
Appeal Decisions

Site visit made on 2 February 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal A: APP/Y3940/W/21/3281690

Manvers House, 3 Kingston Road, Bradford on Avon BA15 1AB

- 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 Moore of The Trevor Osborne Property Group against the decision of Wiltshire Council.
 - The application Ref 21/02064/FUL, dated 22 February 2021, was refused by notice dated 22 June 2021.
 - The development proposed is described as the erection of a two storey building incorporating ground floor parking and an apartment above.
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Appeal B: APP/Y3940/Y/21/3283966

Manvers House, 3 Kingston Road, Bradford on Avon BA15 1AB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Moore of The Trevor Osborne Property Group against the decision of Wiltshire Council.
 - The application Ref 21/02603/LBC, dated 22 February 2021, was refused by notice dated 22 June 2021.
 - The works proposed are described as the erection of a two storey building incorporating ground floor parking and an apartment above.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of a two storey building incorporating ground floor parking and an apartment above at Manvers House, 3 Kingston Road, Bradford on Avon BA15 1AB in accordance with the terms of the application, 21/02064/FUL, dated 22 February 2021, subject to the conditions set out in the schedule at the end of this decision.

Appeal B

2. The appeal is allowed and listed building consent is granted for the erection of a two storey building incorporating ground floor parking and an apartment above at Manvers House, 3 Kingston Road, Bradford on Avon BA15 1AB in accordance with the terms of the application Ref 21/02603/LBC, dated 22 February 2021 and the plans submitted with it, subject to the condition set out in the schedule at the end of this decision.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme, but they address separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. In this regard both applications carry the same description. However, whereas the primary subject of Appeal B is clearly the demolition of a boundary wall, the new building whose construction this would enable appears more properly the focus of Appeal A.

Main Issues

4. The main issues are:
 - the effect of the scheme on heritage assets, including: whether the scheme would preserve a Grade II* listed building, its setting, or any of the features of special architectural or historic interest that it possesses; whether it would preserve or enhance the character or appearance of Bradford-on-Avon Conservation Area (the Conservation Area); and, in relation to Appeal A, whether it would preserve the settings of other listed buildings nearby; and
 - in relation to Appeal A, the effect of the development on the living conditions of future occupants of the maisonette at Manvers House with regard to privacy.

Reasons

Heritage assets

5. The appeal site is a car park featuring a stone boundary wall fronting Mill Lane. The car park occupies land to the side of Manvers House. As 3 Kingston Road, the latter is listed at Grade II* (the listed building), and is therefore a designated heritage asset of the highest significance. Whilst the Act sets out the desirability of preserving listed buildings, paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets.
6. Insofar as it is relevant to these appeals, the special interest and significance of the listed building resides in historic evolution between the C17th – C19th, and its fine formal façade. The latter is viewed within Kingston Road. The rear elevation is of more mixed character and was clearly not intended for public display.
7. Old maps and an aerial photo indicate that the car park occupies the site of a since demolished building and a garden. The historic relationship of each with Manvers House is unclear given that the above sources appear to show the plots distinctly separated. A past association has nonetheless been assumed.
8. The boundary wall falls into 3 parts. That closest to the junction of Mill Lane with Kingston Road is obviously modern and of no interest. That furthest from the junction comprises elements of the demolished building noted above, and is crudely constructed. Only that part enclosing the centre of the frontage appears to have been historically built as formal boundary feature.
9. The outer face of the wall is in better condition than the inner. It is constructed from dressed squared rubble brought to regular courses with occasional

jumpers, and features a stepped coping. As such it contrasts with the adjoining walls, neither of which matches.

