
Appeal Decision

Site visit made on 6 November 2019

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/W1850/W/19/3230561

Swan House, West Street, Pembridge, HR6 9DU

- 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 Andy Smith against the decision of Herefordshire Council.
 - The application Ref 183281, dated 28 August 2018, was refused by notice dated 11 April 2019.
 - The development proposed is five bedroom house to the rear of Swan House.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider that the main issue in this case is whether the proposal would preserve or enhance the character or appearance of the conservation area, having particular regard to the historic burgage plots and whether it would preserve or enhance the special architectural or historic interest of Swan House, a Grade II* listed building.

Reasons

3. The appeal site comprises a rectangular parcel of land at the end of the long rear garden of Swan House, a property fronting West Street, the main street through the village of Pembridge. It lies within the Pembridge conservation area and the side boundaries of the site and the remainder of the rear garden of Swan House follow those of the original medieval burgage plot associated with the building.
4. The character of the conservation area as a whole arises from the historic origins of Pembridge as a small medieval market town, with its church, market place, burgage plot plan form and several surviving timber-framed hall houses. The main street through the centre of the village has an attractive appearance based on the large number of timber-framed houses, many with jettied upper floors, and a variety of other, later building styles, notably from the Georgian and Victorian periods.
5. Three groups of burgage plots around East Street, High Street and West Street have been identified in the Pembridge Neighbourhood Development Plan 2011-2031, made in December 2018 (the NDP), as having retained the plan form of the original medieval burgage plots. They make a significant contribution to the character of the conservation area by providing an insight into the medieval plan form of the village.

6. The plots have been eroded over time but there are still parts where they remain important features within the conservation area. Many of them are now the long rear gardens of properties on either side of the main street, reflecting the original function of the plots behind the street frontage buildings as gardens and orchards. Although they are not necessarily readily visible to public view or physically accessible to the public in general, their form and survival make a significant contribution to the character of the conservation area.
7. The significance of the appeal site lies mainly in its survival as one of these historic burgage plots associated with the buildings fronting West Street and within the wider conservation area. Although at the time of my visit the site and the remainder of the rear garden to Swan House were heavily overgrown there was evidence that the boundaries of the original plot remain intact.
8. The proposal is for a two storey five bedroom house with access from a new residential development to the north, a continuation of Sandiford Ploc. Council policies do not preclude the principle of development within the burgage plots. However, it is essential that the form and design of any proposal should meet the statutory duties set out in Sections 72(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCAA) to preserve or enhance the character or appearance of a conservation area and to preserve the special architectural or historic interest of the setting of a listed building.
9. The appellant argues that the linear form of the proposal and the retention of the boundaries respect the plan form of the burgage plots. I consider that, although the linear form of the main part of the proposed house does reflect this plan form, the building would be too long overall. The flat-roofed single and two storey side elements would appear as a bulky feature, resulting in a T-shaped built form which would fill much of the width of the plot at ground level, thus diluting the linear emphasis.
10. The design and overall size of the proposal are such that it would harm the character of the plot by introducing a large built form into what were, historically, open gardens and orchards as indicated on the 1880s map, thus obscuring the medieval plan form. I conclude that the proposal would cause less than substantial harm to the character of the conservation area.
11. Paragraph 196 states that where a development proposal will 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 proposal. The Council acknowledges that it does not have a 5-year housing land supply and the appellant argues that the proposal would make a useful contribution to the supply. It would be constructed according to low-energy principles and would provide some social and economic benefits. However, the NDP addresses the need for housing in the parish and the range and size of dwellings required to meet that need. It has identified sites within the village where new housing would be sited without compromising the significance of the heritage assets. The appeal site is not one of those identified and I am not persuaded that the contribution this dwelling would make to the housing supply would result in public benefits sufficient to outweigh the harm to the heritage asset.
12. The National Planning Policy Framework 2019 (the Framework) applies a presumption in favour of proposals for sustainable development, including for housing where the Local Planning Authority is unable to demonstrate a 5-year

supply of housing land. However, this presumption can be outweighed where a proposal is in conflict with policies in the Framework which protect designated heritage assets.

13. I find that the proposal would cause less than substantial harm to the significance of the conservation area. In accordance with paragraph 193 of the Framework I give great weight to the conservation of this heritage asset, and attach considerable importance and weight to the harm to the asset from the proposal.
14. In this case, I consider that the provision of a five-bedroom house is not justified on the grounds of the harm I have identified and because there would be no demonstrable need. There would therefore be no public benefit to outweigh the harm.
15. Swan House itself is of two storeys, listed as a hall-house dating from the 14th century with later alterations in the 16th or 17th centuries and in the 19th and 20th centuries. The later alterations have obscured the original framing on the front elevation thus reducing the significance of the building in terms of its visual appearance from the street, although original features remain internally.
16. Although the appeal site is at some distance from the listed building, it still forms part of the original plot and thus forms part of its setting. The main significance of the listed building lies in the remnants of its timber framing which have been obscured from external view. In my view, the proposal would have little impact on the historical value of the building itself and no impact on the timber framing which is key to its significance.
17. I conclude that the proposal would cause less than substantial harm to the significance of the burgage plots and that there would be no public benefits sufficient to outweigh the harm. It therefore fails to achieve the statutory duty set out in the LBCAA to preserve or enhance the character and appearance of the conservation area. It is contrary to policies PEM19, PEM20, PEM2, PEM3 and PEM6 of the NDP and LD4, LD1, RA2 and SD1 of the Herefordshire Local Plan: Core Strategy 2011-2031. These set out development and housing policies and relate to design criteria for residential development and the protection of heritage assets. There would also be conflict with paragraphs 193 and 196 of the Framework.

Other matter

18. My attention has been drawn to the fact that the site is located in the Lugg-Middle Brook sub catchment area of the River Wye Special Area of Conservation and that there is therefore a requirement for a Habitat Regulations Assessment process. I recognise that I am the competent authority in this respect. However, as I am dismissing the appeal I do not address this in my decision.
19. For the reasons given above, the appeal is dismissed.

PAG Metcalfe

INSPECTOR