



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: 21 April 2023

Appeal Ref: APP/P0119/W/22/3302085

136 High Street, Marshfield, SN14 8LU

- 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 Ashford Homes (SW) Ltd against the decision of South Gloucestershire Council.
 - The application Ref P22/00098/F, dated 7 January 2022, was refused by notice dated 3 March 2022.
 - The development proposed is demolition of outbuilding and derelict structures, the conversion of the existing barn to a dwelling and associated work space, and the erection of 3 new dwellings with associated works (resubmission).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my visit, I observed a recently erected dwelling close to the site boundary known as Red Cedar House. The occupants of this dwelling were not consulted by the Council regarding the appeal proposal. The Council has now carried out this consultation. I have advised that it is possible that I could introduce existing and proposed living conditions as a main issue of the appeal. Accordingly, I have given opportunity for the main parties to also provide comments on this matter. Any comments received have been considered in my determination of the appeal.
3. A set of amended plans were submitted by the appellant at appeal. Most of the changes set out on these plans are to the fenestrations of the proposed buildings, including the detail for the barn conversion. The layout remains unchanged apart from a reduction to the size of the proposed garages. Although the changes are numerous they are minor in nature and I am satisfied that the interests of any party would not be prejudiced if I take the amended plans into account. I shall therefore determine the appeal on the basis of the amended plans.

Main Issues

4. The effect of the proposal upon:
 - a) The living conditions of the occupiers of the recently built dwelling, and whether it would secure adequate living conditions for the future occupiers of plots 01 and 02, and
 - b) The character and appearance of the area, including the Marshfield Conservation Area.

Reasons

Living conditions

5. Red Cedar House stands close to the site, with its long rear elevation running parallel to the boundary. The stone wall that runs along the site boundary is not high enough to limit views from ground level. Permission is given to raise its height to 2.5 metres by adding a section of timber fence, which would prevent overlooking between the existing and proposed gardens. This fence was not in place at the time of my visit to the site, and there is nothing before me to confirm that its erection is required by means such as a planning condition. However, if the appeal is allowed, this matter could be reasonably addressed by imposing a condition to require a fence to be erected along the inside edge of the stone wall to achieve necessary privacy between the dwellings at a low level.
6. The first floor of Red Cedar House includes three dormer windows. These are only modestly set back from the site boundary and give a clear and broad view over the appeal site. Two serve a bathroom. The Council has confirmed that a condition was not imposed to require these windows to be obscurely glazed. Therefore, the occupants of this dwelling have a direct and unhindered view over the appeal site at close range from all three windows.
7. The garden and rear façade of Plot 02 are offset from the first floor of Red Cedar House. This dwelling would enjoy an extensive rear garden that would extend to the south. Although the first floor dormer windows of Red Cedar House would be visible from here the offset relationship and distance would mean that a good level of overall privacy to the garden would be achieved. Similarly, the rear facades of the existing and proposed dwellings would be sufficiently offset to avoid any harmful overlooking between the dwellings.
8. Plot 01 would be directly alongside Red Cedar House. The orientation of the proposed dwelling means that there would be no direct window to window overlooking. However, the whole of the rear garden of Plot 01 would be directly and severely overlooked by the three dormer windows, which are elevated and close to the boundary. I note that overlooking is likely to occur more meaningfully from the bedroom window than the bathroom windows, however without a mechanism to secure obscure glazing or prevent the windows from opening, users of the garden are likely to suffer from a sense of feeling overlooked by all three windows.
9. Additional screening between the dwellings could overcome this. However, for a screen to achieve the desired effect it would need to be very high. This would have an overbearing impact on the occupiers of Red Cedar House, as it would be close to its rear façade and lead to a loss of light and outlook from this area of garden, and the large area of glazing that serves the living room.
10. The appellant suggests that garden privacy is a secondary order privacy issue. I accept that the privacy of the inside of a dwelling is generally more important. Whilst it may be acceptable for part of a new garden to be overlooked or to have a limited level of privacy, apart from a small strip of land that would be to the west of the proposed dwelling, which would serve little functional purpose, the entire area of this large garden would be directly overlooked by Red Cedar House.

11. In summary, the proposal would not secure adequate living conditions for the future occupiers of Plot 01. Any mitigation that would be sufficient to overcome this matter would have a harmful impact on the living conditions of the occupiers of Red Cedar House. It is therefore contrary to Policies PSP8 and PSP43 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (PSP), which seek to ensure that development proposals do not create unacceptable living conditions and provide sufficient private amenity space.

Character and appearance

12. The appeal site is within the Marshfield Conservation Area (the CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
13. The CA is extensive and takes in the whole town and large areas of countryside to the south and west. The site is to the rear of High Street in an area that is defined by the Marshfield Conservation Area Advice Note 2 2004 (the Advice Note) as part of the back lane areas. This is recognised as a collection of areas away from High Street that are quieter and more informal, with simple cottages, outbuildings and retained burgage plots. They serve as a transition between the dense developed area of the town's medieval core and the surrounding undeveloped countryside, and for these reasons contribute in broad terms to the character and appearance of the CA.
14. Built form at the appeal site is limited. Historic maps show that the site was previously divided into three plots, though this is not discernible now. A long narrow barn stands at the south end that would be retained and converted as part of the proposal. A further barn is largely collapsed and would be demolished. Much of the area is finished with hardstanding, a remnant of the former use of the site as a transport depot.
15. The areas of hardstanding give it a developed appearance that differentiates it from the agrarian appearance of the paddock immediately to the west. This difference would have been more apparent when the site was still in its former use. The open, informal, and loosely developed appearance that it has today sets it apart from the dense built form of High Street, which can be readily appreciated in views across the site from the north. It thus contributes to the overall form of the settlement and its local distinctiveness.
16. Given that it does have a modestly developed appearance that differentiates it from the adjacent paddock and is bound to the east by the urban spread of the town, it would appear to have some development potential. However, the proposal includes three substantial detached dwellings, which would not respond positively to the informal and low status character of the site and its secondary context.
17. The appellant has simplified the design of the proposed dwellings by removing areas of ashlar stone and some of the more prominent design elements, reducing the scale of the roofs, and reducing the size of the garages. Overall, however, the dwellings would still be of a substantial scale. Each would occupy a roughly square footprint, with a singular bulky form that would be visually prominent and wholly at odds with the narrow and traditional proportions of nearby buildings. The development would not appear subsidiary to the historic development along the High Street, which is a recommendation of the Advice

Note. It would fail to respond positively to the transition between the densely developed High Street and rural undeveloped land beyond.

18. The impact of the bulky scale of the dwellings would be exacerbated by the suburban layout of the space that surrounds them, which includes prominent parking spaces, front gardens and a rather fussy arrangement of walls and railings to enclose private areas. These are characteristics of the proposal that would erode the simple linear character of the plot, and would further alienate the development from this mature historic context, which includes the low scale and modest character of back lane areas of the CA.
19. Adjacent modern development, including Red Cedar House, addresses the road to the north in an informal and loose manner, with many buildings set back and facing the road end on. This has served to reinforce the burgage plot layout and secondary status of these spaces. In contrast, Plot 01 would face the road to the north in an assertive manner with its broad front elevation and would thus hold a poor relationship with the modest scale of the north end of Red Cedar House.
20. The Council retains some concern about the proposals for the barn conversion at the southern end of the site. These are minor and potentially matters that could be considered further if the appeal was allowed by requiring additional details through a condition. Overall, the proposals show that the form and character of this building would be retained. The simplified design of the proposed window and door fittings would better respect the functional appearance of the building.
21. There would be some minor impact on the view through the site from High Street. However, this view would have previously been filled with parked vehicles and items associated with this previous use. I am thus not satisfied that the change to the view as a matter of principle would be harmful to the character and appearance of the CA. The view of the long return of the converted barn and the proposed garage beyond would respond positively to the subsidiary form and appearance of these back land sites, and would represent an appropriate contrast to the formal and more densely developed character of the settlement's urban core.
22. Beyond this however would be a view of the substantial gable end of Plot 02. The submitted photomontage suggests that this would be partly obscured by the garage for Plot 03, but still be visible. From this perspective, in the context of the modest scale of the garage and retained barn, it would appear over scaled.
23. For these reasons I find that the proposal would cause considerable harm to the character and appearance of the area, including the CA. In terms of the National Planning Policy Framework (the Framework) the harm identified would be less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
24. The repair of the existing barn would enhance the character and appearance of the CA, and its proposed use would likely secure its future maintenance. This is a public benefit that should attract some weight given the prominence of the building and contribution that it makes to the character and appearance of the CA.

25. It would be necessary to clean up the site's contamination as part of the development. This would be a benefit that would be largely limited to those who would reside at the site in the future; and in any case, this is a common requirement for many similar brownfield sites. I am therefore of the view that it should attract limited weight as a public benefit in the heritage balance.
26. Although the site is overgrown, its verdant appearance relates well to the undeveloped appearance of the land to the west and does not appear to cause visual harm. Therefore, I attach little weight to the benefit of tidying up the site.
27. The proposal would deliver four new dwellings. The dwellings would be well located, with easy access to a range of services and facilities. The delivery of new dwellings, as well as the economic benefits delivered during construction and from future occupants who would make use of local services are matters that should attract some weight. However, I note that the Council has a good housing supply and in this context the erection of four new dwellings is modest, which limits the weight that I should attach to these benefits.
28. The proposal would secure public access to the site. Given that access from High Street to Tanners Lane is already possible by other nearby routes, and that there is very little development to the north that would benefit from an additional access, I find it reasonable to conclude that this is a matter that would largely be a private benefit to the future occupiers of the proposed dwellings.
29. Together the public benefits of the proposal 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 considerable harm to the character and appearance of the CA. I am not satisfied that the benefits would be sufficient to outweigh the degree of harm identified.
30. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the character and appearance of the CA. It would be contrary to Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy 2006-2007, and Policies PSP1 and PSP17 of the PSP. Together these Policies seek to ensure that development proposals respect local character and distinctiveness, and ensure that heritage assets are conserved.

Conclusion

31. 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.

A Tucker

INSPECTOR