10. Though the wall is an outwardly attractive feature there appears to be little to link its construction to that of Manvers House. The design differs from that of the walls along the Kingston Road frontage of the latter, the walls do not adjoin, and whilst materials match, these are generally characteristic of the area at large. As the car park itself lies to the side of Manvers House, is subdivided from space to its rear, and has a separate frontage on Mill Lane, it is not readily interpreted as being integral to the layout of the listed building. For this and the above reasons the perceived relationship between the wall and Manvers House is at best weak. It follows that appreciation of the listed building would not be harmed by its loss. In this regard the Council has indeed raised no specific objection to its proposed demolition. Its objection instead relates to the building which would replace it.
11. As established above, the proposed building would occupy a space which is poorly related to Manvers House. The space itself is currently of low quality, and visually detracts from the immediate setting of the listed building. The proposed building would provide better containment of parking, and do so within a traditional building form, utilising materials characteristic of the broader locality. Within its proposed position the building would have little or no bearing on key views of the front elevation of the listed building within Kingston Road, appearing both physically and visually distinct. In this regard its proposed scaling would appear similar to that of the demolished building, even if orientation and layout would differ, and would not give rise to any direct visual competition. For this and the above reasons there would be no sense of cramping of space to the rear of Manvers House. The latter would indeed remain unchanged, though would be better screened. As a modest overall improvement of the character and appearance of the immediate setting of the listed building could thus be achieved, appreciation of its significance would not be harmed. The scheme would at the very least therefore achieve preservation.
12. Harm has additionally been identified to the settings of a number of listed buildings within the immediate vicinity. Of these 9 Kingston Road, which is listed at Grade II, stands roughly opposite the site in Kingston Road. Insofar as it is relevant to Appeal A the special interest and significance of No 9 resides in its C18-C19th date, and its attractive formal façade. This is best appreciated from within Kingston Road. Though it can also be viewed across the car park from within part of Mill Lane, neither the site nor the view across it directly contributes to the significance of No 9. In this regard it cannot be assumed that the view has always existed, and it is highly unlikely that No 9 was designed to take advantage of it. As such the fact that the proposed building would block the view from a small section of Mill Lane would not be harmful. The frontage of No 9 would otherwise continue to be appreciated within Kingston Road, as it is at present, and without any interference from the proposed building. The setting of No 9 would therefore be preserved.
13. The Hall, which is a large detached dwelling listed at Grade I, stands within a Grade II Registered garden towards the southeast of the site. Part of the Grade II listed wall, whose broader circuit incorporates Grade II listed gate piers and a Grade II listed lodge, runs opposite the site along Mill Lane. The garden itself additionally contains a number of separately listed features including a Grade II* terrace.

14. Again, insofar as it is relevant to Appeal A, the special interest and significance of the Hall resides in its C17th origin, historic fabric and architectural detailing, large parts of which were renewed during the C19th. The Hall also draws significance from its designed landscaped setting including the ornamental features within it. Historic England notes that the garden was purposefully bounded by high walls and vegetation in order to provide seclusion. In this regard the site itself makes no obvious contribution to the significance of the Hall or its garden. The fact that the site, amongst many other things, is visible if standing close to part of the garden wall and peering out, does not alter this.
15. The Council's specific concern is that the scheme would block a 'designed' view between the Hall and gardens and a mid C20th former lab building in Kingston Road. As the design of the Hall, the garden and features within it largely pre-date the C20th, their design and layout were clearly not informed by the provision of a view towards the former lab. Consideration of design in this case indeed relates less to that of the Hall and garden and more to that of the former lab.
16. The former lab is a product of the past rubber industry within the town. Other vestiges of the industrial history of the area survive nearby, including a piece of machinery mounted on a plinth in front of No 9. Though some former industrial buildings are protected by listing, the lab itself is not. It can nonetheless be considered as a non-designated heritage asset.
17. Aside from its direct relationship with other former industrial structures of historic interest, it shows a sensitivity in its design and a quality of construction generally infrequent amongst post-war buildings. This appears to have been primarily influenced by a desire to both celebrate the centenary of the rubber industry in the town, whilst at the same time complementing Manvers House opposite. In this regard the main frontage of the former lab faces Manvers House, is primarily viewed within the context of Kingston Road, and would once have been a key frontage component of the broader factory site. The creation of a meaningful visual link with the Hall, its garden and features within it does not as such appear to have been a primary driving force within the design.
18. The lab's link to the Hall principally lies in the common past ownership of each, and in this regard the lab building is given a degree of prominence within a panorama of the surrounding area contained within the Hall. It is indeed the case that the former lab can be partly viewed from the Hall, its garden and from features within it, and that oblique long views towards the Hall are possible from windows within part of the former lab. However, the views have an incidental character, and have clearly varied considerably over the past 70 years given the presence of trees between, one of which has been recently felled. As such, I find that whilst intervisibility currently exists and has existed in some form in the past, it contributes very little to the significance of the Hall, its garden, the features within it, or to that of the lab itself. To the extent that visibility of the Hall from the top floor of the former lab was nonetheless valued by its owner, it is likely that such a view would continue to exist. The fact that intervisibility would otherwise be partly obscured would not however be harmful. The settings of the Hall and associated listed features would thus be preserved, whilst their significance, together with that of the garden and the lab, would be conserved.

