



Appeal Decision

Site Visit made on 26 October 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/Y3940/W/21/3276703

Cross Keys Inn, Malthouse Lane West and South to Crystal Palace, Upper Chute, SP11 9ER

- 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 Drs Simon and Anna Moore against the decision of Wiltshire Council.
 - The application Ref 20/06874/FUL, dated 7 August 2020, was refused by notice dated 17 March 2021.
 - The development proposed is the demolition of the existing buildings and construction of a new residential dwelling with separate garaging.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with particular regard to the North Wessex Downs Area of Outstanding Natural Beauty (the AONB) and to the preservation or enhancement of the character or appearance of the Upper Chute Conservation Area (the Conservation Area).

Reasons

3. The appeal site comprises land and buildings at Cross Keys Inn, located at the western edge of the village at Upper Chute. The existing building at the site is a two storey disused public house, which is set back from the road behind a gravelled parking area, and is formed of a large building with alterations and additions to the side and rear, and with a wooden outbuilding abutting the main building to the west. Additional smaller outbuildings are situated to the rear of the former public house. The site is bordered to the east and west by single storey dwellings of modest proportions.
4. The appeal site is situated at an elevated position, in a sensitive location that marks the transition between the built form of Upper Chute and the countryside, and in a highly prominent position where footpaths provide expansive views of the site and the wider surrounding area.
5. Policies CP51 and CP57 of the Wiltshire Core Strategy (2015) (the Core Strategy) requires that development be of a high standard of design and which protects, conserves and where possible enhances landscape character and scenic beauty. Policy CP58 of the Core Strategy provides that development

should protect, conserve and, where possible, enhance the historic environment.

6. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The site is within the Conservation Area which covers much of the village. The properties within Upper Chute predominately front onto the highway and are generally of traditional design with pitched roofs, some of which are thatched, and elevations in brick and flint with some examples of rendered properties. Based on the evidence, and from observations made on my visit, I consider that the significance of the Conservation Area is predominately derived from the architectural quality of traditional buildings, the layout of the settlement, and its rural setting within the AONB.
8. Whilst the properties in this part of the settlement appeared to be of varying ages, the older buildings provide historic interest and context and as such they contribute positively to the character and appearance of the Conservation Area. By reason of its age, traditional scale and appearance, and given its location in a prominent position at the edge of the settlement, in my view the appeal property has historic significance, forming part of the historic fabric of the area. Consequently, I find that the appeal site and existing buildings make a positive contribution to the character and appearance of the Conservation Area.
9. However, the positive contribution made to the Conservation Area would be limited by reason of the unsympathetic nature of previous alterations and extensions to the rear of the former public house. Nevertheless, and despite its condition and the alterations that have been previously made, it still makes a limited positive contribution to the Conservation Area.
10. The appeal proposal seeks to demolish the existing wooden outbuilding and former public house, and replace it with a substantially scaled two storey building with rooms at roof level and with a conservatory to one side. The replacement building would occupy a similar position to that of the former public house within the appeal site, and would use materials such as brick and flint which are to be found on existing buildings within the settlement. The overall roof height would be, albeit to a very small degree, lower than the height of the existing building.
11. However, the proposed Georgian style design would not bear any resemblance to the public house it replaces, and the scheme would orientate the proposed building such that the principal elevation would face west rather than facing the adjacent highway. Whilst the proposed replacement building would have a lower overall ridge height, there would be a significantly greater degree of bulk and mass at first floor level, when compared with the original building. The proposal would not retain the modest and unobtrusive character, appearance or scale of the existing building and, given the additional bulk and mass above ground floor level, it would be more visually prominent in views from the surrounding area.

12. Whilst it is acknowledged that there are substantially sized dwellings within the wider area, these are, in the main, located within the more concentrated and built up area of the settlement where the scale of such buildings sit comfortably within their surrounding built environment. However, by reason of the bulk and mass of the proposal, the appeal scheme would be at odds with the more simple and restrained character and appearance of the dwellings in this part of the Conservation Area.
13. For the above reasons, given the design and mass of the proposal, the appeal scheme would appear dominant in its surroundings and would not, in my view, preserve or enhance the character or appearance of the Conservation Area. Whilst somewhat localised in its extent, as a whole the scheme would fail to preserve the character and appearance of the Conservation Area thereby diminishing its significance.
14. Any harm to the Conservation Area should require clear and convincing justification in line with paragraph 200 of the Framework. Overall, and for the reasons given above, the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area. In terms of the advice in the Framework, the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings. Accordingly, and in line with the provisions of paragraph 202 of the Framework, this harm should be weighed against the public benefits of the scheme.
15. In this instance, the public benefits of the proposal would be limited to the delivery of an additional, energy efficient, housing unit and in relation to the very limited economic benefits in terms of employment opportunities during the construction phase and through the future spend of residents within local businesses. Whilst the Framework reaffirms the Government's objectives to significantly boost the supply of homes, the contribution of only one dwelling would be limited and, in combination with those other benefits, would not outweigh the identified harm that would be caused to the Conservation Area to which I attach significant weight.
16. In terms of the effect of the appeal scheme on the AONB, paragraph 176 of the Framework provides that great weight must be given to the conservation and enhancement of the AONB's landscape and scenic beauty. Paragraph 176 of the Framework goes on to state that the scale and extent of development within these designated areas should be limited and whilst I have acknowledged that there are modest single storey dwellings to the east and west of the site, it nonetheless is adjacent to open countryside which is very sensitive to change.
17. In these respects, due to the overall mass and design of the appeal scheme, I find that the proposal would give rise to an incongruous building that would sit awkwardly with other nearby development and thus would draw the eye, detracting from the quality of this highly protected surrounding landscape. In this respect, the scheme would not conserve or enhance the landscape or scenic beauty of the AONB. Additional planting and landscaping could not, in my view, satisfactorily mitigate its harmful impact.
18. Overall, I consider that the appeal scheme would conflict with Policies CP51, CP57 and CP58 of the Core Strategy which, together and amongst other things, requires that development is of a high standard of design that responds positively to landscape features, creates a strong sense of place, conserves and where possible enhances the special character and appearance of conservation

areas, does not have a harmful impact upon landscape character and affords great weight to conserving and enhancing landscape and scenic beauty in the AONB. For the same reasons, the proposal would fail to accord with those paragraphs of the Framework which concern the conservation and enhancement the historic and natural environments.

Other Matters

19. Whilst the principle of residential use of the site has been established by the approved planning permission¹ for redevelopment of the existing public house, based on the limited evidence before me, it appears that that fallback position would retain the modest and unobtrusive character, appearance, and scale of the former public house. The fallback scheme is therefore significantly different to the appeal proposal before me for the reasons given above. Accordingly, the fallback position carries only limited weight in support of the proposal.
20. The evidence before me indicates that the appeal site is located within the River Test Special Area of Conservation (the SAC) catchment area and that as such the proposed development could have potential significant effects on the SAC. However, as I am dismissing the appeal on other grounds it is not necessary to consider the matter further. Given my overall conclusion on the main issue as above, it has not been necessary for me to pursue this matter any further in this instance.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR

¹ Local Planning Authority Reference: 19/09571/FUL