



Appeal Decision

Site visit made on 27 June 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/C3240/W/24/3338344

Bridge Terrace, Lower Bar, Newport, Telford And Wrekin TF10 7JB

- 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 Mr George Kelson against the decision of Telford and Wrekin Council.
 - The application Ref is TWC/2022/0459.
 - The development proposed is erection of 1 affordable house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An executed Section 106 agreement has been submitted to secure the proposed house as being affordable under the terms set out in the agreement.

Main Issues

3. The main issues are the effect of the proposal on: -
 - the risk of flooding;
 - the character and appearance of the area including the effect on nearby designated heritage assets, in particular Nos 1 to 5 Bridge Terrace, Chetwynd House and the roving bridge and lock on the Shropshire Union Newport Branch Canal: and
 - highway and pedestrian safety.

Reasons

Flood Risk

4. The appeal site is in close proximity to a watercourse with the risk of fluvial flooding. The Flood Risk Assessment (FRA) indicates that part of the appeal site is in Flood Zone 2 (medium probability of flooding) and part in Flood Zone 3 (high probability of flooding). The Environment Agency's flood risk maps indicate that the risk of flooding varies from medium to high. The area is not one benefiting from any flood defences. The proposal is categorised as 'more vulnerable' under the Environment Agency's classification.
5. The FRA states that the proposal would be safe, in terms of flood risk, for its design life and will not increase the flood risk elsewhere. However, its recommendations to secure this are very limited. It recommends that future residents should be made fully aware of the flood risk and flood warning and

evacuation in the event of a severe event and residents should utilise the Environment Agency's flood warning service called Flood Warnings Direct (FWD). It suggests that the first floor would provide a safe haven for residents during a flood event. Given that the risk of flooding varies from medium to high, these recommendations do not go far enough to ensure the safety of future residents.

6. Whilst the FRA states that the site currently is at low risk from surface water flooding, the development of the site would result in the loss of some of the permeability of the site. It is therefore important that the site is appropriately drained, especially given its medium to high risk of fluvial flooding. The FRA states that implementation of appropriate Surface Water Drainage (SuDS) measures including a site-specific strategy together with measures such as rainwater harvesting, permeable paving and soakaway would be utilised. I agree with the Council that there is insufficient information to demonstrate how the site would be drained. Again, the information is not convincing in that the risks from flooding have not been appropriately addressed.
7. Furthermore, in areas where the risk of flooding is high, the Framework and Local Plan¹ Policy ER 12 require development proposals to be accompanied by a sequential test as part of a FRA. This is a risk-based approach to the location of development and is required to take into account all sources of flood risk and the current future impacts of climate change. This is aimed at avoiding, where possible, flood risk to people and property.
8. Whilst referred to, the FRA gives no information as to whether a sequential test has been carried out. It includes reference to the exception test stating that the proposed development would provide wider sustainability benefits to the community that outweigh flood risk, that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk elsewhere. However, the sequential test must be passed before the exception test can be applied.
9. Consequently, it has not been demonstrated that there would not be an unacceptable effect on flooding or that an appropriate drainage system would address the risk of flooding. The proposal would conflict with Local Plan Policies ER 11 and ER 12 which, amongst other things, require new development to satisfy criteria with regard to sewerage systems and water quality and ensure the effective management of flood risk, including ensuring development is located in accordance with the sequential test and exception tests where applicable.

Character and Appearance/Heritage Assets

10. The appeal site comprises an area of land at the edge of the Newport Conservation Area. A market town granted Borough status by Henry I in the 12th Century. Its significance lies in its historic development as a market town and its buildings and structures from various historical periods add to the character of Newport and bring historical significance of their own.
11. A part of this heritage is found in the nearby Listed Buildings and Scheduled Monument which, in the vicinity of the appeal site, include Nos 1 to 5 Bridge

¹Telford & Wrekin Council – Telford & Wrekin Local Plan 2011 – 2031, Adopted January 2018.

Terrace, Chetwynd House and the roving bridge and lock on the Shropshire Union Newport Branch Canal.

12. Chetwynd House is associated with Charles Dickens, being the model for Miss Havisham's house in Great Expectations. This literary association gives the building a Grade II* listing. This is a short distance to the north of the appeal site.
13. The Shropshire Union Canal Newport Branch lies to the south of the appeal site. Its course runs in a north-east to west direction and due to past infilling, almost disappears comprising only a narrow stretch beneath the bridge. The roving bridge, so called as its allowed horses to cross the canal to use the alternative towpath, and the lock, Newport Lock 255m, is a Scheduled Monument. The bridge and lock are particularly well preserved and representative of their type. This example is regarded as one of the best on the canal system and possibly the best in the West Midlands. Its significance lies in its representation of an important period of the industrial revolution and the role of the Canal Age in its technological innovation essential to the advancement of the industrial age.
14. Nos 1 to 5 Bridge Terrace are Grade II Listed Buildings. Late 18th/early 19th Century Brick two-storey buildings located close to the road. Their significance relates to their location within the Conservation Area and close to the canal which makes them important contributors to the historical fabric of the area. Furthermore, their position at the edge of the built-up area and their relationship to the open land beyond are part of their character linking the rural area to the market town. This brings the appeal site within their setting.
15. The proposed building would be backland development behind the listed terrace. Although only a single dwelling is proposed, the loss of the openness at the rear of the terrace would detract from the setting of the Listed Buildings. Whilst views towards the Listed Building and the Conservation Area are of the rear of buildings at this point, the loss of space and the addition of an isolated building would appear out of keeping.
16. The proposed dwelling would interrupt the historical relationship between the built-up area and the countryside beyond. Although views of the Listed Buildings and the Conservation Area from the appeal site and vice versa are obscured by trees and vegetation, this would be less in the winter months. This would be particularly apparent when approaching the town from the west along the canal. This open and rural approach highlights the importance of the land close to the edges of the Conservation Area and the character of the town and its intrinsic heritage attributes.
17. The Council has expressed concern about the design of the proposed dwelling and Historic England consider that more consideration needs to be given to the design and overall impact given the historical importance of the buildings nearby. Whilst I do not disagree with either of these views, the design is not my overriding concern or a determining factor in my assessment. I can see how some features have picked up on those of other buildings within Newport. However, it would be set apart from the listed terrace and this location makes it appear incongruous in the area. The addition of hardstanding areas and domestic paraphernalia would add to its impact on the surrounding area.

18. Whilst the site is not within the Newport Conservation Area, its proximity is relevant. I have therefore had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Also, as the proposal would affect the setting of the Listed Buildings I have had regard to the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving a Listed Building and its setting or any features of special architectural or historic interest which it possesses.
19. Paragraph 205 of the National Planning Policy Framework² advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the proposal, I find the harm to the setting of the Listed Buildings less than substantial. Under such circumstances, paragraph 208 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
20. The proposal would have public benefits in the form of providing an affordable dwelling. There would also be economic benefits during the construction period and in terms of the contribution that future occupiers would make to the local economy. However, these benefits are modest and would be insufficient to outweigh the harm I have identified.
21. Consequently, the proposed dwelling would be harmful to the character and appearance of the area and have an adverse effect on the significance of the designated heritage assets as outlined above. It would conflict with Local Plan Policy BE 1 which, amongst other things, requires development to respond positively to its context and demonstrate an integrated design approach. For the reasons outlined it would also conflict with Local Plan Policies BE 4 and BE 5 and Policy RS1 of the Newport Neighbourhood Plan³ together with the Framework with regard to the setting of Listed Buildings, a Scheduled Monument and the Conservation Area.

Highway and Pedestrian Safety

22. Access to the appeal site is from an existing access between a low stone wall and the end of Bridge Terrace. There are double yellow lines on the road and the speed limit changes from 30mph to 20mph close to the access. There is a pinch point in the road at this point. The Council's Highway's Officer has not objected to the proposal but requires clarification about visibility from the access and refers to the Design and Access Statement. However, this simply states that there are clear visibility sight lines in both directions that are up to standard for the 30mph speed restrictions. No plan has been submitted identifying visibility splays.
23. Given that the access is an existing one that already serves the site itself as well as providing an access to a property(s) in Bridge Terrace and an electricity sub-station, traffic associated with the proposed dwelling is unlikely to be of a scale to impact on highway or pedestrian safety. Furthermore, the speed limits on this section of the road and the slowing down of vehicles likely due to the

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2023 (The Framework).

³ Newport Town Council – Newport Neighbourhood Development Plan 2017 – 2031.

narrowing of the road, is likely to reduce any danger to highway safety. No evidence has been submitted that the access is a dangerous one now and therefore I have no substantive reason to find harm with regard to highway or pedestrian safety. The proposal would not therefore conflict with Local Plan Policies C 3 or C 5 which relate to avoiding any adverse impact with regard to highway issues or parking.

Other Matters

24. The proposed dwelling is described as being an affordable one and an executed Section 106 has been submitted to secure this. The addition of one affordable dwelling in the area is a public benefit albeit a modest one. Reference is made to the dwelling being a self-build/custom built one but this is not supported by any information. This matter therefore only has a neutral effect on my assessment.
25. Reference has been made to a previous refusal of planning permission and dismissal of an appeal. However, limited information has been submitted and so I am unable to draw any view as to the difference between this proposal and the previous one.

Planning Balance and Conclusion

26. I have found no harm in relation to highway or pedestrian safety but I have found that the proposal would harm the character and appearance of the area and the nearby heritage assets, including the setting of Listed Buildings, the Conservation Area and a Scheduled Monument. I have also found that there is a risk of flooding and drainage of the site has not been adequately addressed especially given the medium to high risk. The harm in this regard would be significant. This issue cannot be adequately dealt with by conditions. The proposal would have public benefits in the form of providing an affordable dwelling. There would also be economic benefits during the construction period and in terms of the contribution that future occupiers would make to the local economy. However, these benefits do not outweigh the harms I have identified.
27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR