



Appeal Decision

Site visit made on 14 July 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2020

Appeal Ref: APP/J1860/W/20/3247424

7 and 9 Hospital Bank, Malvern WR14 1PQ

- 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 Paul Wild against the decision of Malvern Hills District Council.
 - The application Ref 19/01407/HP, dated 17 September 2019, was refused by notice dated 6 December 2019.
 - The development proposed is formation of new vehicular access and driveway to provide off street parking, erection of retaining walls and piers including provision of new flat level paviour pathway to house entrances (part - retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Part of the proposed development has already been undertaken which reflects the submitted drawings.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the Trinity Conservation Area (TCA) and the setting of a listed building.

Reasons

4. The appeal site comprises numbers 7 and 9 Hospital Bank which along with numbers 3, 5 and 11 Hospital Bank form a single block adjacent to a Grade II listed building, Redwood House. This was formerly the Rural Hospital. Numbers 3 - 11 (inclusive) were formerly the nurses' accommodation for the hospital. Furthermore, even though numbers 3 - 11 are now occupied as separate dwellings, on the available information this arrangement is consistent with the original layout of the building and plots. For these reasons, the appeal site has a historic and physical relationship to the listed building and forms part of its setting and significance.
5. The appeal site is also within the TCA which has been designated due to its special architectural and historic interest. The Trinity Conservation Area Appraisal and Management Strategy (Conservation Area Appraisal) highlights the boundary treatment for plots and specifically refers to Malvern stone, noting that this creates consistency in boundary style and that such boundary treatment contributes positively to the character of the area and is one of the

most important features of the conservation area. Furthermore, the Conservation Area Appraisal seeks to retain historic Malvern stone walling, kerbs and brick channels, as features vital to the continued special interest of the area. Also, adding that mature trees, garden shrubs and hedges are similarly vital and should be retained wherever possible or mitigated with an appropriate landscaping scheme.

6. Based on the evidence before me and my observations, prior to the development commencing, the frontage of the site consisted of retaining Malvern stone walls to the front boundary with a narrow pedestrian entrance and pathway cutting through the centre and leading to the property and rear yard area. Malvern stone edges formed the sides of the distinct narrow pedestrian pathway. These, along with the existing landscaping would have complemented the strong boundary feature and mature landscaping associated with the frontage of Redwood House, whilst also contributing to the generally enclosed and verdant frontages along Hospital Bank. Consequently, prior to the development commencing the appeal site made a positive contribution to the character and appearance of the TCA and the setting of the listed building.
7. In contrast, as part of the submitted scheme an appreciable section of the historic Malvern Stone walling and edges, along with considerable areas of soft landscaping have now been removed to create a wider entrance for the new vehicular access. This has also exposed the significant level changes and substantial extent of retaining structures to accommodate the new parking spaces.
8. The new works include red brick piers, these are appreciably wider and sparsely topped with Malvern stone in comparison with the Victorian originals and appear discordant. Moreover, and despite the careful consideration of proposed materials, the extent of new walling to clad the retaining structures, along with the existing timber boundary fence and areas of hardstanding would result in extensive hard landscaping within the site.
9. Furthermore, only a modest area of lawn is being retained along the frontage of the appeal site. The submitted scheme includes the provision of new soft landscaping. Nevertheless, on the available information I cannot be certain that this would be sufficient to mitigate the extent of hard landscaping at the appeal site and enhance its overall appearance.
10. The appellant argues that part of the soft landscaping that has been removed was overgrown, poorly maintained and was severed by the original pathway and therefore not useable as garden. Nonetheless, it still contributed to the verdant quality of the site and streetscene. Furthermore, the National Planning Policy Framework (the Framework) advises that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
11. I also note the appellant's willingness to provide additional landscaping by way of a planning condition. However, in the absence of a detailed scheme I cannot be certain that this would address all my concerns
12. Whilst there are other vehicular accesses and parking areas along Hospital Bank, with the exception of the Prince of Wales public house, the extent of hard landscaping associated with these does not dominate their respective frontages to the level associated with the submitted scheme.

13. For the above reasons, the development already undertaken and proposed would significantly erode the historic fabric and the generally enclosed and verdant frontages associated with Hospital Bank to the detriment of the character and appearance of the area. Moreover, the extent of hard landscaping associated with the development would dominate this part of the streetscene and detract from setting of the listed building. As such, the development reflects poor design, which fails to reinforce local distinctiveness and integrate effectively with its surroundings. Consequently, the development would fail to preserve or enhance the appearance of the TCA and would also harm the setting of the listed building. I consider such harm to be less than substantial.
14. Paragraph 196 of 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.
15. In this case the provision of off-street parking spaces is for the personal benefit of the occupants of the host properties. Further, any consequential reduction in on-street parking is partly negated by the loss of an on-street parking space to the front of the new access. Consequently, and in the absence of any substantive evidence, I am not persuaded that the development has relieved demand for on-street to the extent that this has significantly improved highway safety. Therefore, I attach limited weight to any public benefits associated with the submitted scheme.
16. Having special regard to the desirability of preserving or enhancing the character or appearance of the CA¹, and preserving the setting of the listed building², 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.
17. In light of the above, the proposal conflicts with Policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan and Policy MD1 of the Malvern Town Neighbourhood Plan. These policies collectively seek to secure high design quality including landscaping in new developments, which also conserve and enhance heritage assets. Accordingly, I also find conflict with relevant provisions of the Framework with regard to protecting the historic environment.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

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

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