

Appeal Decision

Site visit made on 17 January 2017

by **J J Evans BA Hons MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2017

Appeal Ref: APP/R3325/W/16/3159154

Alehouse Lodge, Ilchester Road, Charlton Mackrell, Somerton TA11 6AB

- 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 & Mrs Bugg against the decision of South Somerset District Council.
 - The application Ref 15/03758/FUL, dated 6 August 2015, was refused by notice dated 4 March 2016.
 - The development proposed is the conversion of the existing building into 2 no dwellings and erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Charlton House is a grade II* listed building within the Charlton Mackrell Conservation Area. As required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Application for Costs

3. An application for costs was made by Mr & Mrs Bugg against South Somerset District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are firstly, the effect of the proposed conversion and erection of a detached dwelling on the character and appearance of the area, having particular regard to the setting of Charlton House and the character and appearance of the conservation area; and secondly, the effect of the proposal on highway safety.

Reasons

Character and Appearance

5. The appeal site is a former public house that ceased trading in 2008, and is now occupied as a single dwelling. The Council and Historic England regard the property as a non-designated heritage asset. The building has a number of rear extensions including a skittle alley, and a generous parking area and rear
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- garden. Constructed mostly of stone and tile this two storey building is positioned on the carriageway edge, close to a sharp bend in Ilchester Road near to its junction with Top Road. The form of the building, including its height and length, its construction from local traditional materials, its prominent position and its former use, are part of its significance. It makes a positive contribution to the conservation area and the historic core of the village.
6. Close to the site is Charlton House. This imposing high status building is eye-catchingly dominant. Due to its position within the village and its deliberate segregation behind a stone boundary wall, large garden and parkland, the subservient relationship of the village to the house is readily apparent. Even with the mature trees and landscaping of the gardens and parkland, the striking impact of the house and its dominance of the village is a distinct feature of its significance and that of the conservation area. The modest appearance and form of the appeal building contributes towards the dominance of Charlton House, and is therefore a positive part of the setting of this listed building.
 7. A characteristic feature of the conservation area is the presence of stone walls delineating property boundaries. These walls, along with the close proximity of many historic properties to the highway, gives an enclosed and defined appearance to the public realm, an attribute that is enhanced by the absence of footways.
 8. The provision of a footway to the site frontage would necessitate the removal of both bay windows of Alehouse Lodge. The short length of footway and its projection into the carriageway, along with the associated traffic calming measures would appear noticeably different to the character and appearance of the area. There would be a cluttered and engineered appearance to the site frontage that would be at harmful odds to the defined boundaries of nearby properties and their relationship with the highway. Furthermore, the loss of the lias shields bay window would remove a distinctly vernacular feature that is part of the significance of the building.
 9. The existing timber windows particularly those to the front elevation, contribute towards the historic appearance of the building. The appellants have stated that only unserviceable windows and doors would be replaced with upvc during the conversion, although which ones would be retained or removed has not been specified. The use of upvc in such a prominent historic building would be an incongruous contrast to its modest vernacular appearance.
 10. Turning now to the proposed house, this would be constructed of stone under tile and would infill the open gap of the car park. I agree with the Council that in principle the development of the car park could enhance the character and appearance of the area, as its wide open frontage is very different to the defined boundaries present nearby. However, the dwelling would be set back from the highway behind the new footway, and would be taller than Alehouse Lodge. Most of the properties in the historic core of the village are of similar heights giving a harmonious appearance to the area that enhances the dominance of Charlton House. The appellants consider the house would have a similar height to other properties along Ilchester Road. Be that as it may, the house would be taller than Alehouse Lodge, nor is it clear how much taller it would be than Greystones or other nearby properties.

11. The proposed dwelling would be readily apparent within the street scene, particularly when viewed from the south. Although it would be seen within the context of the nearby buildings, the height of the proposed house along with its relationship with the highway, and the complexity of the style and pattern of its fenestration would make it noticeably different. These differences would be such that the house would harmfully draw the eye. This, the alterations to Alehouse Lodge and the provision of a footway would therefore harm the dominance of Charlton House.
12. I also share the concerns of the Council as regards the impact of car parking provision within the scheme. The former public house's car park now serves a single dwelling and is a large open space within the site with an informal appearance that would be very different to the proposed car ports and associated parking courtyard. The grouping of car ports around a turning bay along with the tandem parking layout would make the parking provision a focal point of the development. This would be at harmful odds with the historic pattern of development found nearby where parking is subservient in position and appearance to the buildings it serves.
13. The National Planning Policy Framework (the Framework) requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining applications, and moreover, that great weight should be given to the significance of designated heritage assets. The appellants have drawn my attention to the local support for the scheme and that the rear of the site is not readily open to views. However, the requirements of the Framework and the statutory duties of the Act apply in all cases, to all parts of a scheme even when not visible from the public realm, and also to where there is local support
14. For the reasons given the proposal would harm the significance of a non-designated heritage asset, and would neither preserve nor enhance the character or appearance of a conservation area nor preserve the setting of a listed building. This would be contrary to the requirements of Policy EQ3 of the South Somerset District Local Plan (2015) (LP), which seeks amongst other things, development that safeguards or enhances the significance of heritage assets, reflecting the Framework.
15. The Framework requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this case the proposal would result in less than substantial harm due to the comparative size of the scheme compared to that of the conservation area and setting of Charlton House as a whole.
16. The appellants have pointed out that the provision of additional dwellings within the village would be of benefit to housing delivery as the Council have no five year housing land supply. There would be some limited public benefit to the provision of additional dwellings and the contribution of future occupiers to the vitality of local services. However, the benefit of the renovation and restoration of Alehouse Lodge would be outweighed by the harm of the proposed works to the building, and for the reasons given above the provision of three dwellings on the site would not be the optimum viable use with regard to the proposal's impact on the historic environment. Thus there would be a very modest public benefit from the provision of additional houses, but this

would not outweigh the adverse impact I have found to the conservation area and the setting of a listed building.

Highways Matters

17. Local residents consider Ilchester Road to be a rat-run during rush-hours. From the evidence before me, including what I observed at my mid-morning site visit, due to the sharpness of the bend most vehicles slow down to negotiate the corner.
18. The bend would give drivers leaving the site access limited visibility. The proposed footway would allow vehicles to project beyond Alehouse Lodge, but there would still be restricted visibility due to the bend. The appellants have pointed out the former use of the site as a public house. However, this was some time ago and the property is now used as a single dwelling with the potential for access to the site across the full width of the car park. Accepting that other properties have restricted visibility splays and that most users of the highway would be travelling slowly to negotiate the corner, nevertheless the reduced visibility of the proposed access, combined with its proximity to a sharp bend and a road junction, would be dangerous.
19. The construction of a footway along the site frontage would allow pedestrian access to the front doors of the houses, and this would be a benefit to future residents. Notwithstanding this I share the concerns of the Council as regards the impact of its provision on other users of the highway. The presence of a footway would narrow the road, thereby altering the path of vehicles, particularly heavy goods vehicles, deflecting them into the centre of the road in order to negotiate the bend. Whilst there would be a short length of footway for any pedestrian to use, it would not connect with any other footway, and users would be obliged to step back into the road very near to the sharp bend.
20. The appellants provided a Technical Note to support the appeal, pointing out that the Council refused the application before it could be finalised and submitted. However, the appeal process should not be used to evolve a scheme. It is important that the facts before me are essentially those considered by the Council and other parties. In this instance there are several differences between the appeal scheme and that considered by the Council, and furthermore, the Technical Note is a draft version. The Council have had an opportunity to comment, but others have not. The Technical Note differs significantly from the application and as others have not had an opportunity to comment, I am therefore unable to accept it as an amendment.
21. Thus the proposal would not maintain highway safety for all users, and therefore would be contrary to LP Policy TA5 that seeks like objectives of the Framework and the Manual for Streets, safe and convenient access for all.

Other Matters

22. Finally, the appellants' have raised a number of issues regarding the Council's handling of the application and the extension of the conservation area. I appreciate such matters would be of concern to the appellants but they have to be pursued by other means separate from the appeal process and do not outweigh the planning considerations of the case.

Conclusion

23. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR