



Appeal Decision

Site visit made on 9 November 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/C1625/W/23/3319333

40 Bridge Mead, Ebley, Stroud, Gloucestershire GL5 4BP

- 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 Paul Dowdeswell against the decision of Stroud District Council.
 - The application Ref 22/1815/FUL, dated 11 August 2022, was refused by notice dated 17 October 2022.
 - The development proposed is move iron railings at the side of the property to enclose all land owned, change of use to residential (C3 Use Class).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced by my using this description.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the area, including the Industrial Heritage Conservation Area (CA) within which the site sits, and (2) the effect of the proposal on the quality and usability of the canal towpath for access and recreation.

Reasons

Character and Appearance

4. The CA follows the valleys of the River Frome and its associated canals, together with the mill complexes along its route. As such, the CA has a pattern of development that reflects the importance of the canal to the history of the valleys. Parts of the CA have now been developed for other uses, including for housing, whilst retaining this character. Consequently, relevant to this appeal, the significance of the CA is its industrial, canal side and broadly linear pattern of development.
5. The appeal site is a short section of towpath along the edge of the Stroudwater Navigation canal, to the side of 40 Bridge Mead (No 40). Black metal railings divide the existing amenity area of No 40 from the towpath. These continue an existing line of railings to the front of adjacent dwellings, numbers 41 to 43 Bridge Mead (Nos 41 to 43). The towpath here is delineated into two sides by

- contrasting surfacing materials of block paviour and gravel, and by a series of timber posts. However, both sides form part of the publicly usable towpath.
6. The proposal seeks to relocate and extend the railings, to enclose part of the block paviour side of the towpath. The space enclosed would then form an enlarged private amenity area for No 40. The design of the proposed railings would match those already at the site and nearby, and so their style would be appropriate.
 7. The existing position of the railings and timber posts to the rear of Nos 40 to 43 provide pleasingly uniform lines of reasonable length that are broadly parallel to the canal and so reflect the development pattern of this part of the CA. The adjacent properties and railings of Nos 46 to 48 Bridge Mead (Nos 46 to 48) are nearer to the towpath than those of the appeal site. The proposal would extend to the line of the railings at Nos 46 to 48 and that of the timber posts.
 8. However, the position of the railings at Nos 46 to 48 are lengthy, thus maintaining the linear pattern. In contrast, the proposed railings would protrude out from the existing line for only a relatively short length. They would also not follow the curvature within the paving here or mirror the curve of the railings opposite. For these reasons, their outward projection would appear arbitrary and haphazard, thus contrasting sharply and harmfully with the adjacent lengthier railings and the linear pattern of development.
 9. The proposal also includes the provision of new planting in timber tubs. However, its soft appearance would clutter and conflict with the hard form and surfacing of this part of the towpath, which also contributes to its industrial character. For the above reasons, the proposal would conflict with the industrial, canal side and broadly linear pattern of development, thus harming the character and appearance of the CA as a whole.
 10. The appellant has referred to other examples where the towpath has been enclosed by railings, including at numbers 33, 38 and 52 Bridge Mead. The Council suggests that some of these do not have the benefit of planning permission. However, even if they were lawful or have now become so, these railings have different lengths and relationships to the surrounding pattern of development compared to the proposal. As such they do not justify it.
 11. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. For the reasons given, the proposal would have a negative effect on the CA, resulting in less than substantial harm in the words of the National Planning Policy Framework (the Framework). Policy ES10 of the Stroud District Local Plan (SDLP), adopted November 2015, seeks to preserve the historic environment and requires convincing justification to override harm to it. The Framework requires that harm should be weighed against public benefits.
 12. The proposal would create employment for those undertaking the work. However, given the small scale of the proposal, this benefit would be modest and so carries little weight. The proposal and its planting would provide additional space and privacy to the occupiers of No 40, making their amenity area more practical. However, this is essentially a private benefit. Accordingly, there is no clear and convincing justification sufficient to override the harm that

would be caused to the historic environment. Similarly, the public benefits of the proposal do not outweigh the harm to the CA.

13. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area, including the CA, which would not be justified by its public benefits. It would therefore conflict with SDLP Policy ES10 as well as its Policies CP14 and ES13 which require that proposals are respectful of the surrounding heritage and do not harm spaces that contribute to the distinctive form of the settlement. For the same reasons, the proposal would also conflict with the Framework.

Towpath Quality and Usability

14. The towpath is a busy thoroughfare, used for commuting and leisure between the settlements connected by it. The Stroud Canals Vision and Strategy Supplementary Planning Document (SPD), adopted October 2022, aims for the public realm to have an improved relationship with the canal and its towpath. It also seeks to maintain and improve connections and accessibility and to prioritise active travel.
15. By enclosing one side of the towpath, the remaining side would still be available for public users of the path. There are other sections of the path that currently have a similar width. However, the greater width currently provided by the appeal site provides a convenient passing place for example for cyclists and others using the towpath, and I understand was planned as such.
16. Furthermore, compared with the loose and somewhat uneven gravel side of the towpath, the block paved side provides a more solid and usable pathway for those using wheeled transport. The appeal site therefore aids the safe and convenient use of the towpath, which would be diminished if the proposal were allowed.
17. In addition, the greater width currently available may well enable active use of the canal side here for recreation, without unduly impeding those using the towpath as a through route. As such, by reducing this width, the proposal would undermine rather than improve the quality of the towpath as a recreational route.
18. For these reasons, the proposal would harm the quality and usability of the canal towpath for access and recreation. Accordingly, it would conflict with SDLP Policy ES11, by failing to improve access to and along the canal and not encouraging its use for transport and for leisure and recreation. The proposal would similarly conflict with the aims of the SPD.

Planning Balance and Conclusion

19. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR