
Appeal Decision

Site visit made on 13 July 2020 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/B1605/W/20/3251531

9 Montpellier Parade, Cheltenham, GL50 1UA

- 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 Bespoke Montpellier Investments Ltd against the decision of Cheltenham Borough Council.
 - The application Ref 19/01630/FUL, dated 14 August 2019, was refused by notice dated 8 November 2019.
 - The development proposed is demolition of an existing garage building followed by the construction of a single new dwellinghouse.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The appeal site is within a built-up area and the principle of the proposed dwelling in this location is not in dispute.
4. Therefore, the main issues are:
 - the effect of the proposed development on the setting of No 9 Montpellier Parade, a Grade II listed building; and
 - whether the proposal would preserve or enhance the character or appearance of the Central Conservation Area of Cheltenham (CCAC).

Reasons for Recommendation

Setting of Listed Building

5. The appeal site is a rectangular plot of land at the side of No 9 bound by a perimeter wall/fence on three sides. It comprises an area of hardstanding to the front, a concrete base of a former garage and a single storey double garage to the rear of the site.
6. I note that the appeal site is in separate ownership to No 9. However, irrespective of ownership I observed that it is clearly within the setting of the

- listed building at No 9, and the evidence before me shows that it formed part of the historic curtilage to this building.
7. Although No 9 has been extended and altered with development in its grounds, this Regency villa maintains its historic appearance and presence on Montpellier Parade, with the layout of the original grounds, to the side and fronting the road evident. The grounds are positive features of No 9 and are significant to its setting.
 8. The garages upon the appeal site are a 20th century addition to the grounds and I observed the structure was not particularly well maintained. The boundary wall to the side was also in a poor state of repair. As such these aspects of the site do not contribute positively to the setting of the listed building.
 9. The scheme before me has been devised cognisant of the heritage assets. However, whilst the footprint of the dwelling apparent above ground would be similar to the footprint of the existing garages it would be somewhat higher and extend closer to the northern boundary. Furthermore, although efforts have been made to minimise clutter associated with the dwelling, it would be viewed as an individual dwelling from the side and front, rather than an ancillary building, with its front entrance, timber pergola, balustrade and the likely treatment of the front of the dwelling including planting and car parking which would be prominent in the streetscene, despite its position to the rear of No 9.
 10. The proposal would appear as a subdivision of the grounds and would alter the existing character of the appeal site. In doing so, it would introduce a grain of development which would not be in keeping with the remaining historic character of No 9 or indeed the four other listed buildings on the Parade. As such it would harmfully affect the setting of the listed building.
 11. The Heritage Impact Assessment highlights historic maps showing buildings in the area of the appeal site. However, the proposed dwelling would not easily be understood as an evolving part of the listed building, such is evident at the Coach House, nor would it be readily perceived in the context of any former historic yard or outbuilding in its setting.
 12. For the reasons set out above I conclude that the proposal would have a harmful effect upon the setting of the listed building at No 9 Montpellier Parade and its significance as a heritage asset. The proposal would not preserve the special interest of the listed building or its setting. Accordingly the proposal conflicts with Cheltenham Borough Local Plan Second Review (LP) Policies CP 3 and CP 7 which amongst other matters require development to conserve and enhance the best of the built environment, and complement and respect neighbouring development, and Joint Core Strategy (JCS)¹ Policies SD4 and SD8 which collectively require new development to respond positively to, and respect the character of the site and its surroundings, including the historic environment.
 13. Given the scale of the proposal I find that the harm that would be caused to the significance of this designated heritage asset would be less than substantial which the National Planning Policy Framework (Framework) makes clear should

¹ Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031

be weighed against the public benefits of the proposal. These are considered further below.

