



Appeal Decision

Site visit made on 18 December 2024

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/J1860/D/24/3349478

Townsend House, Spring Lane, Malvern, Worcestershire, WR14 1AL.

- 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 Dr Jeremy Turff against the decision of Malvern Hills District Council.
 - The application Ref is M/24/00264/HP.
 - The development proposed is described in the refusal notice as installation of both 2.4m high and 2.0m high wooden fencing inside the existing boundaries of Townsend House to reduce the noise levels of traffic (Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The retrospective nature of the appeal does not influence the manner in which the planning issues arising are considered.

Main Issues

3. The main issues are the effects of the fencing on the setting of the Listed Townsend House itself, on the street scene of Worcester Road, and on the neighbouring property at No 228 Worcester Road, all in the context of the surrounding Malvern Link Conservation Area (CA).

Reasons

Description

4. The Grade 2 Listed Townsend House stands in the southern part of a substantial domestic curtilage situated inside the southern boundary of the Malvern Link CA, at the junction of Spring Lane and Worcester Road. The property has accesses from both these roads. Jakoustic timber fencing has been erected to a height of 2.4m inside the long north western boundary to Worcester Road and at a height of 2.0m along the shared north eastern boundary with No 228 Worcester Road. There is a pair of matching 2m gates set back from the Worcester Road entrance. The main section of the 2.4m fence is screened from Worcester Road by a leylandii hedge 2.5m to 3.0m high.

Townsend House

5. The CA Appraisal identifies Townsend House and farm buildings at the corner of Worcester Road and Spring Lane as a prominent example of the earliest phase of development in the area.
6. The disputed fencing is relatively well separated from the Listed House by the extent of its garden. However, I agree with the comments of the Council, the Civic Society and several other respondents that the design and construction of even the lower 2m fence is starkly modern and utilitarian, more in keeping with an industrial site or highway boundary than the curtilage and setting of a Listed dwelling inside a CA.
7. Therefore, even accepting that its present light colour would weather to a darker tone, I consider the fencing to be significantly harmful to the setting of the Grade 2 Listed Townsend House, given that setting comprises essentially its own garden across which the fencing is prominently visible, despite the presence of trees and other garden features.
8. This effect amounts to less than substantial harm to the significance of a designated heritage asset, in terms of national policy, to be weighed against any public benefits of the development.

Street Scene

9. The Malvern Link CA Appraisal notes that there is very little consistency in boundary treatment within the CA but that the introduction of timber fencing is not considered to enhance the CA or the street scene, compared with its characteristic stone and brick boundary walls.
10. I accept that the 2.4m fence is set well behind the taller boundary hedge and is not itself strictly a boundary treatment. However, at the south western end, where the fence is set back adjacent to No 218 Worcester Road, the stark and utilitarian appearance of the fence and gates are much in evidence from the street.
11. Moreover, the leylandii hedge, whilst currently providing effective screening to most of the 2.4m section of the fencing, is not inherently a permanent visual barrier and, should it deteriorate in the future, the greater length of the uncharacteristic 2.4m timber fence would become visible from Worcester Road. This would further damage the street scene.
12. In view of the foregoing, the disputed fencing, whilst of good quality construction in itself, is harmful to the character and appearance of the CA as a whole, which is accordingly not preserved, as is required by long-established law.
13. These factors add to the case against the appeal.

No 228 Worcester Road

14. The neighbouring resident complains that the 2.0m fence at the shared boundary with Townsend House reduces light and harms the outlook from No 228 Worcester Road, whilst also blocking views and devaluing the property. The latter two considerations are not planning matters and the dwelling would appear to be sufficiently far from the boundary to avoid an unacceptable loss of light. However, the solid and utilitarian character of the new fence will understandably impinge

adversely on the outlook from No 228, again adding in some measure to the case against the appeal.

Other Material Considerations

15. The primary purpose of the fencing is traffic noise attenuation and this in itself provides an effective degree of enhancement to the setting of Townsend House, as a designated heritage asset. However, in my judgement, that benefit is substantially outweighed by the adverse visual impact of the fencing.
16. There is no evidence of any other public benefits arising from the development to offset the less than substantial harm I have identified to the Listed House.
17. I recognise that within the CA there are other uncharacteristic and obtrusive features, such as signs advertising B and Q and Texaco not far from the appeal site. However, it is the effect of the appeal fencing on the immediate setting of Townsend House, essentially comprising its enclosed garden, which is the main determining consideration in this case, properly judged on its individual merits. I do not therefore regard such external features as directly relevant to my decision.

Planning Balance and Overall Conclusion

18. I have found that the disputed fencing causes less than substantial harm to the setting of the Grade 2 Listed Townsend House as a designated heritage asset, with no compensating public benefits. This places the appeal development into unacceptable conflict with Policies SWDP 6, 21 and 24 of the adopted Development Plan which together, consistent with national policy, require all development to be of high-quality design to protect the historic environment. I consider that this consideration alone warrants dismissal of the appeal.
19. Moreover, the adverse effect of the development on the Worcester Road street scene, failing to preserve the character or appearance of the Malvern Link CA as a whole, is in further unacceptable conflict with Policy SWDP24 as well as with national policy and planning law. This adds considerably to the case against the appeal.
20. The degree of adverse impact on the outlook from No 228 Worcester Road also conflicts with Policy SWDP 21.
21. Overall, I find that the development fails to comply with the development plan as a whole, with no overriding material considerations in its favour.
22. It is therefore my conclusion that this appeal should be dismissed.

B J Sims

INSPECTOR