



Appeal Decision

Site Visit made on 13 January 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/K3415/W/20/3260937

Land at Manor Fields, Alrewas, Burton Upon Trent DE13 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Dutch Architecture against the decision of Lichfield District Council.
 - The application Ref 20/00281/FUL, dated 17 February 2020, was refused by notice dated 24 April 2020.
 - The development proposed is erection of 4 dwellings with associated parking and amenity areas.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 29 January 2021.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address given on the planning application form save for the words 'Street record' which I have substituted for 'Land at' as given on the appeal form and the Council's decision notice.
3. The development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. It has been concluded that the development would not be of a scale or nature that would be likely to result in a significant environmental impact and the proposal is not therefore EIA development.
4. Additional plans have been provided as part of the appellant's appeal submission. The 'Perspective Approach View' and 'Perspective Front View' do not alter the details of the proposal on the submitted drawings. Therefore, I am satisfied that no party would be prejudiced by me taking this information into account albeit I have done so on the basis that they are for illustrative purposes only.
5. Revised drawings have also been submitted showing alterations to the rear and side elevations of the proposed dwellings on plots 1-2. Being mindful of the 'Wheatcroft Principles'¹, I consider that accepting these revised drawings would deprive those who should have been consulted from an opportunity to comment. I have therefore considered the appeal on the basis of the drawings that were before the Council when they determined the planning application.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issues

6. The main issues are the effect of the proposal on:

- the character and appearance of the Alrewas Conservation Area including whether the proposal would preserve the settings of the group of Grade II listed buildings at Manor Farm,
- the living conditions of occupiers of No 18 Manor Fields with particular regard to privacy; and
- the provision of open space.

Reasons

Character and appearance

7. The appeal site is an area of grassed open space. It is situated next to the entrance of Manor Fields, a residential development located on the periphery of the settlement of Alrewas and within its Conservation Area (CA). The significance of the CA derives from its medieval origins and the framework of its streets and spaces. The traditional design of the detached two-storey dwellings, the substantial built form of the group of Grade II individually listed former farmstead buildings and the position of these dwellings set away from the entrance to the estate gives Manor Fields an attractive and spacious character which makes a positive contribution to the character and appearance of the CA.
8. When travelling towards the settlement from the A513, fields provide a predominantly open and rural foreground to Manor Fields. Whilst there is some intervening vegetation, much of this was not in leaf at the time of my visit. Consequently, the substantial built form of the listed buildings, including their varied roof line, deep roof slopes and traditional window detailing, were all prominent within this vista. Therefore, there remains a strong visual link between the agrarian origins of the listed buildings and the countryside. This is integral to the settings of the listed buildings and adds to their significance.
9. The traditional design of the dwellings would not in itself be out of keeping with the area. Even so, the position, scale, mass and layout of the development would diminish the spaciousness at the entrance to the estate. Due to their siting, width and height, the proposed buildings would also largely obscure views of the group of Grade II listed buildings for those travelling towards the settlement from the direction of the A513 and for passers-by on Manor Fields. This would be detrimental to the character and appearance of the CA and would also erode the historic visual relationship between the listed former farmstead buildings and their rural hinterland, thus detracting from their settings.
10. The appellant's tree report indicates that there are no trees of individual merit on the site. Even so, collectively the existing vegetation provides an attractive and substantial soft landscaped boundary to Kings Bromley Road which complements the character and appearance of the CA. The appellant suggests that only one tree would be removed to facilitate the development and that three new trees would be planted. However, it is not clear which tree the appellant is referring to and to what extent this would be likely to open up views of the site. The potential for a greater appreciation of the development in

views towards this boundary would be likely to further compound the harm to the character and appearance of the CA. Even if the planting could be substantially retained to this boundary, this would not overcome the identified impact of the development on the setting of the CA and the listed buildings when viewed from further along Kings Bromley Road or for passers-by on Manor Fields itself.

11. My attention has been drawn to recent developments and planning permissions on other sites in the locality. However, the examples provided are located to the opposite side of Kings Bromley Road. Therefore, those developments are not comparable to the site-specific harm that would result from the appeal proposal on the CA and the setting of the listed buildings at Manor Farm.
12. The appellant also contends that the conversion of the former stable element of the listed buildings includes modern additions such as extensions, a new garage and timber boundary fencing and that the setting has therefore already been altered. Even so, the substantial form of the listed buildings and their close relationship with the rural surroundings is still appreciable. Therefore, the harm that would result from the appeal proposal is not comparable.
13. Paragraph 193 of the National Planning Policy Framework (the Framework) 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 (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
14. The development would result in less than substantial harm to both the character and appearance of the CA and the settings of the Grade II listed buildings. Paragraph 196 of the National Planning Policy Framework (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. There would be modest public benefits through the provision of 4 dwellings towards the Council's housing figures. There would also be some limited social and economic benefits through the development of the site and the potential contributions of future occupants to the local community. However, I must attach great importance and weight to the desirability of preserving the settings of the CA and the Grade II listed buildings. Whether considered individually or cumulatively, the public benefits would not outweigh the less than substantial harm that would arise from the development on these heritage assets. The proposal would therefore be contrary to the Framework's policies concerning heritage assets, most particularly paragraphs 193, 194 and 196.
16. For the foregoing reasons, the proposal would have an adverse impact on the character and appearance of the CA and the settings of the group of individually listed Grade II listed buildings at Manor Farm. Consequently, in that regard, the development would be contrary to the high quality design, character and appearance and conservation aims of Core Policy 3 (Delivering Sustainable Development), Core Policy 14 (Our Built & Historic Environment), Policy BE1 (High Quality Development) and Policy NR4 (Trees, Woodland &

Hedgerows) of the Lichfield District Local Plan Strategy (LPS) (2015), Policy BE2 (Heritage Assets) of the Local Plan Allocations (2019), Policies EC1 (Protecting and Enhancing the Built Environment), HP4 (Building for Life) and Policy PR4 (Trees and Hedges) of the Alrewas Neighbourhood Plan (NP) (2018), the Council's Historic Environment Supplementary Planning Document and the Framework.

Living conditions of the occupiers of No 18 Manor Fields

17. The rear garden of the dwelling at No 18 sits next to the shared boundary with the appeal site. The clear glazed windows to the ground floor rear elevation of this property also face and sit in relatively close proximity to this boundary. The close positioning of the dwelling on 'plot 1' to the shared boundary would result in a detrimental impact on the privacy of occupiers of No 18 by virtue of an overlooking impact from a bedroom window and an en-suite window both of which would be located on the first floor rear elevation of this proposed dwelling. Whilst the en-suite window could be obscure glazed, there would still be some perceived overlooking impact from this window.
18. I conclude that the development would have a significantly harmful effect on the living conditions of occupiers of No 18 Manor Fields with particular regard to privacy. In that regard, the development would conflict with the aims to protect the amenity including the privacy of neighbouring occupiers in Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the LPS, the Council's Sustainable Design Supplementary Planning Document and the Framework.

Provision of open space

19. The site is identified as 'amenity greenspace' in the Lichfield District Council Open Space Assessment (2016). Even so, I acknowledge that the site is in private ownership. There is no substantive evidence before me to demonstrate that the site has been secured for public use in the long term for example in the form of an appropriate planning condition, legal agreement or through its identification as a public open space in the development plan. Nevertheless, it does not automatically follow that the site is therefore suitable for development.
20. It was clear on my site visit that the site was open and was available for public use. The evidence before me also indicates that arrangements are in place with the residents of Manor Fields for the maintenance of this land as an open space. Policy HSC1 (Open Space Standards) of the LPS confirms that all open space, sport and recreation facilities identified in the OSA will be protected. Being mindful of my conclusions on the other main issues I am not persuaded by the evidence before me that an exception to this specific aim within the development plan would be justified.
21. To conclude, the development would conflict with the aims seeking to protect open space in Core Policy 3 (Delivering Sustainable Development) and Policy HSC1 (Open Space Standards) of the LPS, Policy PR1 (Protection and Enhancement of Public Open Spaces) of the NP and the Framework.
22. The Council have drawn my attention to Core Policy 10 of the LPS. I have not been provided with a full copy of this policy. However, the compliance or not of

the development with this policy does not alter my conclusion on this main issue.

Other Matters

23. The appellant has drawn attention to the pre-application advice provided by the Council. However, from the evidence before me the Council concluded that the principle of development was acceptable because the site is within the settlement boundary. However, the advice was also clear that there were concerns in respect of the potential impact of a development on heritage assets. In any case, concerns as to any lack of consistency in the Council's advice are not a matter for me to assess in an appeal made under S78 of the Act.
24. The Council has confirmed that it has more than a 5-year supply of housing land. Therefore, whether or not Alrewas has sites available for new housing does not persuade me that the Council is not in a position to meet its overall housing requirements.

Conclusion

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

M Russell

INSPECTOR