Conservation Area

14. The CCAC encompasses the majority of the central core of Cheltenham which is understood to be the most complete Regency town in England. The appeal site is within the Montpellier Character Area of the CCAC which comprises the area of Regency development formed between the 18th and 19th Centuries. Despite extensive changes, as indicated above, the small group of villas, including No 9, retains a distinct sense of the Town's Regency heritage, illustrating some of the elegance and formality of development from that period.
15. The features of importance to the setting of the listed building identified above, therefore contribute to the character and appearance of the CCAC in this area. As such, given the identified harm to the setting of the listed building, it follows that the developed site as proposed would erode the contribution the appeal site makes to the character and appearance of the CCAC.
16. For the reasons set out above I conclude that the proposal would neither preserve or enhance the character or appearance of the CCAC. This leads to conflict with LP Policies CP 3 and CP 7 which amongst other matters require development to conserve and enhance the best of the built environment, and complement and respect neighbouring development, and JCS Policies SD4 and SD8 which collectively require new development to respond positively to, and respect the character of the site and its surroundings, including the historic environment. The proposal would also be inconsistent with the Cheltenham Local Development Framework - Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document 2009 which advises that development should be in keeping with the local character of the area.
17. Whilst the harm that would result to the character and appearance of the CCAC would be localised and would result in less than substantial harm to the significance of the conservation area as a designated heritage asset, this harm should be weighed against the public benefits of the proposal, in accordance with paragraph 196 of the Framework.

Public Benefits of Proposal

18. The development would provide one dwelling in a built-up area which would contribute to the Council's supply of deliverable homes. It would also lead to the removal of the garages, overgrown vegetation to the rear and replacement of the boundary wall and fence which would improve the setting of the listed building and the appearance of the conservation area. However the proposal would be long lasting, as would the identified harm to the designated heritage assets and accordingly I attach limited weight to these matters. There would also be some economic benefits associated with a new dwelling but given the quantum of development such benefits would be unlikely to be discernible.
19. Against these benefits which at most carry limited weight, is the great weight that should be attached to conserving heritage assets. I therefore find that the public benefits that would be likely to arise do not outweigh the identified harm to the significance of the listed building and conservation area, as designated heritage assets. Accordingly the proposal conflicts with the policies of the Framework which seek to conserve and enhance the historic environment.

Other Matters and Planning Balance

20. The permitted new dwelling at No 10 would be situated opposite, where the character of the road differs significantly to that of the appeal site. As such I find that the context of this development is not comparable to the proposal before me. I have also had regard to examples of other developments referred to by the appellant, which do not appear to be located in Cheltenham. As such they are not directly comparable to the scheme before me. Each application and appeal is considered on its own merits. The granting of permission elsewhere does not provide justification for the appeal proposal.
21. I am mindful that the appellant has sought to address concerns raised by the Inspector in an earlier appeal decision². However, I have found that the proposal is not acceptable for the reasons set out above, and this matter carries little weight in my overall recommendation.
22. I acknowledge that contemporary designs can work well within a historic setting, but in this case the proposal is not acceptable for the reasons set out above.
23. Negative features affecting the setting of No 9 have been material to this case and I have concluded that the proposal would fail to preserve heritage assets. Although it may not be within the scope of the occupants of No 9 to improve some detracting elements, this in itself cannot be a justification for permitting harmful development.
24. I have had regard to the extant planning permission as a fall-back position.³ I note that this development would not provide benefits in respect to repairing the side boundary. However, whilst the permitted development appears similar in scale to that proposed, it would retain the existing use and would not comprise a separate dwelling or a visible subdivision of the grounds. This scheme does not therefore provide justification for the proposal before me.
25. The Council is unable to demonstrate a 5 year supply of deliverable housing site and in such circumstances the Framework makes it clear that permission should be granted unless certain circumstances apply, set out in paragraph 11 d) i. and ii. Because of the harm that would be caused to the listed building and the conservation area as designated heritage assets, paragraph 11 d) i of the Framework is engaged. The presumption given by paragraph 11 d) does not therefore apply because the policies of the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed in this case.

Conclusion and Recommendation

26. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

² Appeal Ref APP/B1605/W/16/3166142

³ Ref 18/01117/FUL and 18/01117/LBC

Inspector's Decision

27. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR