



Appeal Decision

Site Visit made on 10 August 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/Z3635/W/21/3273070

**The Swan Inn, 16-18 High Street, Stanwell, Staines-upon-Thames
TW19 7JS**

- 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 InPost against the decision of Spelthorne Borough Council.
 - The application Ref 21/00188/FUL, dated 2 February 2021, was refused by notice dated 26 March 2021.
 - The development proposed is siting of an InPost Locker.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parcel locker is already in-situ and thus the application was made retrospectively. I have considered the appeal on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published by the Government on 20 July 2021. I have considered the appeal in light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

4. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the Stanwell Conservation Area (SCA) and the setting of The Swan Public House, a Grade II listed building; and
 - The effect of the development on the living conditions of neighbours, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site is located within the car park of The Swan public house. The pub is a Grade II Listed Building and sits within the SCA.
6. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character

and appearance of Conservation Areas. These requirements are largely reflected in paragraph 199 of the Framework, which states that great weight should be given to the conservation of designated heritage assets. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7. The Swan is a late eighteenth or early nineteenth century building, with a hipped tile roof and rendered exterior walls painted white. There have obviously been some alterations to the building over time, including a brick built covered shelter to one side, other extensions, and the creation of a beer garden with associated seating and paving. The car park is a relatively large open area of hardstanding to one side, with modern low wooden fencing facing the road and a tall close-board fence to the rear. While there have been modern alterations to the pub and its curtilage, the original historic character of the building and its contribution to the conservation area remains largely intact.
8. The significance of the SCA appears to lie in the number of good examples of Georgian and Victorian architecture which contribute to the overall character of the area. The pub contributes to this cumulative quality. Indeed, the listing for the building indicates that it was listed for its group value. Although there is modern development within and around the conservation area, the historic core remains clearly defined. The focal point for this is the small village green and impressive Church. However, the Swan still forms part of this core.
9. Although sited away from the building itself toward the back of the car park, the locker is clearly still within the setting of the pub. It is an overtly modern, functional and utilitarian structure. Its overall size, form and both the nature and colour of materials used ensure that it is a highly prominent feature when viewed from the street directly outside the site and from inside the car park and beer garden. When viewed in context with the pub, the locker stands out as an incongruous addition which serves to diminish and detract from the traditional character and appearance of the pub and its heritage significance. Consequently, this also has a harmful impact on the character, appearance and significance of the SCA.
10. Unlike other so-called 'modern' additions to the building or its curtilage, the locker is not ancillary or complementary to the main function of the pub. This serves only to exacerbate the jarring and discordant nature of the development. While the pub is a commercial use, this does not justify the introduction of an unsympathetic feature such as this. Moreover, the locker's appearance does not reflect the character of other buildings in commercial use in the SCA. In this regard, it is not complementary to these uses. That there are a range of non-residential uses in the SCA does not mean that new 'commercial' features should not have regard to existing local character.
11. The development is therefore an unsympathetic and incongruous addition to the SCA which detracts from its significance and that of The Swan. As such, the development fails to preserve or enhance the character and appearance of the SCA and the setting of the Grade II listed building. Accordingly, there is conflict with the Spelthorne Core Strategy and Policies Development Plan Document (CS) (2009) policies EN1, EN5 and EN6. Amongst other things, these seek to ensure development respects and makes a positive contribution to the street scene and character of the area, has special regard to the need to preserve the

setting of listed buildings and preserves or enhances the character of conservation areas.

12. I would characterise the harm caused as 'less than substantial'. In this circumstance, paragraph 202 of the Framework requires the harm caused to be weighed against any public benefits of the proposal. I shall return to this below.

Living conditions

13. The locker protrudes slightly above the 1.8 metre fence which separates the car park from the adjacent dwelling. The Council raises no concerns about the effect on any other dwelling and I saw nothing to suggest I should come to a different conclusion.
14. There are no windows in the flank wall of the dwelling which faces the site. The front elevation includes a door and a single downstairs window. Any views of the locker from this window, which is some distance from the fence, will be at an extremely oblique angle. On this basis, the locker is unlikely to have an overbearing impact on occupants of the dwelling.
15. The front of the house is mainly given over to access and parking. The slight protrusion of the locker above the fence will have very little impact on living conditions when viewed from this location. Similarly, while the locker might be seen above the fence from the rear garden, it is not so large as to constitute an unduly overbearing structure from this location. It will not affect the enjoyment of this space to any discernible degree.
16. I have noted concerns raised by interested parties relating to noise and anti-social behaviour. Activity relating to the locker is unlikely to be discernible from the normal operation of the site as a pub car park and thus should not be unduly noisy. Neither should the activity of dropping off or collecting parcels lead to antisocial behaviour. Any other activities in the car park or pub are outside the scope of this appeal.
17. I am therefore satisfied that the development will not have an unacceptable impact on the living conditions of neighbours. Accordingly, there is no conflict with CS Policy EN1 which seeks, amongst other things, to ensure development achieves a satisfactory relationship to adjoining properties.

Other Matters and Planning Balance

18. As indicated above, I must weigh any public benefits of the proposal against the less than substantial harm caused by the development. The appellant has put forward several potential benefits for my consideration.
19. I acknowledge that click and collect facilities can allow multiple deliveries to a single location. This may reduce trip lengths for delivery vehicles which no longer have to go 'door-to-door' to deliver individual packages. It may also reduce the need to return to destinations if recipients are not in to collect packages. The potential reduction in the number of vehicles on the road might also have associated benefits in terms of emissions, congestion and air quality. The village contains a small number of shops and other facilities. Visitors to the parcel locker may also visit these as part of a linked trip, thus providing some benefits to local businesses.

20. However, the benefits put forward are largely generic and do not relate specifically to this site or locality. There is no clear evidence to suggest that the same benefits could not be achieved without the associated harm to designated heritage assets. While the Government may be supportive of such facilities in principle, there is nothing to suggest that this should outweigh any harm that might be caused to heritage assets. Any benefits are also likely to be offset to an extent by the need for people to travel to the facility, not all of whom will walk, particularly if packages are likely to be large or heavy. There is also no specific evidence relating to the benefits to businesses in this area or whether those that exist have benefited from the locker while it has been in place. I have therefore given only moderate weight to the potential public benefits of the development.
21. I have found no harm in relation to living conditions or any other planning matter, including the effect on highways and parking. Nevertheless, a lack of harm is neutral and weighs neither in favour nor against the development.
22. Overall, the public benefits of the development do not outweigh the less than substantial harm caused to designated heritage assets. Accordingly, the development conflicts with the requirements of national policy as set out above. The development therefore conflicts with local and national policy and there are no material considerations that would justify a decision other than in accordance with the development plan in this case.

Conclusion

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

S J Lee

INSPECTOR