incongruous within the open, rural setting of the listed church and surrounding area.
9. Paragraph 193 of the National Planning Policy Framework (the Framework) requires great weight to be afforded to the conservation of a designated heritage asset's significance. Given the existence of similar materials in the vicinity and that the impact is limited to the setting of the Grade II listed building, I consider that the harm is less than substantial. In these circumstances paragraph 196 sets out that it is necessary to have regard to any public benefits of the proposal and weigh these against the harm. However, no public benefits have been presented that outweigh the harm I have found.
10. In conclusion on the first main issue, the proposed development has resulted in harm to the character and appearance of the area, and less than substantial harm to the setting of the Grade II listed Church of St Philip and St James. There is no public benefit to outweigh the harm to the designated heritage asset. As such, in this regard the proposal is contrary to Policies D2 and D26 of the Sedgemoor Local Plan 2011-2032 – Adopted February 2019 (SLP) and sections 12 and 16 of the Framework. These policies seek, amongst other aims to promote high quality design, and to preserve, and where appropriate enhance, the significance of heritage assets.

Living conditions

11. From my site visit I was able to observe the distance between the proposal and the properties along Robin Lane, including No 3. These properties front onto Robin Lane with the open church yard opposite. Beyond the church yard it is

some distance across the appeal site to the position of the wall. Additionally, I have noted a number of existing security lights in the intervening space. Therefore, I do not consider that the lighting causes any disturbance to the occupiers of 3 Robins Lane.

12. To the north of the wall, on the opposite side of the road, The White Bungalow presents a blank gable to the development. Its private garden area is screened from the development by vegetation. Additionally, I note on this side of the wall that downlighters have been utilised, minimising light spill. Therefore, I do not consider that the lighting causes any disturbance to the occupiers of The White Bungalow.
13. In conclusion on the second main issue, I find that the development has not resulted in harm to the living conditions of the occupiers of The White Bungalow or 3 Robins Lane with particular regard to disturbance from lighting. As such, in this regard, the proposal does not conflict with Policies D2 and D25 of the SLP and section 12 of the Framework. These policies seek, amongst other aims to protect the living conditions of the occupants of nearby dwellings.

Other matters

14. The appellant asserts that the redevelopment of the site overall has led to enhancements. However, this is an application for the 'front wall as built' only. Furthermore, I do not have the benefit of full details of the associated planning history. Accordingly, I have assessed the proposal on its own individual merits.

Conclusions

15. Whilst I have found that the proposal has not lead to any harm to the living conditions of the neighbouring properties' occupiers, this does not mitigate the harm that I have found in relation to the first main issue. Nor do I find any other material planning considerations to outweigh the harm. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR