

Appeal Decisions

Site visit made on 5 February 2016

by **Jonathan Bore MRTPI**

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

Decision date: **11 March, 2016**

APPEAL A: Appeal Ref: APP/R3325/W/15/3137408

APPEAL B: Appeal Ref: APP/R3325/Y/15/3138579

Acorn House, 7 Lansdowne Place, Wincanton, Somerset BA9 9FB

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - Appeal B is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeals are made by Mr and Mrs D Smith against the decisions of South Somerset District Council.
 - The applications, ref 15/01314/FUL (Appeal A) and 15/01315/LBC (Appeal B), both dated 6 March 2015, were refused by notices dated 12 August 2015.
 - The development proposed in both applications is described as the erection of a natural stone wall to divide the garden, the formation of a vehicular access through the existing wall and the replacement of a rendered wall to natural stone.
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Appeals A and B: decisions

1. The appeals are allowed and planning permission and listed building consent granted for the erection of a natural stone wall to divide the garden, the formation of a vehicular access through the existing wall and the replacement of a rendered wall to natural stone at Acorn House, 7 Lansdowne Place, Wincanton, Somerset BA9 9FB in accordance with applications ref 15/01314/FUL (Appeal A) and 15/01315/LBC (Appeal B) both dated 6 March 2015 and plans numbered 14.03, 14.04A (with the exception of the garage), 14.01D and 15.06, subject to the conditions set out in Appendix 1.

Application for costs

2. Applications for costs in respect of both Appeal A and Appeal B were made by Mr and Mrs D Smith against South Somerset District Council. These applications are the subject of separate decisions.

Clarification

3. The applications originally included a garage and an access to Angel Lane, but these were removed from the scheme while it was still with the Council. They do not form any part of the appeals.
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Main Issue

4. The main issue in these appeals is the effect of the development and works on the heritage assets in this part of Wincanton, including the Grade II listed buildings, 7 Lansdowne Place (Acorn House), and the adjoining 6 Lansdowne Place, and Ash House to the rear, and their settings; and the effect of the development on the Wincanton Conservation Area as a whole, and whether it would serve to preserve or enhance its character or appearance.

Reasons

5. Acorn House, 7 Lansdowne Place, and its neighbour 6 Lansdowne Place, are part of the former Priory of St Luke and St Theresa. The building dates from 1888 and is listed Grade II. It is a good example of a late 19th Century monastic complex constructed in local stone and tile and hence has considerable significance as a heritage asset. There are three main elements to this scheme and these are dealt with in turn.
6. The first is the replacement of the modern rendered wall at the front of Acorn House with a new stone wall. The present wall is similar to the front garden walls of the relatively recent houses in Lansdowne Place; however, its position and function relate more closely to Acorn House and, seen from the front, its rendered finish detracts from the view towards that house's imposing stone façade. The proposed stone wall would be more in keeping with the colour and material of the listed buildings. It would also be consistent with the stone walls that mark the ramped entrance into Lansdowne Place, and with numerous other stone buildings in the vicinity. It would not cause any harm to the listed building itself, would improve the building's setting in comparison with the current rendered wall, and would enhance the character and appearance of Lansdowne Place and the conservation area.
7. The second part of the scheme is a new stone wall to mark the new division between the gardens of Acorn House and Ash House to the rear. Acorn House has only a small front garden and it is proposed to take in some land at the back formerly belonging to Ash House to provide a rear garden. The new garden would be separated from Ash House by a new stone wall across the former plot. Ash House has an exceptionally long plot and the end of its garden is untended. Whilst the new wall would subdivide an historic plot, the location of the wall would be so far from Ash House that the effect on its setting would be minimal. Ash House would still retain a long plot. The wall would be constructed of stone in keeping with its surroundings. Subject to the approval of details, which can be dealt with by condition, there would be no harm to the listed buildings or their settings, and the character and appearance of the conservation area would be preserved.
8. The third element of the scheme concerns the provision of an opening in the existing stone boundary wall at the side of Acorn House. To gain vehicular access to the new rear garden, a 3m opening with gates would be created to provide vehicle access to a hard standing. The hard standing would be an unobtrusive feature located behind the wall, and the gate across the opening would not be obtrusive either since it would be located at the back of the small front garden of Acorn House. The affected wall is not part of the elevational composition of the main building, it a simple and plain stone garden wall with no finesse of detail or architectural merit, and it cannot be appreciated from Lansdowne Place in juxtaposition to the building, since it sits at the back of the

small front garden of Acorn House. It has some relevance to the layout of the site, but the breach would be a small proportion of the wall's length, and the wall could continue to be understood as part of the layout of the monastic complex. There would be a small loss of historic fabric, but the part of the wall that would be removed for the opening is already degraded, having deteriorated over time, and has lost some of its height. Whilst great weight is attached to the protection of listed buildings as historic assets, the harm that would arise from the breach of the wall in this particular case would be much less than substantial.

9. As regards this element of the scheme, public benefit would arise because the opening in the stone wall would facilitate the creation of a garden area that is better related to the size of Acorn House. At present Acorn House has a very small garden and the provision of a larger area of land would make the house a more attractive prospect for a greater variety of future potential occupants, thus providing a sounder basis for its future custodianship. The existing stone wall would be repaired, and would have a more relevant purpose as a division between the entrance area of the house and the more private back garden; its renewed purpose would again be likely to ensure its better longer term maintenance. Cars at present have to be parked at the side of the building where they can be seen in close relationship to the main house; the scheme would enable cars to be parked behind the wall, where they are less likely to be visible in relation to the main front elevation of the listed building. As the use of Acorn House remains the same as at present there is no reason to suppose that there would be a harmful increase in the amount of traffic using Lansdowne Place. Issues regarding rights of access are private matters and are not within the scope of these appeals.

Conclusion

10. Having special regard to the desirability of preserving the listed buildings and protecting their settings, and bearing in mind the great weight that is given to the protection of heritage assets, I consider that all the proposals would preserve and enhance the setting of the listed buildings and the character and appearance of the conservation area; the character of Lansdowne Place would not be harmed; and the public benefits as described above would outweigh the very limited harm caused by the removal of 3m of wall. The scheme would accord with and further the aims of policies EQ2 and EQ3 of the South Somerset Local Plan 2015 which seek high quality development that promotes local distinctiveness, enhances the character and appearance of the district and seeks to conserve and enhance heritage assets.
11. For all the above reasons, both appeals are allowed.
12. Conditions are attached which ensure that the materials and detailed execution of the work protect the historic interest and setting of the listed buildings and the character and appearance of the conservation area.

Jonathan Bore

Inspector

APPENDIX 1

CONDITIONS

Appeal A

1. The development hereby permitted shall be begun not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans numbered 14.03, 14.04A (with the exception of the garage), 14.01D and 15.06.

Appeal B

1. The works hereby authorised shall be begun not later than three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the approved plans numbered 14.03, 14.04A (with the exception of the garage), 14.01D and 15.06.
3. No work shall commence until full details (including samples) of all the new walls and materials to be used thereon, including coursing, bonding and coping, the profile, mix, colour and texture of the mortar, and the materials to be used for the hard standing, have been submitted to and approved by the local planning authority and the work shall be carried out in accordance with the approved details.
4. Work of making good in respect of the stone wall through which the access is to be taken shall match the existing original wall in colour, texture and detailed execution.
5. No work shall be carried out to fit any gates until details of the design, materials and external finish of the gates have been submitted to and approved by the local planning authority and the gates shall be installed and thereafter retained in accordance with those details.