The Planning Inspectorate

Appeal Decision

Site visit made on 15 February 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 22 February 2017

Appeal Ref: APP/B3438/D/16/3163614
2 Church Terrace, Blythe Bridge Road, Caverswall, Staffordshire ST11 9EA

- 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 Ms Stella Dawson against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0478, dated 27 July 2016, was refused by notice dated 7 November 2016.
- The development proposed is new access to front of property for hard-standing single driveway instead of front garden area.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Caverswall Conservation Area including the setting of the nearby listed buildings.

Reasons

3. Under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required in this case to have special regard to the desirability of preserving the setting of the listed buildings near the appeal site and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Caverswall Conservation Area.

4. Those statutory duties of general applicability are reflected in national policy in the form of the National Planning Policy Framework ('the Framework') and in policy DC2 of the Council's adopted Core Strategy Development Plan Document.

5. The proximity of the appeal site to a number of listed buildings, namely the Church of St Peter (Grade ll*), the East Lodge to Caverswall Castle and balustrading screen wall (Grade ll), the Church of St Filumena (Grade ll)[1] and Caverswall Castle (Grade l) itself, make the character and appearance of this part of the conservation area and the setting of this assemblage of listed buildings for all practical purposes virtually indivisible. The unlisted cottage and its front garden, a little elevated above the highway behind a characteristic and

[1] Spelling derived from the OS map for clarity rather than the alternative spelling used in Historic England's formal listing

traditional ashlar stone wall are within the conservation area, contributing significantly to its character and appearance. They are experienced directly within the setting of the listed buildings, albeit a little removed from the castle by the intervening listed buildings. In particular, the appeal site can be appreciated from the footpath within the grounds of St Peter's Church in the vicinity of the large yew tree but it can in any event be appreciated more generally from the highway in the vicinity of the East Lodge and the elevated footpath across the front of St Filumena's Church.

6. It is clear that Caverswall is a special place in heritage terms and, whilst I am sympathetic to the inconvenience that the limited parking opportunities in the village and the lack of private off-road parking at 2 Church Terrace must impose on its occupiers, I am in no doubt that, in principle, the removal of the wall to the front and the re-engineering of the front garden to accommodate a motor vehicle would harm both the character and the appearance of the conservation area and detract from the setting certainly of St Peter's, St Filumena's and the East Lodge, if not the Castle itself through close visual association with these buildings.

7. The fact that something similar has already occurred at the adjacent cottage (1 Church Terrace) is unfortunate but does not strengthen the case for this proposal. Compounding harm to heritage assets by introducing further harm finds no justification in relevant policy.

8. That said, I appreciate that the appellant has sought to create a design which would seek to minimise the harm and with that in mind I looked carefully at what has been implemented at Green Man Cottage in nearby Caverswall Square. Whatever view one takes of the claimed success of the approach there, it is clear that the circumstances are very different, not least the fact of an attached garage suggesting a driveway of longstanding. But in any event the visual relationship to the listed buildings in such close proximity to the appeal site is markedly different and the fact that the work at Green Man Cottage has been carefully executed has no significant bearing on the determination of this appeal on its own merits.

9. Listed buildings and conservation areas are designated heritage assets for the purposes of the Framework and, although I concur with the Council's view that the harm to the significance of the relevant heritage assets in this case would be less than substantial, harm of that type must in any event be weighed against the public benefits of the proposal.

10. Highway safety is, I acknowledge, potentially a matter where public benefit could accrue, but I have no authoritative evidence that the on-road parking that must occur generally in the village is significantly harmful in this context, notwithstanding that the competition for the limited number of spaces in the highway where safe parking can occur must on occasion be intense. Nor do I have authoritative evidence to persuade me that the circumstances of the appeal site are such that there are compelling highway safety reasons to park within the curtilage of the property rather than to endure the necessity of parking safely in the highway elsewhere, or through some other arrangement, even though by comparison with residing in a property with dedicated parking, this must be a considerable private inconvenience.

11. The test set out in paragraph 134 of the Framework is therefore not satisfied by this proposal and for all the above reasons it would harmfully conflict with

policy DC2 of the Council's Core Strategy notwithstanding what I accept are the appellant's genuine attempts to achieve good design in context with a view to satisfying the requirements of DC1. I do not accept the scheme proposed would enhance public appreciation of the cottage she occupies. On the contrary, the engineering works required to safely accommodate a vehicle in the front garden, given the change of level and the constraints on available space would in my view be harmfully incongruous bearing in mind its current charm as a traditional form of dwelling within the village.

12. No material considerations sufficient to overcome the conflict with policies DC1 and DC2 sufficient to outweigh their intentions to ensure good design in context and protect and conserve the historic environment have been identified; and the material consideration of national policy, as set out in the Framework, in any event militates very strongly against the proposal. I am therefore driven to the conclusion that the appeal must fail.

Keith Manning

Inspector