19. The site is also located within the Conservation Area. Insofar as it is relevant to the appeals, the significance of the Conservation Area resides in the historic layout of the town, and the collection and interrelationship of historic buildings and spaces that it contains, including those related to past industry. The buildings and spaces considered above thus all make a positive contribution to the significance of the Conservation Area. In this context however I have already established that the site holds little value. As noted above, part of the site was once a garden, and for a considerable period of time it appears to have remained free from buildings. Nonetheless, the simple absence of development for a period of time does not confer any distinct significance upon the space, which in its current state is a wholly unattractive feature within the streetscene.
20. I have previously found that the proposed building would beneficially contain a large proportion of parked vehicles under cover. It would do so utilising a traditional building form of sensitive scale, utilising materials characteristic of the locality. Its pavement back position would be consistent with that of buildings within the broader townscape and would provide better enclosure of the frontage on Mill Lane. No adverse effects would arise in relation to heritage assets within the immediate streetscene. As the building would therefore sit well within its setting, the significance of the Conservation Area would be conserved, and its character and appearance preserved.
21. Interested parties have raised additional concerns over the effects of the scheme on the Iron Duke, the piece of historic machinery mounted outside No 9 as noted above. The mounting of the Iron Duke within this location is obviously not historic, and as it is an exhibit best appreciated standing directly in front of it with back generally towards the site, I see no reason why its interpretation should be affected in any way by the scheme.
22. For the reasons set out above I conclude that the effect of the scheme on heritage assets would be acceptable. With regard to Appeal A, and insofar as it is relevant to Appeal B, the scheme would thus comply with Core Policy 58 of the Wiltshire Core Strategy 2015 (the CS) which states that designated heritage assets will be conserved, and where appropriate enhanced in a manner appropriate to their significance; and Core Policy 57 of the CS, which amongst other things requires new development to be sympathetic to and conserve historic buildings and historic landscapes. In regard to both appeals the scheme would otherwise satisfy the requirements of the Act and heritage policy set out within the Framework.

Living conditions

23. Works are currently being undertaken to convert the part of Manvers House closest to the site to a maisonette. This has been provided with a very compact yard space at the back. The yard is largely bounded by the car park, and is extensively overlooked by dwellings at higher level towards the rear. Such overlooking is not unusual within densely developed urban contexts, and particularly those characterised by abrupt changes in ground level, as in this case. In consequence the yard space is not particularly private, and its future users would not therefore enjoy much privacy.
24. One elevation of the proposed building would face towards this yard, as would some windows serving the apartment at first floor level. It would therefore be possible to stand at these windows and look out onto the yard. The proximity

of view would be greater than that from dwellings to the rear. The windows in question would however serve a bedroom and provide a secondary source of light to the main living space. The latter windows would themselves be narrow, thus providing a limited field of view. In practice therefore any additional erosion of the yard's privacy by overlooking would be limited, and, when considered in context, would not otherwise give rise to unacceptable harm.

25. For the reasons outlined above I conclude that the development would not have an unacceptable effect on the living conditions of future occupants of the maisonette at Manvers House. The scheme would thus again comply with Core Policy 57 of the CS, insofar as this requires regard to be had to the compatibility of adjoining buildings and uses, and for new developments to ensure that appropriate levels of amenity are achievable.

Conditions

26. For sake of certainty, I have imposed standard conditions setting out the time period for commencement of development/works, and, in relation to Appeal A, identifying the approved plans. No authority exists to impose a plans condition on a listed building consent. I have however made reference to the plans within my decision.
27. I have imposed a suggested condition relating to matters of external design and detailing in relation to Appeal A, rather than to Appeal B. This reflects my finding above that construction of the proposed building is principally a concern of the application subject of Appeal A. I have however modified the wording in order to provide greater precision and clarity. In this regard, rather than imposing a requirement to provide samples of all materials, I have limited this to the provision of a roof tile and sample panel of stonework. Insofar as the condition is required in order to secure the satisfactory external appearance of the building relative to its setting, I have also referenced covered areas. This is because the parking spaces at ground floor level will not be enclosed at the front, meaning that they help to directly inform the external view.
28. Finally, in relation to Appeal A, I have imposed a condition requiring the provision of parking spaces. As the space provided for future occupants of the apartment would be an additional space, it is necessary to reference all the spaces shown. This will secure provision of the additional space, thus ensuring that the development meets the parking demand that it will generate, and ensure that there is no net loss of parking on site.

Conclusion

29. For the reasons set out above I conclude that Appeal A and Appeal B should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1022 Rev F; 1400 Rev A; 1401 Rev A; 3400 Rev A.
- 3) Construction of the building hereby permitted shall not commence above slab level until details of:
 - a) all materials and finishes to be employed externally/within covered spaces open to exterior, including a sample rooftile, and a panel of stonework of size sufficient to clearly demonstrate the quality of materials and coursing proposed;
 - b) the design and construction of all external doors, windows, eaves, sills, arches/lintels, including drawings at a scale not less than 1:5 in elevation, and 1:2 in section; and
 - c) the location and design of all external flues, vents and meter boxes;have been submitted to/constructed on site, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details/sample panel, and the sample panel shall remain on site for the duration of construction.
- 4) The apartment hereby permitted shall not be occupied until the parking spaces shown within the site on the approved plans have been provided and made available for parking. The space specifically provided for use by occupants of the apartment shall thereafter be retained for such use, and kept available for parking at all times.

Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.