
Appeal Decision

Site visit made on 9 June 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/D0121/D/22/3294536

1 Craigfoot, 55 South Road, Weston-super-Mare, North Somerset BS23 2LU

- 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 and Mrs Will and Becky Cawthorn and Bartlett against the decision of North Somerset Council.
 - The application Ref 21/P/2539/FUH, dated 2 September 2021, was refused by notice dated 8 February 2022.
 - The development proposed is demolition of part of existing garage and extension to create double garage and office room. New retaining wall to create car turning area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission (20/P/3031/FUH) has already been granted for a development with an identical description. The appeal application is seeking to make a number of alterations to that planning permission. In their reasons for refusal, the Council refer only to the proposed materials, along with the impact upon trees, as being at issue, rather than the principle of the extension and the other changes. I have therefore dealt with the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would harm the character and appearance of the Great Weston Conservation Area (GWCA) and its significance as a designated heritage asset, in particular with regards to the proposed materials; and
 - The effect of the proposed development upon trees.

Reasons

Effect upon the Conservation Area

4. The appeal site is located within the Hillside Area of the GWCA. This part of the GWCA is characterised by, amongst other things, its Victorian architecture, including a consistency of materials, with South Road being characterised by Victorian villas built from local limestone. The design and appearance of the Victorian villas, along with their prominence, give the area a consistent and distinctive character. In this respect, I note The Great Weston Conservation

Area – Hillside Appraisal 2018, identifies that '*Stone boundary walls, including garden retaining walls, are a distinctive component in this character area*'. On the basis of my visit, I see no reason to disagree with this assessment.

5. The appeal site comprises a semi-detached Victorian property, which is set back from South Road. Due to the topography of the area, the property occupies a prominent position, set into the hillside, high above South Road. The appeal property, along with its neighbours are visible in views from Weston-super-Mare sea front. The front boundary comprises a high stone wall, with access via a shared sweeping drive. Within the front garden, are a number of mature and semi-mature trees.
6. In contrast to the appeal property, the proposed development would introduce a different material in the form of a dark grey brick, in which the garage extension would be faced. Whilst in some circumstances the provision of a darker, heavier coloured base can provide a defining feature, in this case, I find that the introduction of dark bricks would represent an alien feature, out of keeping with the strong and distinctive lighter coloured materials that are prominent within the GWCA. As a result, the proposed material would introduce a form of development that fails to respond to the sensitivity of its surroundings.
7. Despite the presence of landscaping, there are locations, in particular from South Road, where the higher parts of the southern and western elevations of the proposed development would be visible. The presence of this landscaping, along with the surrounding topography, would lessen the visual impact of the proposal to some degree. However, I find this would not be to a sufficient extent as to overcome the identified harm to the heritage asset.
8. Given the above, I find that the proposal would fail to preserve the significance of the GWCA. Consequently, I give this harm considerable importance and weight in the planning balance.
9. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I find the harm to be less than substantial in this instance. Considering the limited visual prominence of the appeal proposal, I consider the harm to be at the lower end of the scale, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
10. The appellant has not advanced any arguments in relation to the development's public benefits. Consequently, the development would conflict with policy CS12 of the North Somerset Core Strategy (NSCS) and policies DM3, DM32 and DM38 of the North Somerset Sites and Policies Plan (Part 1) (NSSPP). Amongst other things, these policies, seek to conserve the local character and historic environment. The proposed development would also conflict with the aims of The Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm. In coming to this conclusion, I have had regards to my duty under S72(1) of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Trees

11. The proposed development would retain the existing driveway but would involve its resurfacing. Measures are proposed that would minimise the impact of works upon existing trees. A single tree would be lost to allow for the creation of the turning area, for which a replacement would be provided.
12. On the basis of the evidence before me, it would appear that the proposed construction method, would provide a suitable approach to ensure that the existing trees can be retained and protected. A suitably worded condition could be used to ensure the submission and approval of a construction method statement. The existing tree to be lost, is relatively small and makes very little contribution to the GWCA. A suitably worded condition would ensure the provision of a replacement.
13. For the above reasons, I therefore conclude that the proposed development would not harm existing trees on site, and in this respect, is in accordance with policies CS4, CS5, CS9 and CS12 of the NSCS, policies DM3, DM9 and DM32 of the NSSPP and the Framework.

Other Matters

14. My attention has been drawn by the appellant to examples of other developments. Having reviewed these, I do not find the examples to be directly comparable to the appeal proposal. In any event, I have determined the appeal on its merits, and I am not familiar with all of the circumstances of those other cases.

Conclusion

15. I have found that the proposed development would not have an adverse effect upon existing trees. However, this is outweighed by the harm to the GWCA, as a designated heritage asset, which I consider to be less than substantial. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR