
Appeal Decision

Site visit made on 18 September 2018

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

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

Decision date: 17 October 2018

Appeal Ref: APP/B9506/W/18/3200450

Lloyds TSB, Sway Road, Brockenhurst SO42 7RS

- 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 Mark Guterman (Stanthorne Ltd) against the decision of New Forest National Park Authority.
 - The application Ref 17/00840, dated 2 October 2017, was refused by notice dated 17 January 2018.
 - The development proposed is "Former Lloyds TSB bank alterations and change of use to five 1bed dwellings. Construction of 3 bed coach house dwelling".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A Unilateral Undertaking (UU) has been submitted securing contributions for infrastructure provision, open space and transport, and additionally habitat mitigation for the New Forest and Solent Special Protection Areas. This is a matter that I will return to in my decision. The revised National Planning Policy Framework (NPPF) was published on the 24 July 2018 and the views of parties, where submitted, have been considered in the decision.

Main Issues

3. The main issues are (a) the effect of the proposal on the setting of the Brockenhurst Conservation Area, having regard to a non-designated heritage asset, (b) whether the proposal would preserve or enhance the character or appearance of the Conservation Area and (c) infrastructure provision.

Reasons

Setting of the Conservation Area

4. The appeal site comprises a former bank building at the corner of Sway Road and Brookley Road, which is within the Brockenhurst Conservation Area. It has a disused car park accessed off Sway Road outside of the Conservation Area. The Brockenhurst, The Weirs and Sways Conservation Area Character Appraisal 2010 indicates it to be a key building of vernacular and local historic interest.
5. The Conservation Area is dispersed in extent across Brockenhurst and comprises a range of differing buildings of varied designs and ages, many reflecting the growth of the town at different stages dating back to medieval times. Many of the traditional designed buildings are architecturally detailed

and constructed with local materials. The pattern of development generally becomes looser towards the peripheral of the Conservation Area away from its denser centre. Here, there is a greater degree of spaciousness and green spaces. Such architectural, historic and aesthetic qualities are of significance and importance to the Conservation Area.

6. The building is substantial in size being two storey with steeply pitched plain tile roofs and is early 20th century. The roof has substantial chimneys with prominent banding and pots. The first floor has vertical black timber cladding interspersed with rendering whilst the ground floor is faced with red brick. Windows have strong stone surrounds at the ground floor, and stone and timber mullions at the ground and first floor respectively. Such design and material finishes gives rise to a grand arts and craft style building which reflects a distinctive period of growth of the town.
7. A flat roofed ground floor addition is located mainly behind the building's road frontages. Nevertheless, given its relatively small extent and location, this does not detract from the building being an integral part of the Conservation Area due to its historical and architectural qualities. For all these reasons, the building makes a positive contribution to the qualities of the Conservation Area. The disused car park is located outside of the Conservation Area but the space about it ensures that the building and Conservation Area's significance is appreciated in views from south and west.
8. The proposed coach house dwelling would have a maximum ridge height of 6m, with first floor accommodation partially within the roof. It would be sited to the rear of the car park area with the space in front used for courtyard vehicle parking. There would be a gap between the new building and 1 Sway Road. However, the new dwelling would be awkwardly sited abutting the rear garden of a property behind and being attached to the flat roofed part of the bank building. There would also be limited space between it and the courtyard parking area in front. Such a layout would give rise to a cramped and contrived form of development.
9. Furthermore, the building would be constructed with an asymmetrical roof form with a raised front roof eaves. There would be a large, mainly featureless and bulky front dormer projecting forward of the building. The apex window would provide little visual interest by reason of its small size. The building would be constructed with a mixture of materials, red/brown facing brick, white weatherboarding and clay tiles. Cumulatively, such a design and finish would give rise to a contemporary barn-type building which would visually jar with the distinctive traditional style of the bank building. Together with the new building's cramped juxtaposition, this would not result in a well-designed place. It would adversely affect the way the building and the Conservation Area is appreciated especially in views from the south and west.
10. Taking these matters together, the appeal scheme would have a significant adverse effect on the setting of this local important feature and the Conservation Area and this would materially harm the Conservation's Area's significance. Accordingly and for all the reasons indicated, there would be conflict with policies CP7, CP8, DP1, DP6 and DP9 of the Authority's Core Strategy and Development Management Policies Plan Document (CS) 2010.

Character and appearance of the Conservation Area

11. Turning to the bank building's conversion and adaptation, there would be new windows at first floor on the Brookley Road frontage, new rooflights, a rear tile hang dormer enclosing the top end of a lift shaft, and windows/door openings onto the flat roofed area. There would be need for flue, ventilation, ducks and flues for the new flats.
12. However, the impact of such alterations would be balanced by improvements to the immediate site and building. There would be a new window on the ground floor which would reinstate a former window altered by an ATM cash machine installation. New boundary treatments and landscaping would take place and the detail of any alterations could be subject to planning condition. Overall, the conversion and adaptation of the bank building would result in a neutral effect preserving the character and appearance of the Conservation Area.

Infrastructure provision

13. The submitted UU sets out the payment of infrastructure transport and open space contributions in the event of development proceeding. Although the Authority considers its second reason for refusal has been overcome, the Appellant has questioned the justification for the contributions.
14. During the determination of the planning application, a viability assessment was submitted. Both parties agreed that affordable housing provision could not be required based on its conclusions. In the absence of any evidence to the contrary, the viability statement is the best available assessment before me and on this basis, affordable housing provision would not be justified.
15. CS policy DP15 requires development to make provision for the infrastructure necessary to make the development acceptable. Nevertheless in terms of transport infrastructure, there is insufficient information on any specific scheme, its costs and the methodology for the level of contribution sought. The Authority's Development Standards Supplementary Planning Document (2012) sets out a schedule of local highway improvements in the main settlements of the National Park but this has not been submitted. For all these reasons, it has not been demonstrated that the proposal would conflict with CS policy DP15. It has been confirmed the contribution would be for a scheme where less than five planning obligations have been entered into and so satisfy Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010. Nevertheless, in the absence of any detail of a highway scheme, I cannot ascertain that the contribution would meet the statutory tests of CIL Regulation 122.
16. CS policy DP3 states development should either provide for the enhancement of existing open space, or provide on-site provision. The Authority requires contributions towards open space enhancements in Brockenhurst. Similarly, there is little information on the scheme, its costs and the methodology for the contribution sought. For all these reasons, it has not been demonstrated that the proposal would conflict with CS policies DP3 and DP15. It has been confirmed the contribution would be for a scheme where less than five planning obligations have been entered into and so satisfy Regulation 123(3) of the CIL. Nevertheless, in the absence of any detail of an open space scheme, I cannot ascertain that it has been demonstrated that that the contribution would meet the statutory tests of CIL Regulation 122.

Other matters

17. As NPPF paragraph 193, when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. While there is no explicit statutory duty in respect of the setting of a Conservation Area, the NPPF is clear that the setting of a heritage asset can contribute to its significance.
18. In this respect, the harm identified above would be less than substantial and it is necessary in line with NPPF paragraph 196 that the identified harm is weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. Allowing this appeal would permit the re-use of a building that contributes to the significance of a designated heritage asset, a Conservation Area, which has been vacant for at least 2 years. A Viability Assessment (VA) has indicated the appeal scheme would only be marginally viable taking into account contributions for transport, open space and habitat mitigation.
19. Housing land supply would be boosted and there is an accepted need for smaller homes within the Park. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. There is considerable local support for the proposal on the basis of need for smaller accommodation and the risk that the building could fall into disrepair and decay. There would be economic benefits from the construction and conversion works to workers and businesses and the financial spend of new residents in the town. Residents of the development would also have good accessibility to services and facilities, including public transport, in the town.
20. These public benefits weigh significantly in favour of the scheme. However, the setting of the Conservation Area would be markedly diminished by reason of the new build dwelling's cramped layout and poor architecture. The harm would be permanent and long-standing adversely affecting the way that the significance of the heritage asset would be appreciated and would be inconsistent with its conservation. Given this, clear and convincing justification for the harm that would be caused to the setting of the Conservation Area, has not been provided. Applying the balance in paragraph 196, I consider that the heritage harm would be of a scale that would outweigh the scheme's benefits for all these reasons.
21. NPPF paragraph 197 requires the significance of non-designated heritage assets to be taken into account in determining the application. As a locally important feature, the building has a moderate level of local significance and importance due to its historical and architectural qualities. Taking into account the economic, social and environmental benefits put forward, the scale of harm would nevertheless adversely affect the significance of this asset by reason of the identified design and architectural deficiencies.
22. The UU also sets out the payment of a contribution for habitat mitigation in respect of the New Forest and Solent Special Protection Areas. This payment is in accordance with the Solent Recreation Mitigation Strategy 2017 and both parties have raised no objection to this obligation. As there are substantive

reasons to dismiss this appeal, there is no reason to consider the detail of this any further within the context of an Appropriate Assessment.

Conclusion

23. The proposal would adversely affect the setting of the Conservation Area and would conflict with the identified policies of the CS and the development plan, taken as a whole. The proposal should be determined in accordance with the development plan. There are no material considerations that indicate otherwise and therefore, planning permission should be refused.
24. For the above reasons, having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR