



Appeal Decision

Site Visit made on 23 March 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/P0119/W/20/3263483

Fleur De Lys, 12 Shortwood Road, Pucklechurch, BS16 9RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by UKS Group Ltd against South Gloucestershire Council.
 - The application Ref P20/05814/F, is dated 4 March 2020.
 - The development proposed is the erection of 8 no. dwelling houses including all associated soft and hard landscaping. Demolition of single storey rear extension to Fleur De Lys.
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Decision

1. The appeal is dismissed and planning permission for the erection of 8 no. dwelling houses including all associated soft and hard landscaping. Demolition of single storey rear extension to Fleur De Lys is refused.

Preliminary Matters

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the Council's statement, which sets out its concerns with the effect of the proposal on the character and appearance of the area, including the Pucklechurch Conservation Area and the setting of the Grade I listed Church of St Thomas à Becket, and the effect of the proposal on highway safety.
3. The scheme was amended by the appellant before the appeal was lodged. These amendments included modest changes to the design of the proposed dwellings, changes to the site layout and the reduction in the proposed number of dwellings from 9 to 8. The reduction in the number of dwellings was achieved by replacing the semi-detached pair of dwellings behind the existing building with a single dwelling with a slightly smaller footprint. The appellant is keen for the appeal to be determined on the basis of the revised scheme. The Council has no objection to this approach, although it confirms that these revised plans were not uploaded to its website or consulted on. I am satisfied that these revisions are minor. They do not significantly alter the principle of the scheme and would have little impact on neighbouring occupiers. I do not consider that the interests of any party would be prejudiced if I take the revised plans into account.
4. I shall therefore determine the appeal on the basis of the plans originally submitted to the Council as well as the following revised plans: 19.016-010 Rev C, 19.016-011 Rev C, 19.016-013 Rev C, 19.016-015 Rev C and 19.016-016 Rev C.

5. As a result, I have amended the description of development to refer to the correct number of dwellings.

Main Issues

6. The main issues are the effect of the proposal on:
 - a) the character and appearance of the area, including the Pucklechurch Conservation Area (PCA) and the setting of the Grade I listed Church of St Thomas à Becket, and
 - b) highway safety.

Reasons

Character and appearance

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The appeal site is located within the core of the PCA. The existing building is a former coaching inn. It occupies a prominent position at the front of the site, tight to the back edge of the pavement. Its broad flat façade with low eaves level and long steeply pitched roof slope is a significant contributor to the character and appearance of this part of the PCA. It is part of a group of buildings that together form a tight and well defined enclosure around the road junction. Behind this well defined frontage, buildings are generally ancillary in nature and of a more modest scale.
9. The area is recognised in the Pucklechurch Conservation Area Supplementary Planning Document (PCASPD) as the commercial core to the settlement, developed in response to centuries of commercial activity and passing trade, of which the appeal building as a former coaching inn is a key component. This is demonstrated on the 1880 OS map, reproduced in the PCASPD, which shows the relationship of this commercial core area with the rest of the settlement and the surrounding countryside.
10. The open and undeveloped condition of the land to the rear of the Fleur De Lys accords with the low scale or largely undeveloped nature of the rear areas of plots within the commercial core. From Shortwood Road the site can be seen in the context of the principal elevation of the Fleur De Lys where its openness aids the definition of the commercial core area and provides some detachment from modern development to the northwest. This is similar to the view from Westerleigh Road where the open site can be seen behind modest domestic outbuildings and areas of garden, and provides separation between the commercial core and the modern development of 7-13 Westerleigh Road.
11. From these perspectives the development would be prominent to view. Although it would adopt a traditional appearance, and I note the various

revisions to the proposal when compared with the previous scheme¹, it would, by virtue of its position, dilute the tight and well defined form of the commercial core of the PCA. Owing to the elevated level of the site and its open aspects, even when I take into account the proposed reduction in site levels and building heights, the proposed dwellings would be highly prominent in views along Westerleigh Road when looking back towards the commercial core area. The end gable of the block of three dwellings would be particularly prominent from this perspective as would the rear dormers that are not a common feature within the PCA. It would draw attention to a building alignment that would be at odds with the prevailing linear character of development fronting the principle transport routes.

