
Appeal Decision

Site visit made on 27 May 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/J1860/D/19/3244261

1 Longcroft, Quay Lane, Hanley Castle, Worcester WR8 0BS

- 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 Ross Tudge against the decision of Malvern Hills District Council.
 - The application Ref 19/01463/HP, dated 24 September 2019, was refused by notice dated 22 November 2019.
 - The development proposed was originally described as "Erection of garage/workshop resub 19/00247/HP".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has altered the description of the development on the decision notice to read "Demolition of existing garage and erection of ancillary first floor workshop / store with ground floor garaging. Resubmission of 19/00247/HP". This is a more precise description of the development than the one given on the application form, and I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, including the setting of the listed buildings known as Herbert's Farmhouse, Herbert's Farm Barn and Brindley's Barn.

Reasons

4. The appeal site relates to a semi-detached dwelling located within a small cul-de-sac within Hanley Castle. The cul-de-sac comprises of four pairs of semi-detached dwellings orientated in an approximate semi-circle. There is a strong pattern to development, with the pairs of houses located closest to Quay Lane being set back a considerable distance from the highway, with open side gardens. There is currently a single garage which is located behind the existing dwelling, and is set back from the highway. The appeal proposal is for the demolition of the existing garage and construction of a double garage, which would include a workshop space on the first floor. The proposal would be located within the side garden of the appeal site, and would access the highway via the existing driveway.

5. The South Worcestershire Design Guide Supplementary Planning Document Overarching Design Principles March 2018 (SPD) states that for new buildings within the residential curtilage, such as garages, should be subordinate in scale and similar in style to the existing property. This should take into account materials, the local character and the level of visibility of the building. Furthermore, it states garages wholly located in front gardens, or those that extend in front of the established building line can over-dominate the front of the property and detract from the street scene. The proposal is for a garage of a considerable scale, with a ridge height of approximately 5.5 metres. Whilst this would be lower than the existing residential dwelling, I find that the scale and mass would mean the building does not appear subordinate to the residential dwelling. Furthermore, the proposed garage would have a number of fenestrations on the front elevation including two windows and a doorway on the ground floor. I find that given the relatively high visibility of the site these fenestrations would cause the proposal to visually compete with the existing dwelling. It would give the proposal the appearance of a dwelling rather than a subservient garage.
6. There is currently a strong pattern to development within the cul-de-sac, with large open gardens for the dwellings closest to Quay Lane. The proposal would introduce considerable built form into this side garden, which would unbalance the pattern of development in this location. Furthermore, it was apparent from my site visit there is currently a strong building line for the dwellings on Quay Lane. The proposal would sit slightly proud of this building line, further detracting from the character of the street scene. Accordingly, I find that the proposal would not be in keeping with the character and appearance of the area.
7. The appeal site is located in close proximity to the listed buildings known as Herbert's Farmhouse, Herbert's Farm Barn and Brindley's Barn. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act) requires special regard to be had to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses when dealing with planning applications.
8. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to or loss of a Grade II listed building should be exceptional. The setting of a heritage asset is not a fixed concept; it is concerned with the way the heritage asset is experienced.
9. The significance of the listed buildings are derived from their historical and architectural merit. The listed buildings are clearly agrarian and rural in nature given their historical use in relation to agricultural uses. The rural location has a positive impact on the setting of these listed buildings. Currently there is a large degree of separation between the edge of the listed building known as Herbert's Farmhouse and existing built development on Quay Lane. The expansive side garden between this listed building and the appeal site reinforces the rural character of the area, and the setting of the listed building.

The proposal would bring development of a relatively large scale and mass in close proximity to the listed building of Herbert's Farmhouse, and introduces development into the visual break between the two. Whilst the proposal is located further away from Herbert's Farm Barn and Brindley's Barn, the rural setting is common between all of the listed buildings. Consequently, the proposal would harm the character and appearance of the area and fails to enhance or conserve the setting of the listed buildings. Given the scale of the proposal, the harm identified would be less than substantial.

10. Paragraph 196 of the Framework states that where the development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals. The appellant has not identified any public benefits of the proposal, and in the absence of any other substantive evidence I find no benefits which would outweigh the harm I have identified above.
11. The appeal site is located in close proximity to an existing London Plane Tree. This is a mature tree of a considerable scale, and it provides a positive public realm benefit through its contribution to the rural character of the street. No information has been submitted by the appellant to demonstrate that the proposals would not harm this tree. Its loss would have a demonstrable impact on the character and appearance on the area, and based on the information before me I cannot be certain that the proposal would not lead to any loss or harm to this tree. The appellant has indicated that the proposal would be constructed off a raft foundation to minimise digging and thus the impact of the tree. Furthermore, it is stated that assessment of the impact of the proposal on this tree via an arboricultural consultant could be secured via a pre-commencement planning condition. I do not agree since the content of any assessment would have an effect on the acceptability or not on the principle of the development. As such it would not be appropriate to be secured by a planning condition.
12. Consequently, I find that the proposal would harm the character and appearance of the area and the setting of the listed buildings known as Herbert's Farmhouse, Herbert's Farm Barn and Brindley's Barn. It therefore conflicts with policies, SWDP21 and SWDP25 of the South Worcestershire Development Plan (DP) adopted February 2016. These policies seek, amongst other things that development is of a high quality design that integrates effectively with its surroundings and is appropriate to the surrounding landscape character. I also find conflict with policies SWDP6 and SWDP24 of the DP which seeks, amongst other things that development conserves and enhances heritage assets. The proposal would also conflict with paragraphs 193 and 196 of the Framework which seeks to conserve and enhance the historic environment. It would also be contrary to the guidance within the SPD which amongst other things, seeks to ensure that developments of garages are of an appropriate scale and do not detract from the street scene.

Conclusions

13. For the reasons given above the appeal is dismissed

S Shapland

INSPECTOR