



Appeal Decision

Site visit made on 7 February 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Appeal Ref: APP/P0119/W/22/3298570

Land to the south of Market Place, Marshfield, South Gloucestershire, SN14 8NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Doric Developments (Bath) Ltd against South Gloucestershire Council.
 - The application Ref P22/00533/F, is dated 25 January 2022.
 - The development proposed is erection of a single detached dwelling, creation of new access from Market Place and associated works.
-

Decision

1. The appeal is dismissed and planning permission for a single detached dwelling, creation of new access from Market Place and associated works is refused.

Preliminary Matters and Main Issues

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. The Council has not submitted an officer report or statement. I therefore do not have anything before me to inform me of the Council's overall view of the proposal. I do however have comments from interested parties and consultees which focus primarily on the effect of the proposal on the character of the area and the living conditions of the occupiers of the neighbouring dwellings.
3. Based on this and my own assessment of the proposal I consider the main issues to be the effect of the proposal on:
 - 1) the character and appearance of the area, including the Marshfield Conservation Area (the CA) and the setting of the nearby Grade II* listed building known as Marshfield House, and
 - 2) the living conditions of the occupiers of Old Vicarage and Fields Afar with particular regard to privacy and outlook.

Reasons

Character and appearance

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its

setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

5. The appeal site is to the southeast of the Old Vicarage and abuts its extended curtilage. This building is Grade II* listed and is referred to on the listing as Marshfield House. Its significance is derived from its fine form, including its ordered front elevation that faces east and comprises a large central pediment and decorative doorcase, all executed in ashlar stone. It stands on a largely level plot and enjoys a prominent outlook over the road to the east and over the open land to the south, which drops away steeply from the level of the building. Although its south elevation is architecturally more restrained than the east front, it is also well composed with a symmetrical arrangement of sash windows, some with the same segmental heads, and is also constructed in ashlar stone. This gives the impression that it was designed to be seen as a carefully considered part of the building's 1730 remodelling.
6. It looks out over an extensive terraced garden to the south. Views of this can be appreciated from the open land to the south and its many footpaths, where the whole south façade is prominent to view with the garden falling away below. Historic maps show that this area is part of the building's extended curtilage, and at the time that the tithe map was published in 1841 a row of modest cottages stood to the south of the building. Given the scale of the building and the topography of the land it can be reasonably assumed that the building's south elevation would have looked out over the top of these cottages and thus been visible from the rising ground on the opposite hillside to the south. Therefore, the elevated and commanding position of the listed building and its outlook over the adjacent countryside to the south are elements of its setting that are historically well established and contribute to its special interest.
7. The CA takes in most of the town. It is a compact medieval market town that occupies a prominent hilltop position within a highly attractive area of open countryside. Buildings are unified through the consistent use of Cotswold stone, which is also used for numerous walls which enclose many of its road edges. Towards the edges of the developed area buildings are informally arranged and the transition between the developed area of the town and the open countryside that surrounds it is sudden in places and a significant characteristic of the CA. This is particularly evident close to the appeal site where a few buildings sit below the level plateau to the south of the settlement but are still close to and very much relate to the developed form of the settlement. Beyond these the land falls away steeply and is entirely undeveloped.
8. The appeal site is situated between gardens, with Market Place to the north and the open countryside to the south. Apart from a few modest structures it appears to have never been developed. It falls away steeply from the level of Market Place, which allows an attractive view to the south over the site towards the countryside beyond. This visual and spatial connection contributes to the character of the CA by emphasising its strong rural setting and is referred to in the Marshfield Conservation Area Advice Note 2 2004.

9. The proposed building would have a substantial scale and be positioned forward of the listed building's south face. As a result, the open environs to the south and southeast of the listed building, which reinforce its commanding prospect over the surrounding countryside, would be significantly eroded by the proposal.
10. It would be lower than the listed building and effort has been made to design it so that it would relate to the steep fall across the site. However, it would fail to be subservient to this existing dwelling as a result of its broad form and horizontal emphasis, which would be exacerbated by large areas of glazing and its flat roofs. This would give the proposed dwelling a prominent overall form that would be intrusive and overtly modern in a scene that is otherwise largely characterised by buildings with traditional and more intricate vernacular forms, including pitched roofs that face out towards the countryside to the south.
11. Owing to the steep slope of the site much of the building would still be visible above the height of the proposed planting. In particular, the planting would do little to alleviate the unforgiving horizontal form of the building with its flat roofs and expansive areas of glazing. A condition could be imposed to ensure that the planting would be carried out and maintained so that it establishes. However, it is likely that there would be a desire for future occupants of the dwelling to limit its growth so that it does not restrict views out over the attractive countryside to the south which the dwelling has clearly been designed to maximise.
12. Although the proposed building would be set down low it would be seen over the height of the existing stone wall when viewed from Market Place, and increasingly so as one moves towards the site from this area. Vegetation would soften the view a little; However, the prominent line of the edge of the flat roof would be visible and would significantly constrain what is currently an open view and a direct connection between this area and the open countryside beyond. The aluminium fascia and flat roof form would be at odds with the traditional forms of buildings to either side, which includes the fine composition of the Old Vicarage to the west with its substantial boundary wall and gate piers, and would thus draw the eye as an alien addition to this traditional scene.
13. The proposal includes the removal of part of the boundary wall at the corner of the plot and of a length of the return wall also. This would erode the well defined and traditional sense of enclosure to the lane afforded by the existing wall and give open views into the site towards the broad face of the proposed garage and its overtly modern form. From the area of the lane outside Fields Afar the view of the upper parts of the proposed building would appear intrusive in the emerging view of the listed building's principal elevation.
14. Therefore, the proposal would cause considerable harm to the character and appearance of the CA, including the erosion of a key view out of the CA, the sense of enclosure derived from the existing walls, and a wider appreciation of the CA's character, appearance and setting from the land to the south. It follows that the proposal would also harm the wider character of the Cotswolds Area of Outstanding Natural Beauty (AONB) as appreciated from a broad range of views towards the settlement from the south. From these perspectives the overtly modern form and appearance of the building and its forward position relative to adjacent buildings to the east would have an adverse visual impact

on the characterful appearance of the traditional grain of buildings at the settlement edge.

15. This view is already adversely impacted by the scale of nearby farm buildings to the east and west. However, these do at least demonstrate the settlement's association with the surrounding agricultural land, and they stand to either side of what is otherwise a characterful group of buildings with traditional forms. They do not justify a proposal that would cause additional visual harm.
16. The proposal would also have a significant adverse impact on aspects of the listed building's setting that contribute to its significance. These include the commanding position it holds over the open countryside to the south, the incongruous appearance of the north edge of the flat roof that would be seen close to the building's fine east facing elevation and formal road facing boundary, and other views from the east.
17. In terms of the National Planning Policy Framework (the Framework) the harms identified would be less than substantial. Although the harm to the setting of the listed building would be substantial, it would cause less than substantial harm to the significance of the asset overall. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
18. The repair of the existing boundary walls and the clearing of vegetation that overhangs the adjacent footpath would be of some benefit. I give this limited weight however as the proposal would harm the character and appearance of the CA overall.
19. There would be some economic benefits from the construction process and from the occupiers of the new dwelling as they make use of local services and facilities. Additionally, the provision of a new dwelling would contribute to local housing supply. Benefits are also suggested that cover the sustainable design of the building and the biodiversity enhancements put forward. However, the weight I give to all of these matters should be modest as the proposal is for a single dwelling.
20. The public benefits of the proposal therefore carry some weight. Paragraph 189 of the Framework states that heritage assets are an irreplaceable resource and paragraph 199 establishes that great weight should be given to the conservation of a heritage asset. I have found that the proposal would cause significant harm to aspects of the setting of the highly graded listed building that contribute to its significance and harm to the character and appearance of the CA. In weighing these matters, I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
21. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm aspects of the setting of the listed building that contribute to its special interest and the character and appearance of the CA. It would also harm the wider landscape character of the AONB. It would be contrary to Policies CS1, CS2, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy 2006-2007, and Policies PSP1, PSP2 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (PSP). Together these Policies seek to ensure that development proposals respect local character, distinctiveness, and landscape character; and ensure that heritage assets are conserved.

Living conditions

22. To the west the proposed dwelling would sit alongside and close to the terraced garden of Old Vicarage. The expansive and rather awkwardly arranged west elevation of the dwelling would be highly prominent to view from this area of neighbouring garden. It would rise well above the existing stone boundary wall to the extent that the ground level of the path and some of the steps alongside the wall would be level or higher than the top of the wall. This would lead to a significant loss of privacy to this area of garden, which is otherwise not overlooked at a close scale.
23. Additionally, occupants of the proposed dwelling would be able to look out over the neighbouring garden at close range from the window serving the entrance hall, landing and the glazed wall to the side of the stair. It would be possible to impose a condition to ensure that the two smaller windows are fixed shut and obscurely glazed if the appeal is allowed. However, it would be unrealistic to expect such a solution to be applied to the expansive area of glazing to the side of the staircase as open views out from this part of the building are clearly a design intention.
24. Additionally, the scale of the proposed dwelling, its form, and its height relative to the fall of the land mean that the proposed dwelling would be highly incongruous in views out to the east to the extent that its impact would be overbearing to those using the garden.
25. The proposed dwelling would be set moderately further away from its eastern boundary and would be further separated from Fields Afar by the footpath that runs between the two boundaries. However, the proposed dwelling would stand well above the height of these boundaries. Future occupiers would be able to look out towards the garden and dwelling to the east from the large balcony and kitchen window, and I can foresee no mitigation that would be sufficient to overcome this impact. The proposal would thus harm the level of privacy currently enjoyed by the occupiers of Fields Afar.
26. In summary, the proposal would harm the living conditions of the occupiers to the dwellings to either side of the site. It would not accord with Policy PSP8 of the PSP, which seeks to ensure that development proposals do not create unacceptable living conditions.

Conclusion

27. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeal should be dismissed, and planning permission refused.

A Tucker

INSPECTOR