12. The grade I listed Church of St Thomas à Becket occupies a prominent position to the north of the site and is a landmark building within the PCA. It retains fabric from the Norman period and dates largely from the 13th and 14th centuries, with good quality 19th century work. Its surrounding churchyard is verdant. It is an important open space within the PCA and highly significant to the setting of the Church. It includes a significant collection of monuments dating from the 14th century, of which 15 are specifically listed. The Church stands to one side of the commercial core with lower density development to the north and west, with open aspects to the east over the recreation ground and to the south, from the 14th century porch, over the application site. The historic OS map shows that a spatial connection with these open spaces is long established. These characteristics of the building's setting contribute to the its historic and architectural interest.
13. The development would be prominent to view from the Church porch and the southern part of the Churchyard, where it would enclose the long established open aspect across the appeal site. From this elevated and more distant view the detached single house would be seen in full width occupying a backland position, awkwardly close to the rear of the Fleur De Lys, and at odds with the front facing historic development pattern of the commercial core. The terraced dwellings would have a small section of flat roof, presumably as a consequence of reducing the overall height whilst retaining accommodation within the roof space. Whilst this would be somewhat disguised by the broad chimneys placed at the gable ends, details suggest that the flat top would be apparent when viewed at a distance from the slightly higher ground of the Churchyard. This would appear to be a contrived design solution, that would undermine the simple traditional design approach proposed, and would be at odds with conventional ridged roofs within the PCA.
14. For these reasons I find that the proposal would cause significant harm to the character and appearance of the PCA and in particular the identity of its commercial core. It would also harm the significance of the listed building by introducing an uncharacteristic form of development that would impact on a key aspect of its setting.
15. In terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial. Paragraph 196 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would deliver 8 new units of residential accommodation in a location with access to some local services and facilities. This is a public benefit

¹ APP/P0119/W/20/3249497

that carries significant weight. There would also be some short term economic benefits arising from the construction of the dwellings, which would also be a public benefit that would weigh in favour of the proposal.

16. However, as set out above, the proposal would cause harm to both the PCA and the setting of the Church. Paragraph 184 of the Framework states that heritage assets are an irreplaceable resource. The proposal would result in a significant permanent and harmful alteration to the PCA and a significant change to the setting of the listed building. Paragraph 193 of the Framework establishes that great weight should be given to the conservation of a heritage asset. In this context I find that the public benefits of the proposal would not be sufficient to outweigh the degree of harm identified.
17. In summary, I find that the proposal would fail to meet the requirements of the LBCA as it would fail to preserve the interest of the listed building and the character and appearance of the PCA. It would be contrary to Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (CS) and Policies PSP1 and PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan 2017 (PSPP), which together seek to ensure that development proposals are designed to a high quality to respect and enhance the buildings and characteristics that make a positive contribution to local distinctiveness, and ensure that heritage assets are conserved, respected and enhanced.

Highways

18. The proposal would see the current parking provision for the Fleur De Lys reduced from the whole car park area to four parking spaces. The proposed site plan refers to these as spaces retained for the conversion of the building to a residential unit. However, the scheme before me would see the scale of the building reduced so that it operates as a smaller pub without the sale of meals.
19. At my visit to the site I found the immediate road network to be busy, with significant passing traffic and a road junction at the centre of the commercial core area, with a particularly tight road alignment where Westerleigh Road connects with the junction. I concur with the findings of the Inspector who determined the previous appeal² in respect of this matter, as I also found few safe on street parking facilities in the area and examples of poor parking in proximity to a busy junction, including cars that were mounted on the pavement and those that were badly parked for short periods for driver convenience.
20. The submitted transport statement dated 29 May 2020 refers to a previous scheme where eight parking spaces would have been provided for the retained business. Notwithstanding this, details for the comparable businesses set out in the report suggest that it would be likely that no more than four vehicles would be parked at any one time in association with the retained business. I accept that visitors to the site would be less likely to drive without the provision of meals, and therefore a reduction of the current provision would seem reasonable. However, the evidence before me in this respect is limited and I cannot be satisfied that there would never be a time when more than 4 parking spaces would be needed. Furthermore, I note that no provision is made for staff parking or parking for the existing first floor accommodation.

² APP/P0119/W/20/3249497

21. I therefore consider it a realistic possibility that the proposal would result in an overspill of parking onto nearby areas of highway where such parking is severely limited. The proposal would therefore have a harmful effect on the safe operation of the adjacent highway network.
22. The appellant is willing to enter into a legal agreement to implement parking restrictions in the area to aid the management of overspill parking. However, no such agreement is before me so I am unable to assess whether it would be sufficient to mitigate the harm I have identified.
23. In summary, the proposal would have a harmful effect on highway safety. It would be contrary to Policy CS8 of the CS and Policy PSP11 of the PSPP, which together seek to ensure that development proposals do not compromise highway safety.

Conclusion

24. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR