
Appeal Decision

Site visit made on 22 December 2014

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 13 January 2015

Appeal Ref: APP/B1605/A/14/2225864

Land at Longleat, Church Road, Swindon Village, Cheltenham GL51 9QR

- 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 and Mrs Williams against the decision of Cheltenham Borough Council.
 - The application Ref 14/00372/FUL, dated 28 February 2014, was refused by notice dated 29 April 2014.
 - The development proposed is the erection of 1 no. dwelling together with detached garage/workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - whether the proposed development would preserve or enhance the character or appearance of the Swindon Village Conservation Area; and
 - the effect of the proposal on the setting of Swindon Hall, a Grade II listed building.

Reasons

3. The appeal site is adjacent to Swindon Hall, a Grade II listed building and it is also within the Swindon Village Conservation Area. Accordingly, I have paid special attention to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and also to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with section 72 of the Act.
4. The appeal site currently comprises a landscaped area to the front of the property 'Longleat', but is separated from it by a private road which serves a number of properties. These properties are modest detached, stone faced, chalet style bungalows, with gardens to the front and rear.
5. The site contains a lake with an island, accessed by a footbridge, together with a large grassed area. The Council states that this feature is shown on the 1884

historic map and would have historically formed part of the grounds to Swindon Hall.

6. To the south and east of the site lies a playing field, separated from the appeal site by a wire fence and mature trees and shrubs. Similarly, the boundary to Swindon Hall consists of a beech hedge and close boarded timber fence. Due to these boundary features the site has a secluded feel, nevertheless, as I saw on my site visit, views into and across the appeal site towards Swindon Hall can be sought from the adjacent playing field.
7. The appeal proposal is for the erection of a timber clad, single storey dwelling, with glazed link corridor, part 'green'/ part zinc roof, which would 'bridge' across the lake on to the island, together with a detached garage/workshop.

Whether the proposal would preserve or enhance the character or appearance of the conservation area?

8. The Swindon Village Conservation Area Character and Management plan 2007 (CACMP) states that the village has a long history dating back to the 10th Century, and that the area has retained its unique character and appearance through the dominance of historically and architecturally important buildings and their historic settings.
9. From what I saw on my site visit I have no reason to disagree with this assessment. The area surrounding the appeal site is dominated by Swindon Hall, which is clearly visible over and through the mature trees and hedging. Furthermore, the surrounding development is modest and subservient to the Hall. While the large playing field and other pockets of open space and mature landscaping – including the appeal site - contribute significantly to the character and appearance of the area.
10. Additionally, whilst the loss of this pocket of open space would amount to approximately a quarter of the site it would become more enclosed and more domestic in nature, significantly reducing the important contribution the site makes to the character and appearance of the Conservation Area.
11. The CACMP states that careful consideration must be given to, amongst other things, the size, scale, urban grain, design and materials to ensure that proposals respond positively to their context. Whilst I acknowledge the potential role of contemporary design in Conservation Areas and appreciate the subservient scale of the dwelling which retains the ability to recognise the importance of the neighbouring listed building. I consider, however, that the extensive use of timber in various forms, substantial areas of glazing and the use of zinc for some of the roof would be particularly noticeable and uncharacteristic of the Conservation Area as a whole. It would contrast markedly with the simple form and appearance of the surrounding bungalows and would be an intrusive and incongruous building. In this respect I acknowledge the comments of the Council's Conservation Officer which adds further weight to my concerns.
12. To conclude on this main issue, the proposal would not conform with Cheltenham Borough Local Plan 2006 (Local Plan) Policies BE1, CP3 and CP7, which are in general accordance with the National Planning Policy Framework (the Framework) as they relate to the importance of good design and to heritage conservation.

The effect of the proposal on the setting of the listed building

13. The proposal would be located to the south of the Grade II listed Swindon Hall. A listed building, as a heritage asset, possesses significance which the Framework defines as its value to this and future generations because of its heritage interest. Significance derives not only from the asset's physical presence, but also from its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
14. Originally Swindon Hall, would, no doubt, have been an isolated building and this would have emphasised its status. However, it now stands within other developments of houses and bungalows of individual designs that have been built in the last 90 years or so. Despite this some sense of spaciousness remains around the property due to its relatively wide garden and the adjacent open space, which includes the appeal site. Furthermore, given that the building line formed by neighbouring development remains behind its eastern façade the listed building can still be appreciated.
15. In my opinion, the significance of Swindon Hall is partly derived from its commanding position and its relationship with the adjacent open space. The proposed development would stand within this setting and would have an effect on the significance of the heritage asset. Whilst the proposed dwelling would be a subservient counter-balance to Swindon Hall in terms of scale and appearance, it would sit within the open setting and reduce the positive contribution the verdant character of the appeal site makes to the listed building's setting.
16. Accordingly, the proposal would conflict with paragraphs 132 and 137 of the Framework and Local Plan Policy Policies BE1, CP3 and CP7, which relate to the importance of good design and to heritage conservation.

Other Matters

17. In coming to these findings I have taken into account other recent developments in the Conservation Area drawn to my attention, including schemes at Fortune Cottage and Kynance. However, whilst there may be some comparable elements to the present appeal, the circumstances are sufficiently different to the case before me as to negate meaningful comparison.
18. The appellant has stated that the Council cannot demonstrate a 5yr housing land supply and therefore the presumption in favour of sustainable development applies. However, while some aspects of the proposal would find favour with the economic and social roles of sustainable development as set out in the Framework paragraph 7, it would not satisfy the environmental role as a result of the harm to the Conservation Area and the setting of the listed building.

Conclusion

19. I have found that the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area and would cause harm to the setting of Swindon Hall, a Grade II listed building. Whilst the harm to the setting of the listed building and the Conservation Area as a whole would be

less than substantial this is still a level of harm to which considerable weight and importance should be attached.

20. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal. Paragraph 132 of the Framework says that great weight should be given to the asset's conservation, and any harm requires clear and convincing justification. In this case I am aware of no clear and convincing justification for the development and no particular public benefits that would outweigh the harm identified.
21. For the reasons set out above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

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