



Appeal Decision

Site visit made on 30 March 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/C3240/W/22/3303560

17 Pool View, Horsehay, Telford TF4 2ND

- 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 David Buller against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2021/1163, dated 31 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is replacement of existing wall to front garden and replacement of vehicular and pedestrian gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was apparent on my site visit that the development had been carried out. Whilst the submitted plans show the location of the wall and gates, they do not show the full elevational details, including the detailed specification of the materials used in its construction. As a result of this, I have based my decision on the scheme as built, having regard to the submitted plans as necessary.
3. The development lies in a Conservation Area and affects a Grade II listed building. Consequently, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. According to the Council's appeal statement, an application for listed building consent was also refused, but no appeal under section 20 of the Act against that refusal has been made. I am aware of the Council's position, that the previous wall was within the curtilage of the listed building. However, in the absence of detailed evidence concerning the nature of the previous wall, I am proceeding on the basis of section 66(1), specifically the effect of the development on setting.

Main Issues

5. The main issues concern the impact of the development on the significance of a Grade II listed building, 'Old Row Cottages, 3-17, Pool View' (Ref: 1054169), having regard to its setting, and the extent to which it preserves or enhances the character or appearance of the Horsehay and Spring Village Conservation Area.

Reasons

6. The appeal site lies within the Horsehay and Spring Village Conservation Area (CA). I have used the submitted Conservation Area Appraisal¹ (CAA) alongside the evidence submitted and the observations I made on my site visit. In this regard, it is apparent that much of Horsehay's history relates to the formation of an early Ironworks which contributed to a thriving local iron industry during the 18th and 19th centuries. Housing was built close to the Ironworks during this period to accommodate the workers, with the appeal property forming part of one such row.
7. The row consists of a series of humble but charming vernacular dwellings constructed from red brick. The boundary treatments of the relatively generous front gardens include low set walls constructed from similar materials. Insofar as this appeal is concerned, the historic patina and legibility of this boundary feature and the open views of the traditional dwellings that this supports directly contributes to the significance of the CA.
8. According to the list description, the cottages date from the 18th century. Along with their traditional red brick, each dwelling displays two casement windows and small dormers at first floor level, reinforcing their vernacular appearance. Their appearance befits the humble style of dwellings historically inhabited by workers of the nearby local industry. As such, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the consistency of its architectural form and boundary features when placed within the context of the adjoining properties. As such, the means of enclosure within the setting of this building directly contributes to its special interest.
9. The wall which is the subject of this appeal extends along the front boundary of the appeal property adjacent to the road. It also runs alongside the driveway in between the road and existing dwelling. Whilst the limited height of the wall is generally consistent with nearby boundary walls, the form and type of walling material used is unsuitable.
10. No detailed analysis has been provided of the replaced wall to understand the age and characteristics of the bricks that were used in its construction. However, even if I was to accept the appellant's assertion that the replaced wall was relatively modern, the photographic evidence provided by the appellant demonstrates that the utilised bricks comprised varied red hues, a coarse surface composition, and a softer, rustic overall appearance.
11. In contrast, the bricks used in the replacement wall are generally consistent in size and colour. They have sharper edges and a smooth surface, all of which are characteristics of modern design. The coping used also has a clean and uniform 'blue' colour, in contrast with the varied tones of the traditional copings. Whilst the effect of weathering over time may dull the wall's sheen, by virtue of the wall's overall length, and the texture and overall composition of the materials used, it will remain an uncharacteristic feature of the CA.
12. It was apparent on my site visit that some traditional boundary walls have been altered and lost along the street and replaced with modern forms of walling. However, these features do not significantly detract from the overall

¹ Horsehay and Spring Village Conservation Area Appraisal and Management Plan

historic boundary treatments which prevail in the CA. Conversely, the appeal scheme comprises a wall with an incongruous appearance, to the detriment of the character and appearance of the CA.

13. Turning to the effects on the listed building, the wall comprises a containing feature of the property which frames the building when viewed from the street. For the reasons set out above, particularly relating to the materials used in the wall's construction, it appears as a modern intrusion which features prominently in its setting. Moreover, part of the wall lies adjacent to the building, highlighting the contrasting brickwork, and the wall's unsympathetic appearance. Overall, the development detracts from the building's traditional style and materials. As such, it fails to preserve the special interest through harm caused to its setting.
14. It is also put to me by the appellant that decay of the bricks associated with the previous wall means that insufficient suitable bricks remained to reuse in the current wall. Even if that was the case, this does not justify a development which incorporates unsuitable materials and harms designated heritage assets.
15. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to advise that significance can be harmed or lost from development within its setting and that any such harm should have a clear and convincing justification. The development fails to preserve the special interest of the listed building and the significance of the CA. I consider the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 202 of the Framework advises that such harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of designated assets.
17. In this regard, the wall replaces a previous construction which was apparently in a poor state of repair, with parts of the wall being subject to regular collapse which may have created a safety risk for those walking along the street. The replacement wall is of substantial construction, unlikely to suffer from similar structural deficiencies. However, there is no evidence to suggest that other masonry with more suitable characteristics, in keeping with the heritage assets, were considered. The brick copings are similar in profile to historic local examples, but again, their colour and appearance is not in keeping for the reasons set out. Therefore, having considered these as public benefits, I am not satisfied that collectively they are sufficient to outweigh the harm that I have identified.
18. Given the above and in the absence of sufficient public benefits, I conclude that the proposal fails, on balance, to preserve the setting and special interest of the Grade II listed building and the character and appearance of the Horsehay and Spring Village Conservation Area. It also fails to satisfy the requirements of the Act, paragraph 199 of the Framework and conflicts with Policies BE1, BE4 and BE5 of the Telford and Wrekin Local Plan 2011-2031 (2018) which require, amongst other matters, that development preserves traditional frontages and boundary treatments, does not damage the setting of listed buildings by use of inappropriate colour and materials, and at least preserves

the essential features of conservation areas. Overall, the development conflicts with the development plan.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Woodward

INSPECTOR