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# Appeal Decision

Site visit made on 8 July 2024

**by P N Jarratt BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 July 2024**

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**Appeal Ref: APP/P0119/W/24/3339396**

**Land off Market Place, Marshfield, South Glos, SN14 8NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Doric (Developments (Bath) Ltd against the decision of South Gloucestershire Council.
  - The application Ref is P23/02870/F.
  - The development proposed is erection of 1no detached dwelling with access and associated works (re-submission of P22/00533/F).
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## Decision

1. The appeal is dismissed.

## The site and relevant planning history

2. The site is a sloping former allotment enclosed by Cotswold stone walls with a change in levels of about 8.3 metres between the highest point adjacent to Market Place and its southern boundary. The site is currently overgrown. It is accessed by a pedestrian gate from Market Place. To the west the site is bounded by the former vicarage and Grade II\* listed building, Marshfield House. To the east runs a public footpath beyond which is the dwelling Fields Afar and the Grade II Pitt Cottage. The wider area to the north forms the historic core of Marshfield.
3. The site is within the settlement boundary of Marshfield and the Marshfield Conservation Area. It is also within the Cotswolds National Landscape.
4. Application P22/00533F for the erection of a detached dwelling with access and associated works was not determined by the Council but a subsequent appeal<sup>1</sup> was dismissed in March 2023 in view of the harm to the setting of the adjacent listed building and upon the character and appearance of the conservation area. The application subject to this current appeal is a resubmission which introduces various changes intended to overcome the previous Inspector's concerns.

## Main Issues

5. The main issues in this appeal are the effects of the proposal on:
  - (a) the character and appearance of the area, including the conservation area, the setting of a Grade II\* listed building and the Cotswolds National Landscape.

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<sup>1</sup> APP/P0119/W/22/3298570

- (b) the living conditions of the occupiers of the Old Vicarage and Fields Afar regarding privacy and outlook.

## **Reasons**

6. The Development plan comprises the South Gloucestershire Local Plan Core Strategy 2006-2027 (CS) and the Policies, Sites and Places Plan (PSPP). There is no objection in principle to the development of the site when assessed against the current policy framework which requires that various factors not being adversely affected, as set out in PSPP policy PSP5. I note that the site has previously been identified for protection as open land but this has been superseded by current policies.

### *Character and appearance*

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. The Inspector in the 2023 appeal at paragraphs 5–8 sets out his appraisal of the character and appearance of the area, with which I agree, and it is unnecessary for me to repeat this in detail other than in his reference to the significance of Marshfield House. Its significance is derived from its fine form standing on a largely level plot enjoying a prominent outlook over the road and over an extensive terraced garden to the open land to the south. Its elevated and commanding position and its outlook over countryside to the south are elements of its setting that are historically well established and contribute to its special interest.
9. The key change in this appeal scheme to that of the dismissed appeal is a reduction in the scale of the dwelling from a five bedroom multi-level property with integral garage to a smaller L-shaped three bedroom bungalow set further back within the plot behind a 6.4 metre high retaining wall and incorporating a raised terrace. This would require a 10 metre long and 3.2 metre section of the site to be excavated and the accompanying raising of ground level by up to 1.8 metres over a length of 11.2 metres. Additionally, ground levels at the north east corner of the site would be raised significantly to accommodate the access and driveway, requiring a 6.4 metre tall retaining wall between the dwelling and driveway. This artificial ground level would let the dwelling sit below the level of Market Place enabling the visual connection between Market Place and the countryside to the south to be maintained which is important to the character of the area. However the raised level of the driveway and vehicles parked on it would detrimentally impact on views and appear intrusive.
10. The removal of a significant stretch of the existing boundary wall to provide vehicular access would erode the well-defined sense of enclosure to the lane and open up views to the upper part of the proposed dwelling which would appear intrusive in the emerging view of the principal elevation of Marshfield House. This is exacerbated by the presence of the driveway to Fields Afar further fragmenting the sense of enclosure. Although the proposed sliding gate may reduce the loss of enclosure, it will necessarily be open for unknown periods of time but in any event, would not contribute to the character and

appearance of the Conservation area as the Cotswold stone wall presently does.

