



Appeal Decision

Site visit made on 31 May 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 June 2023

Appeal Ref: APP/P0119/W/22/3312457

2A New Street, Charfield, Gloucestershire GL12 8ES

- 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 Mark Wilson against the decision of South Gloucestershire Council.
 - The application Ref P22/04916/F, dated 13 August 2022, was refused by notice dated 12 October 2022.
 - The development proposed is dropped kerb to facilitate off-street parking, alteration to existing boundary wall to install access gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - protected species, namely Great Crested Newts.

Reasons

Character and Appearance

3. The site consists of a dwelling at the end of a row of properties of varying ages and with a variety of different front boundary treatments. Nevertheless, the stone boundary wall which fronts the appeal site is very similar in height and material to a much longer wall immediately adjacent to it, which encloses fields at Park Farm, along its boundaries with New Street and Wotton Road.
4. There is a gap between the wall fronting the appeal site and the rest of the wall. However, this gap is small and is largely filled by the width of a telegraph pole. As such, despite the gap, there remains a sense of continuity between the two sections of wall.
5. No part of the wall is identified in the Council's Local List¹ of structures that contribute to local character and distinctiveness. Furthermore, the boundary was once formed of hedging, as shown on historic mapping dating from 1882. However, subsequent historic maps do not identify the boundary treatment as being hedgerow. As such, and given its visual appearance, the wall is likely to have been in situ for a considerable number of years.

¹ Most recently produced in March 2018.

6. The wall subject to this appeal fronts a dwelling rather than the fields enclosed by the rest of the wall. Even so, it has an attractive traditional design with irregular capping stones. It has a significant and largely unbroken length and uses natural stone materials. These factors, together with its age, mean that the wall has significance in providing an historic, rural and agricultural feel to the area. For these reasons, I do not dispute the Council's description of the wall including the section fronting the appeal site as a non-designated heritage asset.
7. The proposal would remove a section of wall to create a new access. This would result in an opening that would puncture the wall, appreciably fracturing it into two sections. I see little visual benefit in this separation. Instead, the resulting fragmentation of the wall would undermine and dilute the consistency and continuity of the wall as a whole. As such, the proposal would cause significant harm to the wall and to the positive contribution that it makes to the wider street scene.
8. The proposal would provide an additional off-street parking space for the property. However, the dwelling already benefits from an existing off-street parking area, and I have little evidence that car parking causes particular problems here. As such, I give the public benefits of the proposal limited weight and so they are not sufficient to outweigh the harm caused by the proposal.
9. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policies CS1 and CS9 of the South Gloucestershire Core Strategy (SGCS), adopted 2013, which require respect for the character and distinctiveness of the site's context, and the conservation of heritage assets.
10. The proposal would similarly conflict with policies PSP1, PSP17 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (SGLP), adopted 2017. These seek to preserve locally important heritage assets and to ensure that the form and distinctiveness of the surrounding area is respected. For the same reasons, the proposal would conflict with the National Planning Policy Framework (the Framework), that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account.

Great Crested Newts

11. The site is within a zone that has potential for the presence of Great Crested Newts (newts). Furthermore, immediately adjacent to the site is a hedgerow which has direct connection over land to a pond nearby. As such, there is a reasonable prospect that the hedgerow provides a habitat for newts.
12. The site of the proposal is currently laid to lawn, and the appellant does not intend to alter the hedgerow as part of the proposal. However, the submitted block plan shows the proposed parking space as extending to the very edge of the site, thereby potentially requiring the hedge to be permanently cut back. The appellant suggests that the main habitat for newts is where the hedgerow is thicker, away from the road, and on the untended, field side of the hedge. However, I have no substantive evidence, such as a protected species survey, to demonstrate the effect of the proposal on newts or their habitats, or any mitigation.

13. For the reasons given above, I cannot be satisfied that the proposal would not have a significantly harmful effect on newts. As such, it would be contrary to SGCS policy CS9 that requires conservation of the natural environment. The proposal would also conflict with SGLP Policy PSP19 which, in the absence of clear overriding benefits, requires that proposals resulting in the deterioration of irreplaceable habitats will be refused. Similarly, the proposal would conflict with the Framework, which seeks to avoid significant harm to biodiversity.

Other Matters

14. The appellant has drawn my attention to planning applications² involving the adjacent field. I understand that they propose the installation of a footpath and cycle path along the length of the hedgerow and an opening within the wall similar to the proposal. Despite the similarities, the Council's Officers and consultees have not raised concerns about the effect of that proposal on the non-designated heritage asset or the hedgerow.
15. However, I have few details of these proposals, including the extent of the impact on the wall, hedge or the wider street scene, or whether ecological information has been provided. Moreover, I do not know the status and outcome of these applications. As such, I can give them very little weight.
16. Certain aspects of the proposal before me may not of themselves require planning permission. However, planning permission has been sought for the proposal as submitted, and it is on this basis that I have determined the appeal.

Conclusion

17. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

² LPA references P19/18237/O and P22/04260/O