The Planning Inspectorate

Appeal Decision

Site visit made on 14 January 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/U3935/W/19/3240061
The Chalet, Church Row, Hinton Parva, Swindon SN4 0DW

- 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 Randal Pakeman against the decision of Swindon Borough Council.
- The application Ref S/19/0936/PIMO, dated 18 June 2019, was refused by notice dated 30 August 2019.
- The development proposed is the construction of a new dwelling following the demolition of The Chalet.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is whether the proposed development would preserve or enhance the character or appearance of the Hinton Parva Conservation Area (CA) and the setting of nearby listed buildings.

Reasons

3. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.

4. The CA includes clusters of largely ribbon development along the roads and the surrounding open agricultural land. From my observations, and the Hinton Parva Conservation Area Appraisal and Management Plan (Appraisal), I consider that the significance of the CA lies, in part, in its village layout of linear development, leading from the historic village core centred around St Swithin's Church and Hinton Manor.

5. The Appraisal comments that the open space to the west, north and east, bordering the built environment, is included in the CA in order to protect the hamlet's rural setting in the countryside. While there is some modern development in parts of the village, there are many older buildings, particularly near St Swithin's Church that have retained their traditional form, layout and materials. The prominent pattern at the village core is one of properties located close to the highway. These are frequently separated by generous gaps with curtilages to the rear leading on to the open land beyond.

6. The existing chalet itself is outside of the 'Area of Distinct Identity' shown in the Appraisal. Nonetheless, the site is partly within it and adjacent to this area. Therefore, it forms part of its immediate surroundings.

7. There are a number of listed buildings[1] near the site along Church Row. As well as their individual characteristics, the significance of these lies, in part, in their setting. This includes the layout and feel of the historic village core and how they are experienced in the context of the agricultural land around it. There have been some alterations and extensions to the buildings. Nonetheless, the layout of this part of the village has remained relatively unaltered.

8. Entering and exiting the village along the path adjacent to the site I saw that there are views of the village over rear gardens and paddocks. The appeal site is well enclosed by trees and hedgerows in these views and the chalet itself is of a low height. This allows an appreciation of the village core and historic buildings over the site in these views.

9. From the details before me, the appeal site has been the result of the subdivision and amalgamation of plots. However, while there may have previously been more substantial built form within the site, at present it is limited to the small-scale chalet and garage. This is typical of the limited built form to the rear of the historic buildings adjacent to and beyond the appeal site along Church Row. Although not functionally associated with the adjacent farmstead or cottages, the largely open space at the site reflects its historic relationship to them.

10. Therefore, while the appearance of the chalet is inconsistent with the nearby built form, at present the site is largely unobtrusive in views to, from, and within, the village core. This is in contrast to other parts of the village, including in close proximity to the path adjacent to the site, where more modern residential development is a dominant presence.

11. Consequently, while not specifically identified in the Appraisal as such, I consider that the site positively contributes to the significance of the CA and the setting of the listed buildings along Church Row.

12. The materials and roof design of the proposed dwelling would be more in keeping than those of the existing chalet. It would also have a lower ridge height than the surrounding buildings. Nonetheless, the chalet is screened by existing buildings and mature vegetation, including that which encloses the upper section of the site. Therefore, it has only a minor visual impact at present from outside the site itself.

13. The retained and strengthened boundary vegetation would partly screen the proposed dwelling. Notwithstanding this, the increased height and footprint would result in it being bulkier and more prominent than the existing chalet when viewed along the adjacent path. This would erode the rural character that is currently experienced beyond the built form of the older core of the village, competing with it in views from the path.

14. Being near to other buildings the dwelling would not be isolated in the context of paragraph 79 of the National Planning Policy Framework (Framework). Nevertheless, it would be located at the furthest end of the site from the village

[1] Greystones, Little Cottage, and Threeways (Grade II), St Swithin's Church, (Grade I), Somerset Farmhouse (Grade II) and Hinton Manor (Grade II),

core. Unlike at other parts of the village, this would be at odds with the historic village core where properties are set close to the road and not located behind others. Moreover, the removal of the existing vegetation between the different levels in the site would increase the prominence of the proposed dwelling from other vantage points, including along Church Row.