11. The appeal site serves as an important transitional and spatial connection between the historic core of the village to the north with its rural setting to the south serving as a visual break that separates the properties on the south side of Market Place, which are largely built up to the highway boundary, and Marshfield House. Any form of infill development would erode these characteristics.
12. The proposed siting of the dwelling would project further to the south of the building line of properties situated on the valley slope to the east. Coupled with the loss of openness, the alterations to ground levels and the high retaining wall within the site, the contribution of the natural valley slope to the setting and significance of Marshfield House will be materially affected, detrimentally impacting on how Marshfield House is experienced in views from the south.
13. The design of the dwelling does little to reflect the local vernacular as it is suburban in character and, although described by the appellant's that it reflects the typical proportions of an open fronted cow byre, it is difficult to see any connection with agricultural buildings in its design. Although the extent of glazing on the south and west elevations suggests a contemporary character, it remains as a rather bland bungalow overwhelmed on its Market Place frontage by the monolithic retaining wall, the effect of which would not be lessened significantly by planting. The proposed development is unresponsive to its siting within a conservation area and within the setting of Marshfield House.
14. The proposed development, whilst acknowledging some of the issues raised in the previous appeal dismissal, fails to overcome them. It would be harmful to the setting of the Grade II\* listed building and hence its significance. It would also fail to preserve or enhance the character and appearance of the conservation area.
15. The proposed development would lead to less than substantial harm to the significance of the listed building although paragraph 205 of the National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the amount of potential harm caused.
16. Paragraph 208 indicates that where less than substantial harm would be caused, this should be weighed against the public benefits of the proposal, including securing its optimum viable use. Whilst there would be some public benefit to housing supply and to local services, I attach little weight to these as they do not outweigh the harm caused to the heritage assets.
17. Within the Cotswolds National Landscape, otherwise known as the Cotswolds Area of Outstanding Natural Beauty, great weight should be given to the conservation and enhancement of the natural and scenic beauty of the landscape whilst taking into account of biodiversity interest and the historic and cultural heritage.
18. The Council disputes the findings of the appellant's Landscape and Visual Appraisal stating that the replacement of the open and natural valley slope with a raised driveway would intrude upon the existing view, the introduction of a

sliding gate and the introduction of parked cars would have an intrusive impact. The proposals do not fully respect the traditional built character and built/landscape elements of the southern margin of the conservation area and they would impact on the character and distinctiveness of the Cotswold National Landscape and views across the valley to the conservation area.

19. I conclude on this issue that the proposed development would be contrary to the Framework and to CS policies CS1, CS2, CS9 and CS34 and to PSPP policies PSP1, PSP2, PSP5 and PSP17 regarding design, green infrastructure, heritage assets, rural areas, local distinctiveness, landscape and undesignated open spaces.

#### *Living conditions*

20. Whilst the proposed dwelling is more modest in scale to the dismissed appeal scheme, living conditions of the occupants of Marshfield House and Fields Afar would still be adversely affected in respect of overlooking and privacy
21. The southern wing would be raised up to 1.6 metres above existing ground level which is above the height of the boundary wall. Although it would be sufficiently distant from the boundary with Marshfield House for it not to appear overbearing, the windows of the western elevation of the southern wing would have a direct line of sight over the boundary wall and persons standing on the raised terrace would have an intrusive vantage point even closer to the boundary and into the neighbour's garden. Whilst the level of intrusion might be mitigated to some extent in time by the landscaping scheme proposed, tree and hedge planting does not provide a complete solution even in their mature state due to levels on the site and the loss of leaf cover for parts of the year.
22. Similarly, use of the terrace provides a vantage point overlooking the boundary treatments either side of the public footpath into the rear garden of Fields Afar and provide views to the rear elevation, which at present only overlooked in longer distant views. Again, the landscaping scheme would not overcome privacy issues.
23. Persons using the proposed raised driveway would have commanding views and an overbearing impact when experienced from the gardens of the neighbours. Whilst this is to some extent the case with the existing drive of Fields Afar, there is no justification for adding to the problem.
24. Although limited privacy, overlooking and overbearing neighbouring developments affect living conditions are not uncommon in more built-up areas, and a degree of mutual acceptance of the impact of new development is sometimes necessary, the layout of the proposed development through the revised levels, terracing and parking area unacceptably compromises the living conditions of neighbouring occupants. The proposal would not accord with Policy PSP8 regarding residential amenity.

#### *Other considerations*

25. The site is located in an area that is proximate to the medieval settlement of Marshfield and qualifies as a site of archaeological interest. The Council considers that a programme of archaeological trial trenching to determine the significance of any archaeology is required but this was not requested at application stage as it was not considered reasonable in the circumstances. However, in view that the nature of the site and obstacles to intrusive

investigation prior to determination, I am satisfied that given the low archaeological potential of the site and the limited area of disturbance, an archaeological watching brief could be conditioned.

26. The appellant's Preliminary Ecology Appraisal and a Great Crested Newt Habitat Suitability Index Assessment is broadly acceptable to the Council but they consider that they need updating as they are the same as those submitted for the previous scheme. However, as with the archaeological matters, due to other issues going against the proposal, the Council did not seek an updated report. The appellant has submitted an updated Appraisal which records further encroachment of scrub and ruderal vegetation although the site remains largely unchanged since the 2021 survey. I am satisfied that the recommendations of the appraisal can be conditioned to ensure mitigation and enhancement of the site's biodiversity interests.
27. The Council is concerned that the required cycle store could have landscape implications. Cycle storage facilities are indicated to be sited adjacent to the top of the steps on drawing number 555\_PP\_01\_Rev A dated 15 August 2023 and I am satisfied that the details of this could be controlled by condition.

### **Conclusion**

28. I conclude that in the absence of material considerations that outweigh the development plan conflict and for the reasons given above the appeal should be dismissed.

*P N Jarratt*

INSPECTOR

