



Appeal Decision

Site visit made on 27 September 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal Ref: APP/V4630/W/23/3316965

192 High Street, Bloxwich, WALSALL, WS3 3LA

- 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 Four Oaks Properties Ltd against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 20/0788, dated 1 July 2020, was refused by notice dated 4 January 2023.
 - The development proposed is the erection of an upper floor and double storey rear extensions to accommodate an additional 4 x apartments (7 x apartments in total).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents now include a Unilateral Planning Obligation dated 13 September 2023 and signed by the appellant which in general terms offers a financial contribution to mitigate the effects of the development proposed on the Cannock Chase Special Area of Conservation. I have had regard to the Obligation as set out in paragraph 16 below.
3. The Council acknowledges that the appeal site lies in the Elmore Green Conservation Area and not Caldmore Green as mentioned in the first and second reasons for refusal.

Main Issues

4. The main issues are:
 - The effect of the development proposed on the host building and the character and appearance of the Elmore Green Conservation Area and other designated and local heritage assets; and
 - The effect of the additional residential development on the habitat of the Cannock Chase Special Area of Conservation (SAC).

Reasons

Background

5. The appeal site lies within Bloxwich High Street together with the Elmore Green Conservation Area. It also lies to the east of a group of historic buildings – All Saints Church, The Cross at All Saints Church Graveyard and Bloxwich Hall. The site also lies within 15km of the Cannock Chase SAC.

6. The existing building appears separated into two properties, both two storeys in height with a simple pitched roof at the front and a complex array of small extensions and flue extraction systems at the rear and with two small dormer windows in the roof slope. It accommodates take-aways on the ground floor and residential accommodation above. It is proposed to raise the height of the building to form three floors of accommodation and have a flat in the roofspace lit by dormer windows front and rear.

Policy Context

7. The appeal site lies in a town centre and sustainable location and there is no objection in principle to further residential development here subject to site specific aspects. The Council also acknowledges that it only achieved around 70% of its housing delivery over the period 2018-2021 and that the presumption set out in paragraph 11(d) of the National Planning Policy Framework (the Framework) applies.

Effect on character and appearance

8. The appellant has included with the appeal documents a Heritage Impact Assessment. The Council says that as this was not carried out at application stage it should not be considered now. However, such an approach makes the appeal process too punitive and the Council has had the opportunity to comment on the Assessment and say where it may affect the Council's objections.
9. I have had regard to both the Heritage Impact Assessment and the comments of the Council's Historic Buildings Specialist in understanding the significance of the heritage assets and in particular the setting of the listed buildings mentioned above and the character of the Conservation area, as well as my own observations on site.
10. The appeal site building is a non-designated heritage asset and I agree that although the front of the building is currently marred by garish painting and signage, overall the historic building contributes positively to the character of the conservation area. In terms of the three listed buildings specified above I also agree with the parties that the proposed development is outside of the setting of these heritage assets. Nevertheless, the site lies opposite the former Manor House (shown as Vicarage on the submitted map extract) which is a locally listed building and the setting of this and the treed grounds together with the enclosing boundary wall around it are critical to the significance and attractiveness of the conservation area.
11. The submitted plans show little of how the increase in the height of the buildings would appear in the wider street scene as only very limited details of adjacent buildings are depicted. Nevertheless, it appears that the proposed new roof ridge would be about the same as the building to the south, and similar the building with a hipped roof to the north although this projects slightly forward to the street. This increased in building height and bulk would make the street frontage properties more uniform and the variation in height that contributes to the character of the main street eastern frontage would be lost. Moreover, the bulk of the building at this higher level would be accentuated with the introduction of small; dormer windows which are not an established architectural feature in the street scene of the frontage.

12. On the limited architectural information put forward, find that the increase in the floors and height of the host building would harm the contribution that it makes to the variety and form of building height and 'roofscape' of the street scene especially at a sensitive location opposite and seen in the context of the former Manor House.
13. I conclude on this issue that the proposal would have a significant adverse effect on the character and appearance of the conservation area and would not preserve or enhance these qualities. In the context of paragraph 201-202 of the Framework I find that the proposal would cause 'less than substantial harm' to the significance of the heritage asset and this will need to be balanced with public benefits.
14. In development plan terms the proposal conflicts with Policies ENV2 and CSP4 of the Black Country Core Strategy about preserving and enhancing local character in historic areas and saved UDP Policy ENV27 for similar reasons.

Effect on the Cannock Chase SAC

15. The site lies with the 15km zone of influence relating to the Cannock Chase SAC. The Council says that the habitat of the Chase is in a poor ecological state and that this is likely to be made worse by an increase in visitor numbers arising from new residential development within a 15km distance from it. The Council says that the proposed additional four flats are likely to result in significant adverse effects. However, given my conclusion on the first main issue and that, subject to overall conclusions, I am minded to dismiss the appeal I do not need to carry out an Appropriate Assessment.
16. Moreover, in any event the appellant has submitted a Unilateral Planning Obligation which puts forward a financial contribution for the mitigation of the adverse effects in line with the Council's Guidance issued in September 2022. The Obligation broadly accords with the tests set out in paragraph 57 of the Framework. If I was minded to allow the appeal it would have been a material consideration. I therefore do not need to consider this issue further.

Planning balance

17. On the main issue I have found that the proposal to increase the height of the building by an additional storey with dormer windows in the roof would have a significant adverse effect on the appearance of the host building and its contribution to the varied roofscape of the High Street and would result in 'less than substantial' harm to the character and appearance of the conservation area and not preserve or enhance it. Great weight has to be given to the conservation of the heritage asset as set out in paragraph 199 of the Framework. There would also be conflict with the relevant policies in the development plan.
18. This has to be balanced with other factors. The proposal would result in four additional flats in a town centre and sustainable location and where there is a clear undelivered supply of new housing locally. However, these benefits are very limited and general and do not give rise to material public benefits in the context of paragraph 202 of the Framework.
19. Overall, I find that the serious harm identified to the heritage asset of the character and setting of the conservation area provides clear reason for refusing the development proposed. The conflict with the relevant policies of

the development plan is not outweighed by any other considerations. This indicates that the appeal should not be allowed.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR