



Appeal Decision

Site visit made on 17 September 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/J1860/W/20/3255545

Park View, 33 Abbey Road, Malvern, Worcestershire WR14 3HG

- 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 Park View Management Ltd against the decision of Malvern Hills District Council.
 - The application Ref 19/01152/FUL, dated 25 July 2019, was refused by notice dated 11 December 2019.
 - The development proposed is described as "forming paved, gravel & 'ecogrid' surfaces to aid refuse collection and drainage. Additional parking spaces."
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15th October 2020.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting of the Grade II Listed Park View, and on the character or appearance of the Great Malvern Conservation Area (CA).

Reasons

3. The appeal site comprises an area of land immediately to the rear of Park View, a Grade II Listed building set within large grounds and located in a prominent roadside position within the CA at the junction of Abbey Road and Grange Road. The Listed Building is substantial in scale and is very striking due to its particular design, scale and colourful blue painted stucco exterior together with its elevated position at the top of Grange Road, adjacent to a public footpath known as Swan Pool Walk. The appeal site forms part of the open setting to the rear of the Listed Building, with the setting contributing to the significance of the Listed Building.
4. The Council's Appraisal and Management Strategy for the CA dated April 2008 states that the CA has a distinctive character defined by the built environment of high quality architecture as well as its natural geology and landscape situated at the base of the Malvern Hills. It further states that the CA was originally designated because of its rich architectural heritage including stuccoed, classical, Victorian, Regency, Gothic Revival and Italianate styled buildings. Along with the attractive architecture of the buildings, the planned setting out of the streetscape with boundary walls and mature planting add

- character to the area. All of these features contribute to the significance of the CA.
5. Vehicular access is gained from the rear of the Listed Building, along a tarmac driveway up to existing parking areas on level ground near to the building. The parking areas are surfaced in a loose gravel finish and there is a bound pathway linking the top of the driveway to the bin storage area located within a rear part of the building. The parking areas are clearly visible from wider public vantage points within the CA and have a neutral impact on the both the setting of the Listed Building and the significance of the CA.
 6. The proposal is to replace the existing gravel areas within the appeal site with an 'Ecogrid' system with a gravel topping and to increase the number of parking spaces. Two different grades of 'Ecogrid' would be used, with the one between the top of the driveway and bin store area capable of being driven over by a refuse lorry. This would remove the need for bins to be moved from the rear of the building to the top of the tarmac driveway for collection and would also improve drainage in the parking area helping to prevent surface water run off down the driveway towards Orchard Road. At my site visit I saw a sample section of 'Ecogrid', though I am unsure what grade it was or whether what I saw on site was an exact replica of what is proposed. In determining the appeal, I have therefore had regard to the submitted information and not what I saw on site.
 7. The appellant states that the 'Ecogrid' system would be barely, if at all, visible when laid with a minimum 20mm topping of gravel and state that a management plan could be put in place to ensure that the gravel is regularly raked/topped up when necessary to maintain a consistent visual appearance. It is also stated that the gravel finish would be closely matched to the colour of the 'Ecogrid' system.
 8. The submitted information shows that the 'Ecogrid' system is a black floor grid made from polyethylene. It has an artificial, engineered appearance and if visible would be at odds with and harmful to the Listed Building and the CA. Given that it has a black finish, it is difficult to see how a gravel finish other than black could be chosen to match the colour of the 'Ecogrid' so as to ensure that it was not visible or prominent if not fully covered. A black gravel in this location would not be appropriate.
 9. The fact that vehicles would be travelling over and parking on the gravel means that it is highly likely that it would be moved around, reducing the depth of gravel in places and exposing the black grid system below. Although I note that the appellant is willing to develop a management plan so as to ensure that the gravel topping is maintained in good order, I do not consider that such a plan would be practicable given how frequently such maintenance is likely to be required. In addition, a planning condition requiring compliance with an agreed maintenance plan would be very difficult for the Council to enforce. Consequently, I do not consider that my concerns could be overcome by the imposition of planning conditions.
 10. No concerns were raised by the Council to the increase in parking spaces or to the other surface materials proposed and I can see no reason to disagree with its conclusions on these aspects of the proposal.

11. The harm to the significance of the CA and the setting of the Listed Building that would result from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA and Listed Building in accordance with Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The proposal would be likely to improve the drainage of the existing gravel areas reducing run off along the driveway and preventing the pooling of water around the Listed Building. However, it has not been demonstrated that the proposal is the only solution to improve drainage at the site or that there are no other solutions available that would be less visually harmful. The proposal would also shorten the distance that refuse bins would need to be moved to be emptied by the refuse vehicle. Although the drainage improvements would be a public benefit of the proposal, in the absence of any evidence as to the extent of the current drainage problems, it is one of modest weight and would not outweigh the harm to designated heritage assets identified.
13. Taking the above matters into consideration, I conclude that the proposal would fail to preserve the character and appearance of the CA, would have a harmful effect on the setting of the Listed Building and would not meet the requirements of sections 66 and 72 of the Act. For the same reasons it would not accord with Policy MD2 of the Malvern Town Neighbourhood Plan 2015 - 2030, policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan adopted February 2016 and relevant paragraphs of the Framework. These policies seek, amongst other things, to ensure that development proposals are well designed and complement the character of the area and that they conserve heritage assets.

Conclusion

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

Beverley Wilders

INSPECTOR