15. While utilising the levels of the site, the introduction of an L shaped split-level building would be uncharacteristic of dwellings in the area. Given its clearly residential style and form, neither would it reflect the agricultural buildings I saw near the site. The residential paraphernalia associated with a dwelling would also make the domestic nature of the site obvious. This would erode the feeling of space between properties that the appeal site currently contributes to.

16. There is limited inter-visibility between the proposed dwelling and the nearby listed buildings, particularly those on the opposite side of Church Row with primarily only glimpsed views from the road. Many of these listed buildings are already seen in the context of modern development elsewhere in the village in certain views. However, the appeal scheme would be seen from Church Row, the adjacent properties and the church grounds.

17. The setting of these listed buildings in part consists of how they are experienced, including as a group, when moving through the CA. The position, design and scale of the proposed dwelling would be incongruous with the historic part of the village. The scheme would erode the open and verdant character of the land beyond the historic enclosed frontage development that currently contributes to the rural setting of the village. Therefore, the scheme would harm the character and appearance of the CA and the setting of the listed buildings.

18. For the purposes of the Framework, the CA and listed buildings are designated heritage assets. Within the overall context, it is considered that the proposal would lead to less than substantial harm to the significance of these. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.

19. The proposal would contribute towards the housing supply and mix in the area. The Council are currently unable to demonstrate a 5-year supply of housing land and any contribution is worthwhile. However, even if I were to agree with the appellant regarding the level of supply and that the site was previously developed land, as the proposal is for a single dwelling the contribution and benefits would be minor. Similarly, any benefits associated with the local economy and services during the construction period and from future occupiers of the property would be limited.

20. As such, on the basis of the information before me, in this instance the public benefits would not outweigh the identified material harm to the designated heritage assets. The proposal is therefore contrary to the historic environmental policies contained within the Framework.

21. Whether or not the scheme would affect the setting of a non-designated asset, I have found harm to the significance of the higher-level designated assets.

22. Consequently, the scheme would fail to preserve or enhance the character or appearance of the CA. The proposal would conflict with Policies DE1 and EN10 of the Swindon Borough Local Plan as well as the Swindon Residential Design Guide Supplementary Planning Document. These, in part, seek to conserve heritage assets and ensure developments respect the context and character of an area.

23. Finally, the development would fail to meet the requirements of Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 or the Framework in relation to heritage assets and where it requires development to be sympathetic to local character.

Other Matters

24. The Council is not able to demonstrate a 5 year supply of deliverable housing sites. However, the Framework indicates in footnote 6 to paragraph 11d)i, that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Designated heritage assets are an example of such assets and the appeal proposal is contrary to the relevant policies of the Framework in regard to these.

25. My attention has been drawn to developments at Short Drove and Netherwater. From the details before me, and my observations on site, these schemes were for properties fronting the road, some distance from the historic core of the village and outside the CA. Therefore, they are materially different to the appeal scheme.

26. There have been previous submissions at the site. Nonetheless, there is no certificate of lawful development in place at this time and the considerations of such a submission are not a matter for this appeal.

27. Planning permission has been given at the appeal site for holiday let use. That scheme could result in the site having similar characteristics to a dwelling, such as parking and domestic paraphernalia. Notwithstanding this, the approved scheme utilised the existing chalet and therefore is materially different to the new, larger building proposed in the appeal scheme. As such the impacts would be less than that of the appeal proposal, causing less harm. While the fallback is a consideration, it does not offer a basis to allow the appeal in light of the concerns above.

28. While I note comments from local residents, whether a proposal attracts responses in support or opposition in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons. The refusal reasons do not relate to matters such as the need for housing in the area, living conditions or highway safety. They also do not include the accessibility of the site or its position in relation to the settlement boundary. As I am dismissing the appeal on the main issue, there is no need for me to consider these matters further. In any event, the absence of harm would be a neutral factor.

29. The conduct of the Council in its handling of the application subject to this appeal and earlier ones has been raised. Notwithstanding this, I have assessed

the appeal scheme on its own merits and found that harm would arise from it in relation to the main issue.

Conclusion

30. Therefore, for the above reason, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR