
Appeal Decision

Site visit made on 1 February 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2022

Appeal Ref: APP/D0121/D/21/3289106

40 Severn Avenue, Weston-Super-Mare BS23 4DQ

- 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 Potter against the decision of North Somerset Council.
 - The application Ref 21/P/2755/FUH, dated 28 September 2021, was refused by notice dated 16 November 2021.
 - The development is described as "Retrospective application for partial demolition of front wall".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is within the Great Weston Conservation Area. As required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to preserving or enhancing the character or appearance of a conservation area.
3. It was apparent from my visit that part of the front wall had been demolished and that the garden was being utilised for parking. I have determined the appeal on this basis and with regard to the submitted drawings.

Main Issue

4. The main issue is the effect of the works on the character and appearance of the area, having particular regard to the extent to which it preserves or enhances the character or appearance of the conservation area.

Reasons

5. 40 Severn Avenue (No 40) is a semi-detached house within the Whitecross character area of the Great Weston Conservation Area. There is a distinct planned appearance to this area, deriving from the development of Weston-Super-Mare as a Victorian seaside resort. The defined grid pattern layout with long rows of similarly styled, sized and rich architecturally decorated houses either side of the wide roads is a distinct characteristic of the area. The presence of so many similar houses set back from the highway behind regular sized front gardens gives a spacious and harmonious appearance to the area, and this is part of the significance of the conservation area.

6. Part of the planned appearance that is such a distinctive element of the area derives from the deliberate demarcation that exists between the houses and the public highway. Stone walls define the side boundaries of the houses, and in addition there are walls and railings separating the public and private realms. These garden boundaries are a repeated characteristic of the area. The walls not only delineate property boundaries, but their repeated height, use of materials, and detailing enhances the rhythmical harmony of the street-scene, and the precision of the planned nature of the area. The walls are particularly visible given the flat terrain and the long straight nature of the roads. As such they are a feature of the conservation area and one that contributes to local identity.
7. No 40 makes a positive contribution to the historic, high-quality character and appearance of the conservation area. Like the houses nearby, it is constructed of stone under a tiled roof, sharing the rich architectural detailing that is a distinct feature of the area. In addition, the house is set back from the highway behind a front garden that is similar in size and shape to the other houses in the row. This and the presence of the front garden wall, contributes towards the attractive planned harmony of the street scene that is such a feature of the conservation area.
8. The front wall of the appeal property has been reduced in length to allow the provision of off-street parking spaces in the garden. I note there is some local support for the scheme and the appellant has drawn my attention to other properties in the road that have removed front walls. However, there are also several other properties that have retained their much narrower historic openings along with their complete front boundary walls, and there are others where the opening is much narrower than that at No 40.
9. As the boundary walls are part of the distinct planned layout of the area, the removal of much of the wall at No 40 harmfully erodes this appearance, particularly as the opening is larger than the remaining length of wall. It is the open nature of the frontage that now dominates. Whilst noting the appellant considers the access to the appeal property would match other properties within the road, there is little if any consistency with regard to the size of the other widened openings. The creation of yet another wide opening that has little consistency with any other further exaggerates the harm to the conservation area.
10. There is unrestricted on-street parking to either side of the road. The removal of the wall would allow cars to park within the front garden of No 40, but given the prevalence of on-street parking this would be a personal benefit for the appellant. Moreover, there were other properties that have parking within their front gardens, the access to which is achieved from much narrower gaps in the walls. Having regard to this and that No 40, like other houses within the road, benefits from a driveway to the side, it has not been demonstrated that the removal of the wall is the only way that the occupiers of this property can park off-road so as to achieve electric car charging.
11. The National Planning Policy Framework (the Framework) requires 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. This is irrespective of whether the harm amounts to substantial or less than

substantial to its significance. Any harm or loss to the significance requires clear and convincing justification.

12. In this case the harm to the conservation area would be less than substantial, given the amount of wall that has been removed relative to the size of the conservation area. Notwithstanding this, less than substantial harm does not necessarily equate with less than substantial planning objection, especially where the statutory expectations of the Act have not been met.
13. The appellant has referred to the removal of the wall to allow the charging of electric cars. The ability for any occupiers of the property to have access to electric charging would be both a personal benefit and a small public benefit with regard to encouraging measures to reduce climate change. However, it has not been demonstrated that the removal of the wall was necessary to achieve this, and consequently the limited public benefit would not outweigh the harm I have found to the conservation area.
14. The works would neither preserve nor enhance the character or appearance of the conservation area, and thereby fail to accord with Policy CS5 of the North Somerset Council Core Strategy (2017) (CS), Policies DM3, DM32 and DM38 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (2016) (SPP), and the guidance within the Great Weston Conservation Area Character Area Appraisal and Management Plan (2018). The above referenced policies are those of particular relevance to the main issues in this case. They seek amongst other things, that particular attention is given to the distinctive character of an area, with development being sensitive to local character and distinctiveness, including the retention of features that contribute to an area's special character, thereby reflecting objectives of the Framework.
15. The appellant has referred to the Framework, other CS and SPP policies, and the Council's Parking Standards Supplementary Planning Document (2021) (SPD) that are considered to support the appeal works. Whilst the Framework seeks development that mitigates and adapts to climate change, it also seeks to protect and enhance the built and historic environment. For the reasons given above I do not consider the works and the justification for them outweighs the harm to the conservation area.
16. I have also considered the other development plan policies and the SPD referred to by the appellant. However, many of those policies cited are spatial and local ones for the provision of new development, including renewable and low carbon energy generation schemes, housing, retail and employment development, along with the associated infrastructure, development contributions, parking requirements and safeguarding of green infrastructure. Whilst CS Policy CS1 seeks to reduce carbon emissions and tackle climate change, having regard to my findings above, it has not been demonstrated that the works undertaken by the appellant outweigh the harm that arises with regard to the policy objectives of seeking development that is sensitive to local character and distinctiveness.

Conclusions

17. The works would unacceptably harm the character and appearance of the conservation area, and the limited public benefit would not outweigh this harm. The scheme conflicts with the development plan taken as a whole, and there

are no considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR