



Appeal Decision

Site visit made on 3 December 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2020

Appeal Ref: APP/U3935/W/19/3232259

Goddard Arms Hotel, 1 High Street, Old Town, Swindon SN1 3EG

- 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 Stonegate Pub Company against the decision of Swindon Borough Council.
 - The application Ref S/19/0097/PEKO dated 18 January 2019 was refused by notice dated 18 March 2019.
 - The development proposed is described as: Proposed refurbishment of existing public house garden area, including the installation of garden shed seating units, new planters, festoon lighting and associated poles and installation of artificial grass surfacing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character or appearance of the Conservation Area and on the setting of nearby listed buildings.

Reasons

3. The appeal site is an outdoor garden and seating area ('pub garden') located to the rear of the Goddard Arms Hotel, a public house and hotel which is also a grade II listed building. Although the Historic England listing description for the Goddard Arms Hotel only refers to the architecture and detailing in relation to parts of the building, based on the information before me and my visit, the pub garden has a physical, functional and historic relationship with the Goddard Arms Hotel.
4. In particular, the pub garden is accessible to and used by the patrons of the Goddard Arms Hotel and forms part of its experience. Further, from the adjacent public car park and when passing the access to this off Steeple View, the pub garden area is also viewed in the context of the Goddard Arms Hotel and a grade II* listed building, Villetts House at 42 Cricklade Street (No 42) which lies to the north of it. Therefore, it forms part of the setting¹ to these heritage assets. These buildings and the appeal site are also within the Old Town Conservation Area (CA).
5. The CA is largely centred about the historic parts of the town and incorporates mainly period buildings and some modern development. As such, its

¹ 'Setting of a heritage asset' as defined under Annex 2: Glossary – National Planning Policy Framework

significance is derived from the quality architecture and materials of the individual buildings, which collectively along with spaces about them contribute to the high-quality appearance of the area.

6. The pub garden incorporates a part grassed surface, which has some wear commensurate with its use, but this does not detract from the overall appearance and experience of this area. Most notably this complements the stone paving and established trees within the site. Existing lighting columns are of a traditional design and incorporate lanterns. There are also a number of tables with canopies and seating. Other notable features include a largely open pergola and low-lying planters. Whilst components of the pub garden have been altered and it includes a timber fence along its boundary with the adjacent public car park, it is relatively free of any significant structures.
7. Overall, the pub garden is a largely open, verdant and attractive space which allows the high-quality architecture and appearance of the nearby buildings to prevail in views from the pub garden and the surrounding area. Drawing on the foregoing reasons, the appeal site enhances the experience and complements the setting of the Goddard Arms Hotel. It also enhances the setting of No 42, and positively contributes to the appearance of the CA.
8. The proposed scheme includes the installation of seating units housed in enclosures, designed to resemble potting sheds. These would be arranged together in a row along the eastern perimeter of the site adjacent to the public car park. Cumulatively, these would form a sizeable timber structure which would noticeably exceed the height of the perimeter fence. This arrangement combined with the individual pitched felt roofs of the potting sheds would create a particularly incongruous feature which would substantially enclose the pub garden, reduce its openness and result in the removal of an established and prominent tree. Although some planting is proposed, I have limited details in respect of this. Furthermore, the overall form and appearance of the potting sheds would starkly contrast and visually detract from the largely brick/stone construction and gabled roof forms of the nearby listed buildings.
9. The festoon lighting would comprise slender structural elements which would add light and vibrancy to the pub garden at night, in an urban area that enjoys a degree of activity. Nevertheless, on the available information this would be in galvanised steel, about 2.4m in height and is to extend over a considerable section of the seating area and therefore constitutes a sizeable frame. With the addition of hanging lights and along with its contrasting form and appearance to the potting sheds, it would add to their incongruity and increased visual clutter.
10. The installation of the artificial grass may be appropriate in colour. Nonetheless, in the absence of any technical information, I am uncertain about its robustness and in particular its likeness to natural grass, to complement the existing hard and soft landscaping and to preserve the appearance of the pub garden. Moreover, I have no clear reason why with appropriate maintenance and management, a natural grass surface would not succeed even in an area of high footfall.
11. For the above reasons and despite the reversibility of the proposed works, as a whole the proposal reflects poor design quality which would harm the setting of the Goddard Arms Hotel and No 42 and would also fail to preserve or enhance the appearance of the CA. I consider such harm to be less than substantial.

12. Paragraph 196 of the National Planning Policy Framework ('the Framework') 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 including, where appropriate, securing its optimum viable use.
13. The appellant asserts that the proposal is to enhance the existing customer facilities within the pub garden, to assist with attracting continued customers and improving the economic viability of the established use of the listed premises, which supports its on-going upkeep and maintenance. Further, that this would enhance the vitality of the conservation area and this part of central Swindon, along with its economic viability.
14. However, the pub garden already exists and forms part of the overall capacity and business for the Goddard Arms Hotel. Further, I have no substantive evidence of the extent of the benefits arising from the proposal, over and above the extant use of the pub garden. Accordingly, I attach limited weight to these benefits.
15. Having special regard to the desirability of preserving the setting of the listed building² and preserving or enhancing the character or appearance of the CA³, despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, they are not sufficiently forceful to outweigh the less than substantial harm that I have identified.
16. For the above reasons, the proposed development conflicts with Policy DE1 of the Swindon Borough Local Plan 2026 (LP) which seeks to secure high quality design. The proposal also fails to accord with Policy EN10 of the LP which aims to protect and enhance the historic environment, including conservation areas and the setting of listed buildings. Accordingly, I also find conflict with relevant provisions of the Framework with regard to protecting the historic environment.

Other Matters

17. The proposal's lack of harm in relation to the living conditions of neighbours is a neutral factor which does not weigh in support or against of the proposal. Although the scheme may support some of the economic objectives of the LP and the Framework, this does not outweigh the harm I have identified and the overall conflict with the development plan.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

² Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990