



Appeal Decision

Site visit made on 23 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/R1845/W/22/3290397

Rear of 17-26 Vicar Street, Kidderminster DY10 1DA

- 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 B Marsden of Kidderminster one and two Ltd against the decision of Wyre Forest District Council.
 - The application Ref 21/0009/FUL, dated 14 December 2020, was refused by notice dated 15 July 2021.
 - The development proposed is 9 flats over the top of existing unloading parking bays.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Wyre Forest Core Strategy (2010) and the Site Allocations and Policies Local Plan (2013) referred to by the Council in its decision notice have been superseded by policies in the Wyre Forest Local Plan (2022) (LP) which has been adopted since the appeal was submitted. I must make a decision based on the development plan at the time of my decision. The aims of both sets of policies referred to are broadly similar and thus neither main party has been prejudiced by this change.
3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. The application form refers to the appeal site as the land rear of 17-26 Vicar Street, however, based on the information before me the proposal would be sited to the rear of units 21-25 Vicar Street. I have borne this in mind when making my decision.

Main Issues

5. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Vicar Street Conservation Area (CA) and the effect of the proposal upon the setting of listed buildings; and
 - The safe and efficient operation of the highway network.

Reasons

Character and appearance including effects on heritage assets

6. The appeal site comprises the rear part of units 21-25 Vicar Street: a relatively modern development subdivided into a number of retail units. The rear part backs onto Crown Lane and is largely formed of the service areas for the host building. The street scene comprises the back of house and parking areas associated with a number of retail units fronting Vicar Street. The buildings are utilitarian in appearance many of which have been extended and altered. The street scene has a distinctively disjointed appearance with no coherent scale or architecture.
7. Crown Lane runs alongside the river Stour for a short distance and connects a number of town centre developments. On the opposite side is the open service yard associated with retail units on the Weavers Wharf retail park.
8. The site neighbours but sits outside the boundary of the CA. The Conservation Area Character Appraisal for Vicar Street and Exchange Street states that Vicar Street and the surrounding area includes grand civic buildings and buildings associated with the carpet manufacturing industry which conferred considerable prosperity on Kidderminster.
9. This part of the CA derives its significance from grand buildings including 17-20 Vicar Street and the Town Hall and library. Their historic and architectural significance is largely appreciable from Vicar Street: a busy shopping street in the town centre. Crown Lane's utilitarian appearance is in complete contrast to the attractive nature and grandeur of buildings and frontages in the CA.
10. Grade II listed No 17-20, neighbours the site, and is one such building. It is reminiscent of late medieval and early Italian Renaissance palaces displayed through its imposing scale and decorative brickwork on the Vicar Street elevation. The property, to the rear, in contrast to the front elevation is simpler in appearance and has been significantly altered with modern additions and rendered external walls. The building derives its significance, in part, from its architectural interest and its historic association with the carpet industry.
11. The proposed development would introduce a three-storey building occupying the service area and sitting on part of the existing single storey element of the host building. It would have a simple contemporary appearance.
12. I acknowledge that the proposed development would be separated from the main part of the host building. However, taking into account the diversity of buildings along Crown Lane in terms of scale, form and design and its irregular character I do not find that this would be harmful.
13. The proposed building would relate to neighbouring buildings which includes developments with varying setbacks from the road and differing heights. Given the height and position of the neighbouring buildings views of the flat roof and the gap between the proposed development and host building would be glimpsed from street level. Taking into account its appearance, scale and position the proposed development would integrate into Crown Lane improving the appearance of the street frontage and this section of the river.
14. I acknowledge that the site neighbours the CA, but it does not contribute to the wider historic environment on account of its appearance and form. Whilst the

CA is visible from the ring road, views are dominated by the utilitarian landscape of Crown Lane in the foreground. The upper parts of No 17-20 and the Town Hall are seen in some views, however, they are glimpsed and very much localised offering little appreciation of the historic environment that lies beyond the site.

15. Taking into consideration the modest three storey height of the proposed building and the scale and form of the neighbouring built form I am satisfied that the development would not interrupt key views into the CA. The visual impact of the proposed development would be localised and would not unacceptably affect the setting of the CA.
16. The extent of the setting of heritage assets is not fixed and may change and be experienced differently as the asset and its surroundings evolve. I acknowledge the scale and position of the proposed development in relation to No 17-20, but I do not find that this would undermine its significance on account that it would obscure a secondary, much altered elevation. The proposal would not undermine any important architectural features and the building's historic and architectural significance would still be appreciated and understood from Vicar Street.
17. The Town Hall derives its significance from its architecture and as an important civic building. The appeal site does not make an appreciable contribution to its setting. Based on my observations I am satisfied that the proposal would not obscure views of it due to the distance between the two and the presence of intervening buildings. As such, the significance of the Town Hall would not be harmed by the scheme.
18. I conclude that the proposed development would not adversely affect the character and appearance of the area, preserving the character and appearance of the Vicar Street Conservation Area and would not undermine the significance of nearby listed buildings. It would accord with LP Policies SP.20, SP.21 and DM.24 which, amongst other things, seek high quality design that integrates effectively with its surroundings; development to represent a positive addition to the street scene and proposals to protect, conserve and enhance all heritage assets and their settings.
19. The proposal would accord with the aims and objectives of the National Planning Policy Framework (the Framework) which, amongst other things, require developments to add to the overall quality of the area, to be sympathetic to local character and conserve the historic environment. It would also accord with the aims and objectives of the Kidderminster Central Area Action Plan.

Safe and efficient operation of the highway network

20. Whilst Crown Lane provides access to a number of retail service areas it is not devoid of shoppers and non-commercial traffic. I observed a number of shoppers looking for parking spaces along Crown Lane with the parking bays on the opposite side of the road heavily parked. At the time of the site visit I noted that the service yard was heavily parked with vehicles, although it was not evident whether the cars belonged to staff or delivery drivers.
21. I acknowledge that a dedicated footpath extends on the opposite side of the road, but at the time of my site visit I saw a number of pedestrians walking

within the road towards the pedestrianised area of the town centre. Whilst I acknowledge that this is a snapshot in time, there is nothing before me to indicate that the road conditions I observed are untypical.

22. The proposed parking and service areas would be enclosed and set behind shutters. No information has been provided in relation to the management of the shutters or the service areas.
23. I am not satisfied that the development would achieve adequate visibility for vehicles leaving the service yards on account of their enclosed nature. In my view, the height and position of the walls would obscure views for drivers in both directions increasing the likelihood of conflict with pedestrians using Crown Lane. This would particularly be the case in respect of the loading bay positioned behind unit 22, which would be severely restricted.
24. I note the appellant's comments in relation to the size of the parking spaces. However, they would not be accessible until the shutters are opened. This arrangement is likely to result in indiscriminate and inconsiderate parking taking place along Crown Lane. This would block the road for vehicles and pedestrians which would result in conditions that would be harmful to highway and pedestrian safety contrary to paragraphs 110 and 111 of the Framework, which amongst other things, require developments not to have an unacceptable impact on highway safety and to ensure safe and suitable access to the site can be achieved for all users.

Other Matters

25. The Council's decision notice does not allege harm in respect of the living conditions for future occupiers, even though their statement of case refers to harm in respect of outlook. There is no evidence before me to indicate the Council has any adopted numerical standards or guidance in respect of separation distances. In my judgement the proposed development would have adequate separation from the host property and would not result in a poor standard of living accommodation. As such, the proposal would provide an adequate outlook for future occupiers.

Conclusion

26. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR