



Appeal Decision

Site visit made on 28 October 2020

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/L3245/W/20/3256953

Donbard House, 40 Belle Vue Gardens, Shrewsbury, SY3 7JH

- 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 Paul Majski against the decision of Shropshire Council.
 - The application Ref 20/00693/FUL, dated 22 February 2020, was refused by notice dated 27 May 2020
 - The development proposed is the erection of replacement dwelling following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has requested that the description of development be changed to that in the banner above from *'construction of two storey 3-bedroom replacement dwelling along with detached double garage and link corridor. Demolition of existing house, concrete drive and 2 outbuildings'*, and submitted new plans to reflect this. The appeal process should not be used to evolve a scheme and the Council have raised concerns on this basis. However, the Council has confirmed that it would not alter its primary reason for refusal. Third parties have made representations in respect of the garage and layout, and I do not consider that any party would be prejudiced by my acceptance of the amended description and plans. I have therefore determined the appeal on that basis.
3. The Council has also requested that Appendix 1 of the appellant's statement is disregarded. This comprises a letter from a local history enthusiast, covering a report from a local firm of architects regarding the summer house to the rear of the property, dated 11 October 2002. The Council questions whether the architect is aware that his letter has been used. If such consent was not sought by the appellant, then that would be a matter to be considered separately and outside of the determination of the appeal. I have therefore reviewed Appendix 1 as part of the appellant's submission.
4. Following submission of additional reporting relating to bats, the Council have confirmed that lack of information in this regard is no longer a reason for refusal.

Main issue

5. The main issue is whether the proposal would preserve or enhance the character and appearance of the Belle Vue Conservation Area.

Reasons

6. The appeal site falls within the Belle Vue Conservation Area (CA). I have been provided with a map of the CA, which shows it to be extensive, but a character appraisal is not available. I observed at the site visit that the locality comprises a mixture of modestly sized 2- to 3-storey terraced and detached housing. The defining characteristics of the area are that buildings are constructed of red brick with stone detailing and gable ended slate roofs with brick chimneys. In form, the houses are typical of those built from the second half of the 19th century onwards.
7. Donbard House is a detached, Victorian, double-bay fronted house, surrounded by mature gardens in a long plot. It is of historic interest because it was one of the first to be built along the lane at Belle Vue Gardens, by 1860. It is set back from the highway, which is a characteristic feature of the earliest, larger properties in the area. The Council also cite its modest scale, traditional design, double-pile slate pitched roof with end chimney stacks and central entrance door as being characteristic of the time that it was built. I consider that it makes a positive contribution to the character and appearance of the CA because of its early origins, traditional layout and typically Victorian form.
8. The house was covered with a roughcast render during the second half of the 20th century, which to an extent reduces its contribution to the street scene. However, as mentioned by the Council this could potentially be changed. I have therefore not attributed this factor much weight in my assessment of the contribution of the site to the CA.
9. It is proposed to demolish the existing house and replace this with a larger one built in the Georgian style. The new house would be rendered and coloured, with an imposing front entrance porch and hipped roof with a single, rendered chimney, none of which take cues from the prevailing surrounding architecture. Apart from a slate roof, the proposal does not reflect the defining architectural characteristics of the CA.
10. The appellant has drawn my attention to the terraced housing directly opposite the appeal site, which has echoes of late-Georgian architecture. However, the proposal does not merely pay homage to the Georgian era, it would clearly be in its entirety a Georgian pastiche, which would be incongruent with the prevailing appearance and character of the area.
11. The proposal is for a larger house with a frontage brought forward in the plot and a substantial porch. Rather than sitting modestly, it would be prominent in the street scene, exacerbated by its large size, unusual architecture and finish. I acknowledge that the proposed house would be set back behind a wall and trees, but for the reasons above, I consider that it would be prominent, nevertheless.
12. Through loss of a building that makes a positive contribution to the CA and replacement with a dwelling that does not draw upon the defining characteristics of the area, I consider that the proposal would not preserve or enhance the character and appearance of the CA.

13. In the context of paragraph 196 of the National Planning Policy Framework (the 'Framework') the development would lead to less than substantial harm to the CA. It is therefore necessary for me to consider whether there are any public benefits that would outweigh such harm.
14. The appellant has indicated that they would accept a condition to secure refurbishment of the summer house to the rear of the plot. Although not explicitly referring to the structure as a heritage asset, the Council describes it as likely to be contemporary with the house and useful in reinforcing the links with the original historic landscaped gardens. In the event that it was possible to reasonably impose a planning condition to deal with such a matter, I consider that the restoration of the summer house would be of modest public benefit given its historical interest in the area. However, I do not consider that these works need necessarily be dependent on the proposal being successful, which limits the weight that I attribute to this benefit, and this is not a matter which in itself would outweigh the less than substantial harm caused to the CA.
15. In addition to the above, construction of the house would generate a small, short-term contribution to the economy. I note that the new house would be made wheelchair accessible to meet national good practice standards, which is to be welcomed, but given the small scale of the development, the public benefit from this would be small.
16. The appellant suggests that a 'large proportion' of the existing house is uninhabitable and if this were the case, I concur that there would be public benefit from rectifying this. However, except the cellar, none of the problematic rooms listed in the statement relate to the original house. The Building Survey (2020) states that overall, the property is in a satisfactory condition. Although a number of significant issues were identified during the survey, there is no suggestion that most could not be overcome. I also consider that the benefits from removing the roughcast render could be achieved outside of the planning regime and, in any event, this has to be balanced against the harm caused from the erection of the proposed dwelling.
17. There would be benefits from the construction of a more environmentally sustainable building, but no evidence has been provided that this could not be substantially achieved through modifications to the existing structure. I have also had regard to the Council's view that demolition of an existing house and construction of a new one is not without environmental cost.
18. The appellant has drawn my attention to *Dorothy Bohm v SSCLG* [2017] EWHC 3217. As in this case, the building in question made a small, positive contribution to the CA. I appreciate that removal of a building does not necessarily mean that the CA overall is harmed and it is the impact of the proposal in its entirety that is the issue. Critically, the Inspector in that case found that the design of the replacement building would promote and reinforce local distinctiveness, which is not applicable here.
19. The Council recognises Donbard House as a non-designated heritage asset in its own right. The appellant disputes this because it was originally architecturally poor, and its appearance has been further eroded since that time. I acknowledge that the house may not be an example of the best of Victorian architecture and does not appear to have had important historical connections. However, the existing building undoubtedly has some heritage significance for its history and form, in addition to its contribution to the street

scene of the CA. On this basis, I do not find it unreasonable that the Council are treating the site as a non-designated heritage asset.

20. Paragraph 197 of the Framework requires that assessment of the effect of development on the significance of a non-designated heritage asset should have regard to the scale of any harm and the asset's significance. Although the significance of Donbard House may be small, I consider that the complete loss of this asset constitutes harm, nonetheless.
21. Overall, I do not consider that any of the identified public benefits would outweigh the less than substantial harm caused to the character and appearance of the CA. There would also be harm to the non-designated heritage asset through demolition of Donbard House.
22. I conclude that the proposal would not preserve or enhance the character or appearance of the CA. This harm would arise from construction of an incongruous replacement dwelling and the loss of a non-designated heritage asset. The development would therefore fail to accord with the design and conservation requirements of Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011), Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (adopted 2015) and the Framework.

Conclusion

23. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR