

Appeal Decision

Site visit made on 1 February 2024

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2024

Appeal Ref: APP/C1625/D/23/3333907

Hawkswood, Frome Hall Lane, Stroud, GL5 3JH

- 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 Alan McDowell against Stroud District Council.
 - The application Ref S.23/1758/HHOLD, dated 1 September 2023, was refused by notice dated 3 November 2023.
 - The development proposed is described as 'two storey extension'.
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Procedural matters

1. The description of the proposed development on the Council's decision notice is 'raising of ridge to add first floor, erection of porch, replacement single storey extension and installation of a balcony'. I consider that to be more accurate than on the description on the planning application form and so have determined the appeal on that basis.

Decision

2. The appeal is dismissed.

Main issues

3. The first main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area, which lies within the Industrial Heritage Conservation Area and in the setting of a listed building. A further main issue is the effect on protected species.

Reasons

Character and appearance

4. The appeal property is a stone-fronted bungalow with dormers set into the roof. It sits within a group of housing that lies on the southern side of the River Frome which, to the north of the site, contains the Grade II listed Fromehall Mills. The wider area is designated as the Industrial Heritage Conservation Area, whose significance derives from the appreciation of the landscape and buildings being the legacy of industrial development.
 5. The landform drops steeply to the north towards the valley and the Mills. The single storey height of the property and its stone elevations means that, whilst the building can be seen in longer views, it sits comfortably and unobtrusively
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- within the wider group of housing; other two storey housing is generally set at lower levels on the valley slopes, or is well screened by mature vegetation.
6. The proposed development would see raising the roof to form a second floor to the property: the eaves would increase from 3m to 5.4m and the ridge from 7.6m to 9.7m. This would represent a significant increase in the scale of the property, substantially increasing the building mass. There would be a very notable increase in scale when seen in views looking towards the group of dwellings within which Hawkswood lies, when viewing from the east and across the Frome valley. In those views the significant increase in height and massing of the property would appear as a discordant and dominant element.
 7. This effect would be heightened by the design approach. The central glazing element would accentuate the increased verticality of the building, whilst relating uncomfortably with the more horizontal emphasis of the building on the ground floor with the side extension and the porch. The porch extension would also clash with the vertical element due to its close siting and different form, so representing a disjointed approach to the elevation design. The rendering of the property would further emphasise the building, leading to it being unduly prominent in the wider area. Whilst I noted other properties in the vicinity that have been modified or extended, including with modern design approaches, works to those buildings have been achieved in a satisfactory way that do not impose upon the wider area in the same fashion as the scheme at the appeal property would.
 8. Harm would therefore be caused to the character and appearance of the area, and this would be contrary to Policies HC8, CP14 and ES12 of the Stroud District Local Plan 2015 which, amongst other matters, seek to ensure new development is of a high design quality that responds to a building's setting and location. It would also be contrary to guidance in the National Planning Policy Framework that sets out a fundamental purpose of planning to be the creation of high quality, beautiful and sustainable buildings and places.
 9. Under s72 I have a duty under s72(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 the Conservation Area. The design and scale of the proposal would lead to a property that is over-dominant in the group of housing on the side of the valley, so disrupting the wider character of the area and harming the significance of the heritage asset.
 10. Under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a duty to have special regard to the desirability of preserving the setting of a listed building. Fromehall Mills and its curtilage buildings are listed Grade II and lie to the north, being described as early 19th Century mills buildings, and older, with the significance deriving from their still fine appearance and quality as a group of mills buildings. The scale, proportions and design of the extended Hawkswood would be dominant to the setting of these buildings, and so harm their significance as a heritage asset.
 11. There would thus also be harm to the significance of heritage assets. Paragraph 205 of the Framework states that great weight should be given to the conservation of heritage assets, and paragraph 206 says any harm to significance should require clear and convincing justification. I attach considerable importance and weight to this harm. That harm would be less

than substantial and so, in accordance with paragraph 207 of the Framework, must be considered against the public benefit of the proposal. The works to Hawkswood are private benefits for an existing dwelling which, for the reasons given, are unacceptable. I therefore conclude that there are no public benefits arising from the proposed works that would outweigh the harm identified. The proposals would thus be contrary to Policy ES10 of the Local Plan, which seeks to preserve the historic environment, and my conclusions on the first issue remain the same.

Effect on protected species

12. The Council's Biodiversity Officer made comments at the time of the planning application that Hawkswood has potential for bats to roost, that the building was close to habitats suitable for bats, and that a protected species licence exists in proximity to the site. A preliminary ecological assessment was requested to appraise the possible presence of bats.
13. No assessment has been undertaken, and with this appeal the appellant states that this can be subject to a planning condition, which could also address any mitigation. However, Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it *'...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'* (paragraph 99).
14. The appellant has not disputed the observations of the Biodiversity Officer and so, based on the evidence before me, I consider a suitable ecological appraisal is necessary before planning permission is granted; a planning condition requiring a survey would not be appropriate. Without that I cannot be satisfied whether the proposal would have an adverse effect on any protected species and, if so, whether such an adverse effect could be overcome by any proposed mitigation measures.
15. On the basis of the information before me, I therefore conclude on the second main issue that the proposed development would have a harmful effect on protected species and so conflict with Policies CP14 and ES6 of the Local Plan, which resist development that would have a harmful effect on the natural environment and protected species. I am thus also not reassured that the proposals can satisfy the requirement set out in the Framework that permission should be refused unless it can be demonstrated there would be no significant harm to biodiversity, or adequate mitigation provided.

Conclusion

16. My overall conclusion is that the proposal would conflict with the development plan as a whole. The appeal is dismissed.

C J Leigh

INSPECTOR