



Appeal Decision

Site visit made on 15 February 2022

by **John Wilde CEng MICE**

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2022

Appeal Ref: APP/R3325/D/21/3289193

11 High Street, Ilchester, Yeovil BA22 8NQ

- 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 James Edmondson against the decision of South Somerset District Council.
 - The application Ref 21/02364/HOU, dated 27 July 2021, was refused by notice dated 6 October 2021.
 - The development proposed is construction of vehicular entrance onto the land.
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Decision

1. The appeal is dismissed.

Procedural matters

2. As the description of development on the planning application form is somewhat lengthy, I have used the more concise description as given on the Council's decision letter.
3. The wall in question falls within a nationally important Scheduled Monument (National Heritage List Entry 1006155) and therefore the proposed works would require a Scheduled Monument Application. This is however a separate process, outside the remit of this decision.

Main Issues

4. The main issues are:-
 - a) Whether or not the proposed development would preserve or enhance the character or appearance of the Ilchester Conservation Area, and
 - b) The effect of the proposed development on highway safety.

Reasons

Character and appearance

5. Whilst the address of the appeal site is in the High Street, the proposed works relate to creating a new vehicular access from Priory Road at the rear of the property. The proposed development would result in the removal of a section of stone wall and the creation of a vehicular access with turning provision. The proposed driveway would be at a 1 in 10 gradient and formed with plastic pavements with gravel infill to the sloping area and gravel thereafter.

6. The appeal site, including the stone boundary wall, is within the Ilchester Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. Historic England (HE) consider that the wall provides a positive contribution towards the character and appearance of the Conservation Area. The Conservation Area Appraisal (CAA) makes clear that where they survive, the rear and side boundary walls to houses to both sides of the High Street, but particularly the west side at the end of gardens which back onto Priory Road, are of significant local importance and that the boundary walls of Ilchester Conservation Area are exceptional in terms of their extent and their quality.
8. The CAA goes on to say that the boundary walls are of Blue Lias Stone laid to squared courses and that *wherever these walls are found they form a very important part of the positive character and appearance of the conservation area and are often a true reflection of the vernacular character of the town*. I give significant weight to the views of HE and to the findings of the CAA. Furthermore, the Council consider that the wall forms part of a non-designated heritage asset and given the foregoing I would agree with that assessment.
9. The wall to the rear of No 11 has already collapsed and there would be some benefit in that some of the wall would be reconstructed. Notwithstanding this however, up to 3.6m would be permanently removed and I am conscious that paragraph 96 of the National Planning Policy Framework (the Framework) makes clear that where there is evidence of damage to a heritage asset, the deteriorated state of that asset should not be taken into account in any decision.
10. Whilst several sections of the rear walls of the High Street properties have collapsed or been removed over time, this does not seem to me to be a satisfactory premise to allow further loss.
11. The removal of up to 3.6m of the wall cannot be construed to be conserving or enhancing the conservation area and would compound the harm to the conservation area that has already occurred in other parts of Priory Road, where the wall has been replaced by wooden fencing. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. The appellant points to the removal of one vehicle from the highway, but to my mind this would not outweigh the removal of the length of wall.
12. Paragraph 203 of the Framework indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. The CAA makes clear that the wall is an important asset and it follows that losing a section of it would seriously undermine its significance.
13. In light of the foregoing the proposed development would conflict with policy EQ3 of the South Somerset Local Plan (2006-2028) (LP) which seeks to ensure, amongst other things, that all new development proposals relating to the historic environment will safeguard and where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

There would also be conflict with policy EQ2 of the LP which requires that development preserves or enhances the character and appearance of the district.

Highway safety

14. There is parking on Priory Road on the opposite side to the proposed access. Whilst the road is straight and is subject to a 30mph speed limit, it is relatively narrow and therefore due to the parking, vehicles moving along priory Road in either direction will generally be on the same side of the road as the proposed entrance. It follows that, even though traffic flows are likely to be limited, good visibility when emerging from the proposed access would be essential.
15. The plans accompanying the application show that a visibility splay of 40m could be achieved to the south-west of the proposed access from a distance of 2m back by reducing the height of the stone wall over a length of 22m. This would however have to be over sections of wall outside of the ownership of the appellant. Whilst it would be possible to impose a Grampian condition relating to this visibility splay the removal/reduction of a further length of wall would cause more harm to the character and appearance of the conservation area. This to my mind would be unacceptable. I also note that nothing is shown on the plans to indicate a visibility splay to the north-east.
16. Policy TA5 of the LP requires, amongst other things, that all new development is designed to ensure that the traffic generated does not compromise the safety of the local road network. The proposed development would conflict with this policy as well as with paragraph 110 of the Framework, which makes clear that safe and suitable access to a site can be achieved for all users.

Conclusion

17. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR