



Appeal Decision

Site visit made on 24 August 2020

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/H1840/D/20/3246339

3 Lyttelton Road, Droitwich Spa, Worcestershire, WR9 7AA

- 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 Robert Jackson against the decision of Wychavon District Council.
 - The application Ref: 19/00961/HP dated 22 April 2019, was refused by notice dated 15 November 2019.
 - The development proposed is: Erection of brick retaining wall along the front boundary of the property to include a wrought iron driveway and pedestrian access gate.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of brick retaining wall along the front boundary of the property to include a wrought iron driveway and pedestrian access gate at 3 Lyttelton Road, Droitwich Spa, Worcestershire, WR9 7AA in accordance with the terms of the application, Ref: 19/00961/HP dated 22 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans:
 - i) Block Plan at 1:500 scale
 - ii) Location Plan at 1:1250 scale
 - iii) Drawing No. LRO2: Revised Proposed Front Boundary Treatment

Procedural Matter

2. Whilst the application was being considered by the Council revised plans were submitted in attempt to address concerns flagged up by Council officers and the Highway Authority. As no injustice would be caused by these fairly minor revisions, I shall consider the appeal on this basis.

Main Issues

3. I consider the two main issues in this case are: Firstly, whether proposed development would preserve or enhance the character of the Droitwich Spa Conservation Area; and secondly, whether the proposal would harm highway safety.

Reasons

Character and Appearance of Conservation Area

4. The proposed development comprises the erection of a brick wall topped by wrought iron railings on the roadside frontage of the property, and incorporating wrought iron gates to pedestrian and vehicle entrances. This boundary treatment would replace a low wooden fence with an open gap at the driveway entrance. The proposed wall would be 0.8m high with railings above giving a total height of 1.4m. Slightly taller brick piers would divide the wall into sections with slimmer steel pillars supporting the gates. The electrically operated driveway gates would be 3.75m wide and have a curved top extending to a maximum height of 1.5m. The smaller pedestrian gate would be 1.0m wide and 1.4 m high.
5. At the statutory level, as the site is in the Droitwich Spa Conservation Area (CA), I am required to pay special attention to the desirability of preserving or enhancing its character or appearance in accordance with Section 72(1) of the *Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990*. This requires special regard to be given to the desirability of preserving a listed building and any features of architectural or historic interest it possesses.
6. This is reflected in the relevant policies of the *South Worcestershire Development Plan* (SWDP), adopted February 2016. Amongst other things, Policies SWDP6 and SWDP24 say development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation, and published national and local guidance; and will be supported where they conserve and enhance the significance of heritage assets.
7. Paragraph 193 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a heritage asset (including conservation areas), great weight should be given to its conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, less than substantial harm, or total loss to its significance. Paragraph 196 says where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
8. The *Conservation Area Appraisal and Management Plan* (CAAMP) identifies the special interest and character of the CA and provides guidance on how the preservation or enhancement of its character or appearance can be achieved. The appeal site lies within the Lyttelton Road Character Area, where low density development, generously spaced large houses, a reasonably uniform building line, substantial gardens, and numerous street trees and garden vegetation, give this part of the CA a spacious, gentle and leafy suburban character and contribute to its significance. In relation to boundary treatments the CAAMP says that (outside the historic core) hedges or low brick walls for front boundaries are characteristic. It adds that in all cases front boundaries are low, permitting views of buildings and gardens.
9. However, it was apparent from my site visit and from the appellant's evidence that there is a wide variety of front boundary treatments in this part of the CA, and no overall consistency. The neighbouring property No 5 is fronted by a brick wall with railings above, as is Nos 8, 9 and 9a. All these sites are in very

close proximity to the appeal site. Elsewhere along Lyttelton Road I noticed close-boarded timber fences of various heights, low brick walls topped by planting, and hedges. Similarly, there are other examples of metal gates nearby in the CA, including wide gates with a curved top at No 8. Whilst I have no information concerning the planning background of these cases, and some may pre-date the designation of the CA, they nevertheless now contribute to its character and appearance.

10. In this context I do not agree with the comments of the Council's conservation officer (as set out in the Planning Committee report) that the proposed wall would be an overly large, visually hostile, and segregating form of boundary treatment. Nor do I consider the proposed gates would create a visual and physical barrier that would appear incongruous in this setting. The comparatively low combined wall height and the open nature of the railings and gates would not be excessively high or dominant in my view, would still permit views of the dwelling and garden beyond, and would not detract from the spacious and leafy suburban character.
11. On balance, I conclude on this issue that the wall and gates would have a neutral effect that would preserve the character and appearance of the CA and would not materially harm its significance. Therefore, the question of public benefits to outweigh any harm does not arise. As such I find no conflict with SWDP Policies SWDP6 and SWDP24, the relevant parts of the CAAMP, and paragraphs 193 and 196 of the Framework.

Highway Safety

12. Notwithstanding the modifications which have been made by omitting the brick piers to either side of the gateway the Highway Authority (HA) says this does not overcome the original objections in that the proposal would still hinder inter-visibility and lead to potential pedestrian/vehicle conflict because emerging vehicles would not be able to see passing pedestrians on the footway. Also, as the gates would be flush with the back of the footway, the HA says a vehicle waiting in the highway for the gates to open would cause an obstruction and potentially cause delays to other road users. The HA says this is a particular concern given the relatively close proximity of the Lyttelton Road/Corbett Road junction.
13. Nor is the HA reassured by the intention for the gates to open and close electronically, and recommends a minimum set-back distance from the highway of 5.0m with 2.0m x 2.0m pedestrian visibility splays, to ensure that traffic is not delayed and to improve pedestrian/vehicle inter-visibility. However, there are many examples of electrically operated gates in the locality, and there is no evidence before me to suggest that these have resulted in congestion and/or highway safety issues.
14. Lyttelton Road is 8.6m wide at this point and even if a vehicle is waiting on the highway for the gates open, there is ample room for a vehicle to pass. Furthermore, Lyttelton Road is residential in character and reasonably lightly trafficked. In any event, the existing fence and hedge restricts visibility to some extent, and I am not persuaded that the low brick wall with railings above would result in a materially more harmful situation. I also accept the appellant's argument that a 5.0m set-back would be impractical, as insufficient manoeuvring space would be available within the site due to the position of the

dwelling. In any event I noticed no other nearby examples where gates are set back to this extent, most being flush to the highway edge.

15. Overall, I conclude on this issue that the proposal would not materially harm highway safety. As such, there would be no conflict with SWDP Policy SWDP4 which requires development proposals to address road safety issues and be consistent with the Worcestershire Transport Plan objectives.

Conclusion

16. Therefore, for the reasons given above, and having regard to all other matters raised, including comments in general support of the proposal from several District Council members and the Town Council, I conclude that the appeal should be allowed.

Conditions

17. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition for the commencement of development, a condition to secure compliance with the submitted plans is needed for the avoidance of doubt and in the interests of proper planning.

Nigel Harrison

INSPECTOR