



Appeal Decision

Site visit made on 7 December 2021

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

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/Y3940/D/21/3280158

Highbrook, Mere BA12 6EA

- 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 Mr Philip Greenwood against the decision of Wiltshire Council.
 - The application Ref PL/2021/03847, dated 29 March 2021, was refused by notice dated 10 June 2021.
 - The development proposed is a garden room/office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As at the time of my site visit, the garden room/office had been erected within the appeal site. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.

Main Issue

3. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Mere Conservation Area (the Conservation Area).

Reasons

4. The appeal site is located within the Conservation Area. Whilst I acknowledge the text extract details provided in terms of the draft Conservation Area Appraisal, there is currently no adopted Conservation Area Appraisal for this locality. Nonetheless, I have been provided with details from the Conservation Area plan and I was able to explore the Conservation Area on my site visit. From the observations made on my visit, I consider that the significance of this part of the Conservation Area is predominately derived from the irregular pattern of tightly knit clustered traditional cottages of modest proportions, narrow lanes, and position adjacent to the clearwater stream known as Sheen Water.
5. 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 (July 2021) (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.

6. As noted above, at the time of my visit, the appeal building had been constructed at the site. Given its position within a cluster of tightly arranged cottages and due to the changes in land levels, the appeal building is not prominent in views from the footpath which adjoins the Sheen Water stream (the Waterside Path). Nevertheless, it would clearly be visible from the cottages and associated gardens southeast of the site, which also fall within the Conservation Area and from the narrow lane which connects The Fields to the Waterside Path, and which separates the garden room/office from the host dwelling. Furthermore, on my site visit I was able to clearly see the appeal building from the footpath which connects the Waterside Path to North Road and across the top of the roof of the modestly sized single storey cottage located immediately southwest of the site.
7. The appeal building is of modern timber construction and, at the time of my visit, had been colour stained. Whilst noting the staining of the outbuilding, it is substantial in terms of its height and spread and in views from the adjacent very narrow path appears as a dominant feature which encloses the path, and which visually competes with the height and appearance of the host dwelling. In these respects, the appeal building appears to be out of scale as compared to the modest traditional proportions of the host dwelling and other nearby similarly scaled cottages. As such I consider the outbuilding appears out of place in terms of the surrounding prevailing character, and would represent an incongruous feature that would draw the eye, diminishing the positive contribution that the site and the associated host dwelling makes to the character and appearance of the Conservation Area.
8. For these reasons, I find that the appeal scheme neither preserves nor enhances the character or appearance of the Conservation Area. The appeal building is not highly prominent in views from within the wider surrounding area and the effects of the appeal scheme are relatively localised. Within the terms of the Framework the harm arising may fairly be described as less than substantial, and in my view relatively limited due to the prominence of the outbuilding in views from within the wider surrounding Conservation Area.
9. Nevertheless, the proposal would fail to preserve the character or appearance of the Conservation Area and less than substantial harm does not equate to less than a substantial objection. Moreover, as noted above, the Framework makes clear that any harm to the significance of a designated heritage asset should require clear and convincing justification. 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.
10. I sympathise with the Appellant's wish to provide additional recreational and office space at the appeal property. However, the benefits of providing additional floorspace are essentially personal in nature. Whilst I acknowledge the Appellant's submissions regarding the use of the office space, in the event that the appeal was allowed, the planning permission would run with the land and not the Appellant and the circumstances of future owners may not be the same. In my view, the scale and scope of the benefits put to me by the Appellant would not outweigh the identified harm that would be caused to the Conservation Area, to which I attach significant weight.

11. For the above reasons, the appeal scheme would not preserve or enhance the character or appearance of the Conservation Area. It would conflict with Policies CP57 and CP58 of the Wiltshire Core Strategy (2015) which collectively provide that designated heritage assets should be conserved, and where appropriate enhanced in a manner appropriate to their significance. Similarly, the proposal would also conflict with those paragraphs of the Framework which concern conserving and enhancing the historic environment.
12. The appellant suggests that planting and landscaping at the site could be enhanced. However, this would not be sufficient to preserve the character or appearance of the Conservation Area. In any event, additional planting would take time to mature, and landscaping should not be used to hide or conceal development that is inappropriate to its context.

Other Matters

13. Interested parties raise additional objections to the proposal on the grounds of loss of light, noise, loss of privacy and overlooking. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision. Furthermore, whilst there are noted concerns regarding the safety of utility cables, such matters fall outside the scope of an appeal under section 78 of the Town and Country Planning Act 1990.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR