



Appeal Decision

Site visit made on 7 November 2023

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2023

Appeal Ref: APP/P1615/D/23/3327094

Constables House, The Village, Dymock, Gloucestershire GL18 2AH

- 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. Anthony Eagle against the decision of Forest of Dean District Council.
 - The application Ref P1152/22/FUL, dated 11 August 2022, was refused by notice dated 6 March 2023.
 - The development proposed is a new double garage and associated driveway and landscaping and removal/demolition of existing outbuildings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Dymock Conservation Area (CA).

Reasons

3. Dymock Conservation Area (CA) covers the majority of the village, encompassing the main ribbon of development along the B4215, and several associated clusters of built form. In the context of the appeal site, the designation extends west to include Constables House and the line of the former Herefordshire and Gloucestershire Canal (the Canal) and dismantled railway. The CA is characterised by a varied pattern of historic development in the village, with many high-quality buildings of numerous architectural styles set around a simple road structure and several open spaces. There is little unity in the form or style of buildings, but this unplanned and informal arrangement of buildings and spaces has created a very attractive rural village character.
4. The Council has identified the Canal as a non-designated heritage asset (NDHA). Nevertheless, the former canal is in the CA and it is therefore covered by the requirement of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. I have been provided with limited detail regarding the heritage significance of these heritage assets. As such, based on my own observations, the significance of the CA as a whole relates to its historic rural village character comprising varied vernacular and architectural styles, indicative of incremental early growth. Identifiable as the former Police Station, the appeal site makes a significant positive contribution to this character, as an important feature

- building with attractive detailing, holding a prominent position in the street scene.
6. The line of the former canal, alongside the adjacent former railway line, is an interesting remnant of the village's history, clearly having some influence on the development of the settlement and its cultural and industrial heritage. As a physical feature it also has value as an identified Important Open Area within the CA, and as part of the local aspiration for the reinstatement of the Canal.
 7. The main development feature of the proposal is a double garage facing Kempley Road, which would extend to the side of the existing single-storey brick-built extension at the south-western corner of the property. The proposed garage would be a substantial flat-roofed structure with a small window and a large garage door opening in its front elevation. The design has sought to replicate the form and parapet wall of the existing small extension, using consistent brick elevations. However, the horizontal expanse of the proposal and the large blank modern garage door would jar with the attractive and finely detailed elevations of the property.
 8. Even though the garage would be an appropriate scale for the size of the host property, the width of the structure would dominate its front elevation. Viewed close from Kempley Road, the proposal would be prominent in the street scene, and would detract from the contribution Constables House makes to the significance of the CA. The proposed development would therefore introduce a substantial modern feature, which would fail to preserve the character and appearance of the CA.
 9. Albeit that the new garage would be wholly within the residential curtilage of the appeal property and thus not physically extend into the line of the canal, its modern flat roof appearance so close to the edge of the former canal would conflict with its historic industrial heritage.
 10. The appellant has highlighted several features within the CA and in the context of the Canal that are considered to harm these heritage assets. I do not have full details of these schemes to make an accurate comparison to the appeal proposal, but they do not appear to be relevant to the type and form of development proposed. I therefore give these other developments only limited weight.
 11. For the reasons set out above I conclude that the proposed development would harm the character and appearance of the CA. The proposal therefore conflicts with Policy CSP. 1 of the Forest of Dean District Council: Core Strategy (the Core Strategy), and Policies AP 4 and AP 5 of the Forest of Dean District Council: Allocations Plan (the Allocations Plan). Taken together, these policies seek, amongst other matters, high quality, visually attractive design which takes account of local character and history; and development which preserves the historic environment including designated and non-designated heritage assets. The proposed development would also be contrary to the provisions of the Framework in relation to conserving and enhancing the historic environment.
 12. The Council has also found conflict with Allocations Plan Policy AP 9 and Core Strategy Policy CSP. 9 which respectively seek to protect land identified to facilitate the reinstatement of the former Herefordshire and Gloucestershire Canal, and to protect recreational and amenity land. The appeal site lies close

to both the identified route of the Canal, and to land identified as an Important Open Area with amenity value. However, as the site is fully contained within the residential curtilage of Constables House outside of these defined areas, it does not meet any of the restrictive criteria of Policy AP 9, and there would be no loss of amenity land. I therefore find no conflict with these policies.

13. The harm which would be caused to the significance of the CA would be less than substantial. In accordance with paragraph 202 of the Framework, it is appropriate to weigh the harm caused by the proposal against any public benefits that would arise from the development. Great weight should be given to the asset's conservation and any harm requires clear and convincing justification. The proposed development would provide some short-term employment opportunities and economic benefits during the construction phase. Subject to suitable controls, there would also be benefits from the replacement of uPVC casement windows on the front of the property with sliding sash windows. However, given the modest quantum of development, I find that the public benefits would be limited in scope and scale, and would not be sufficient to outweigh the harm that would be caused to the significance of the CA.

Conclusion

14. Although the proposed development may not conflict with all policies of the development plan, for the reasons given above I consider that the proposal would conflict with the development plan when read as a whole. There are no material considerations which indicate that a decision should be taken otherwise than in accordance with it. Accordingly, I conclude that the appeal should be dismissed.

K Jones
INSPECTOR