

SE2006/2206/F

APPENDIX



Appeal Decision

Inquiry opened on 28 February 2006

Site visit made on 1 March 2006

by **Richard Ogier BA MRTPI**

an Inspector appointed by the First Secretary of State

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Date

4 APR 2006

Appeal Ref: APP/W1850/A/05/1181447

The Chase Hotel, Gloucester Road, Ross-on-Wye, Herefordshire HR9 5LH

- 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 Camanoe Estates Ltd against the decision of Herefordshire Council.
- The application Ref DCSE2005/0355/F dated 2 February 2005, was refused by notice dated 13 April 2005.
- The development proposed is the erection of 18 apartments.
- The inquiry sat for 2 days on, 28 February and 1 March 2006.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The subject application was submitted for the erection of 24 apartments, but later amended to 18 apartments before the Council determined the application.

Main Issue

2. I have identified the main issue in this appeal as the effect of the proposed development on the character and appearance of the site of The Chase Hotel and its surroundings, having regard to the location of these areas within the Ross-on-Wye Conservation Area.

Planning Policy

3. The development plan includes the Regional Spatial Strategy for the Development of the West Midlands (RSS), Hereford & Worcester County Structure Plan (SP) and South Herefordshire District Local Plan (LP). RSS Policy RR3 describes the rural regeneration role of market towns and sets requirements that development and other plans should fulfil there, including additional housing to maintain viable communities and meet local need. Satisfaction of that need is identified in CF2 as the focus of housing activity outside the main towns beyond the Major Urban Areas of Worcester, Telford, Shrewsbury, Hereford and Rugby, and priority given to reusing previously developed land (PDL).
4. RSS Policy QE1 calls on local authorities and others to support economic and environmental objectives including conserving and enhancing the Region's Areas of Outstanding Natural Beauty (AONBs). Ross-on-Wye is 'washed over' by the Wye Valley AONB. Policy QE4 deals amongst other matters with urban greenspace but as the Policy mainly focuses on publicly accessible space, it is of limited relevance to this appeal. Policy QE5 looks to development plans and other strategies to identify, preserve and enhance the Region's historic environment including conservation areas, and manage change in a way that respects local character and distinctiveness.

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5. The SP plan period expired in 2001, but the Plan is still extant. SP Policy CTC.1 sets out development control policy for AONBs in the Plan area. The Policy allows for small-scale developments essential to meet community needs, sited within or immediately adjacent to existing towns or villages. Under Policy CTC.7 development adversely affecting features of historic or architectural importance including conservation areas, should not normally be permitted. CTC.9 sets general development criteria. CTC.15 reflects a general duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that in the exercise of planning functions in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character of appearance of the area. CTC.17 encourages the creation and conservation of green open spaces. CTC.18 seeks to concentrate development in urban areas and reuse and regenerate urban land in preference to 'greenfield sites', and recognises a need to retain valuable amenity open spaces within the urban environment.
6. LP Policy GD.1 sets general development criteria which include that new development should have regard and be appropriate to the setting of neighbouring buildings, landscape features and open spaces in the surrounding areas, and more specifically, should not result in the loss of important open spaces within the built-up areas of Ross-on-Wye or rural settlements. Policy C.4 reflects the national objectives for AONBs of giving priority to the protection and enhancement of the designated areas' natural beauty. C.5 relates to the Wye Valley AONB and its criteria requirements include that development proposals should be small in scale and of a high standard of design. C.17 seeks an increase in the stock of trees, particularly within settlements and where development proposals are promoted. C.20 seeks the protection of the Plan area's historical heritage.
7. LP Policy C.30 offers protection from development that would harm the visual amenity of open land forming an intrinsic part of a settlement, including land shown on the Proposals Map and identified as a result of development proposals. SH.14 relates to the siting and design of buildings and SH.15 provides criteria for new housing schemes. The Local Plan has area-based policies, which in relation to Ross-on-Wye include Nos. 3 and 5. Policy 3 relates to infill sites for housing and provides criteria and Policy 5 to housing in built-up areas. The latter lays down requirements for new housing on small sites in the town which include resisting developments that would adversely affect the visual appearance and character of the town centre/Conservation Area.
8. The Herefordshire Unitary Development Plan (UDP) has reached the revised deposit stage. Draft Policy P1 lays down sustainable development objectives. P7 seeks to protect, restore and enhance environmental assets, including designated areas. P8 promotes sustainable land use and management, including through the recycling of PDL for appropriate new uses. S1 confirms that the UDP promotes development and land use change which contributes to the achievement of sustainable development. S2 lays down objectives to secure that aim. S3 sets out the UDP housing provision with an associated strategy to concentrate 57% of the provision in Hereford and the market towns. S7 seeks to protect, restore and enhance the historic and natural heritage of Herefordshire, including AONBs and areas of historic or architectural importance and natural landscapes. DR1 provides design criteria for new development, including the retention and incorporation of existing site features contributing to the quality of the local environment.

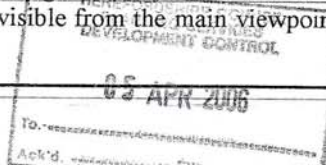
9. UDP Policy H1 restricts housing provision in Hereford and the market towns including Ross-on-Wye to land within the defined settlement boundaries. H13 lays down the objectives for sustainable residential design. LA1 supports the national objectives for AONBs and generally seeks to restrict new development within the designated area to those that are small in scale. HBA6 reflects the section 72 duty already referred to and provides criteria for the assessment of new development proposals in conservation areas. The sixth criterion states that where open spaces, topographical features, trees and other landscape features of importance already exist, they should be retained. HBA9 seeks to protect important open areas or green spaces which contribute to the distinctive spatial character, form or pattern of a settlement or neighbourhood from harmful development. Detailed criteria are specified. The appeal site is identified on the draft Proposals Map as such an area.
10. The Inspector's report into objections to the UDP was awaited at the time of the inquiry. The Council's evidence confirms that Policies P1, P7, S1, S2, S3, S7, DR1, H1, H2, H9, H13, LA1, LA4, HBA6 and HBA9 are subject to outstanding objections. It is pointed out that the objections to HBA9 are to the text of the Policy, not to the designation of the appeal site. Nevertheless the possibility that any of these policies may be subject to modification before the UDP is adopted, limits the weight that I should give to them.
11. My attention has also been drawn to relevant extracts from PPS1 *Delivering Sustainable Development*, PPG3 *Housing*, PPG13 *Transport* and PPG15 *Planning and the Historic Environment*.

Reasons

Main issue – effect on character and appearance of surroundings

The Ross-on-Wye Conservation Area

12. This large conservation area extends over the whole of the town centre, a wide swathe of the setting of the centre on its western side on both sides of the River Wye, a smaller enclave of traditional housing on the south side around Walford Road and a larger area of traditional housing and other buildings to the east of the centre around Gloucester Road and Alton Street, including the appeal site.
13. The development in the town centre demonstrates variety of style and appearance and include buildings, set in a street pattern not uncommon of market towns, which reflect the organic and intricate growth of the town over a number of centuries. Further away from the centre there are residential areas which in some parts are characterised by small terraces and in others by larger semi-detached or detached houses built during the Victorian and Edwardian eras. Gloucester Road is a good example of the latter, with small cottage terraces in Alton Street illustrating the former.
14. I agree with the evidence for the appellant that the appeal site is a distinctive townscape area in its own right. *A Survey of Historic Parks & Gardens in Herefordshire* published by the Hereford and Worcester Gardens Trust in 2001 describes *The Chase* (the name of the neo-classical style house before it became an hotel) as a mansion with a 'swish, low profile', its grounds forming 'an important oasis in modern Ross'. It is observed that 'only the extensive car parks compromise the mature setting'. In my view that is a slight overstatement, because while some parked cars are visible from the main viewpoint at the



north eastern corner of the site on Gloucester Road, they do not materially detract from the largely unspoilt presentation of the main building on a plateau atop open parkland which rises from Gloucester Road and from the ponds and stream which adjoin the eastern edge of the site near Waterside. This limited but nevertheless key vista reveals the essential character of the appeal site which in turn makes a significant contribution to the character of the surrounding area on the Gloucester Road and to a lesser degree the Waterside boundaries of the site. Elsewhere, dense belts of trees near the site boundary disclose little of the site from Alton Street and Chase Side, or from Chase Road.

Impact of proposed development on hotel setting and surroundings

15. The proposed development comprises two separate apartment blocks. Block A would be sited to the south of the main hotel building, in an area presently occupied by terraced lawns. Block B would be sited to the east of Block A, in a position to the south east of the existing hotel towards the southern boundary of the site, partially on land which slopes gradually towards Gloucester Road, and where the existing trees which line the southern boundary of the site adjoining Chaseside would form a unified if not completely continuous backdrop.
16. I accept, and there is no dispute between the main parties, that the proposed blocks would be of a scale and appearance compatible with the same attributes of the existing hotel and its rear extension. Block A whilst at the same general elevation as the hotel would also appear relatively inconspicuous in its location in the top corner of the site diagonally opposite the point on Gloucester Road from which clear views would be possible. Block A would be built at generally the same level as the hotel, to a height compatible with the existing building, and would be seen from Gloucester Road as a visible but well-integrated extension to the built development on the plateau on which the hotel stands.
17. Accordingly I am satisfied that Block A would be acceptable in its relationship with the hotel and in the view from Gloucester Road, would not materially change the relationship between the built environment on the plateau and the open parkland which slopes away from it, and would thus serve to preserve the character and appearance of the Ross-on-Wye Conservation Area.
18. However, Block B presents different circumstances. After assessing the relationship between the proposed block and its surroundings carefully on site, I am satisfied that the block would visibly extend beyond the hotel and garden area. It would occupy a small but significant part of the sloping ground that forms part of the open parkland setting of the hotel. To my mind this effect would be noticeable in the view from the old drive access point on Gloucester Road.
19. The appellant's assessment of the impact of the proposed development on the appeal site is influenced by the description of the land on which Block B would be erected as a 'transitional area' or 'forgotten corner'. However in my perception, this area has a strong visual affinity when viewed from Gloucester Road with the remainder of the sloping grassed area which falls away from the car park down to the ponds and Gloucester Road boundary.
20. Although I accept that Block B would occupy the upper part of the slope in this part of the site, I do not agree with the appellant's conclusion that it would not intrude upon the rising parkland setting of the hotel. In my view, the setting relies as much on the southern

boundary trees as it does on the slope itself. The new block would be seen as visibly occupying part of the slope, distorting the cohesive and balanced building formation of the present hotel. Whilst set against a backdrop of trees, it would in my perception inappropriately extend that formation to a greater extent than would occur with Block A, and partially intrude in front of the trees on the south side of the site.

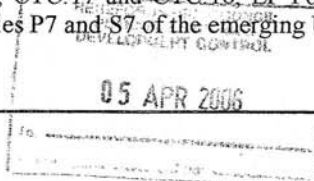
21. I consider that this would be to the detriment of the appearance of the built group and of the parkland character of the open grassed slopes running down from the site. In my perception therefore, Block B would unacceptably erode the important amenity open space character and appearance of the appeal site, which as the sloping ground providing the setting to the hotel runs all the way to the southern boundary, enveloping the hotel on its northern, eastern and south-eastern sides.

Relative impact in comparison with development already permitted

22. This conclusion should be reviewed in the light of planning permission that has been granted and is still extant but unimplemented for other development within the appeal site. That issue can best be understood by reference to the Council's plan at Document 7 Appendix 13 which was accepted by the appellant as an acceptable basis for the consideration of this matter and which shows in outline the development now proposed in comparison with leisure and additional hotel bedroom provision permitted in 2002.
23. The plan shows clearly that proposed Block A would occupy part of the area proposed for the leisure and bedroom accommodation, although it would be higher than the leisure extension and extend further into the tree-bordered south west corner of the appeal site than that extension. However, I have already determined that Block A would be acceptable on its own merits, and the existence of the existing planning permission in this part of the site does not therefore affect that conclusion.
24. As for Block B, the front (northernmost) part of the block would extend over an area shown on the permitted scheme as being laid out as an extension of the existing hotel car park. I accept that the presence of parked cars in the extended area as permitted would be noticeable from Gloucester Road. However, their impact would be nowhere as substantial as that of the mass of the two/three storey Block B, both in visibly creating, with the existing hotel and Block A, the image of a line of substantial buildings reaching across the plateau on the site and beyond its edge onto falling ground, and physically and visually encroaching upon a part of the sloping grassed area near the southern end of the site. In these circumstances the existence of the 2002 permission and the degree to which the permitted car park would extend into the proposed footprint for Block B do not change my view about the impact of Block B.

Conclusion on main issue

25. In all these circumstances I conclude that Block B in the appeal development would unacceptably harm the appearance and open character of the appeal site, and given the degree to which the site is an important influence on the general character of and views within the wider area, would serve neither to preserve nor enhance the character and appearance of the Conservation Area. It follows that the appeal proposal would be contrary to RSS Policy QE5, SP Policy CTC.7, CTC.15, CTC.17 and CTC.18, LP Policies GD.1, C.20, C.30 and 5 (Ross-on-Wye), and draft Policies P7 and S7 of the emerging UDP.



26. I recognise that this conclusion is not supported by any final representation made by English Heritage, an important statutory consultee involved in discussions with the appellant and Council in the run-up to the latter's decision on the application. I accept that informal comment by individuals from English Heritage can be interpreted to the effect that they were content that no objection was justified on their part, particularly the February 2005 email reference to their being 'happy with the scheme as now presented'.
27. However it remains the case that the final written response from English Heritage dated 21 February 2005 confirms that no formal view would be expressed on the application, the matter being left to the Council to consider in the light of Government guidance, development plan policies and local conservation advice. Even if the Council's Conservation Officer was content with the scheme the Council was still entitled to come to a different view provided that it could adduce substantive evidence to support its position.

Other matters

AONB

28. The whole town of Ross-on-Wye is 'washed over' by the Wye Valley AONB but this fact was not referred to in the Council's formal decision to refuse planning permission and was not by the end of the Inquiry a reason advanced by the Council as to why the appeal should be dismissed. There was a recognition that some of the existing and emerging development plan objectives for Ross-on-Wye in terms of providing for local housing needs (RSS Policies RR3 and CF2 and UDP draft Policy S3) create a tension with the protective policies relating to the AONB such as RSS Policy QE1, SP Policy CTC.1, LP Policy C.5 and draft UDP Policies LA1 and S7.
29. No clear conclusion was reached by any witness as to whether the appeal site was a small site for the purposes of SP Policy CTC.1 or small in scale in the terms of LP Policy C.5 or draft UDP Policy LA1. There was no challenge to the appellant's evidence that long distance views of that part of the appeal site where the development is proposed from Chase Hill would not significantly alter the landscape of the AONB or harm its natural beauty. It was reported that the then Countryside Commission had been asked by the Structure Plan Authority to reconsider the merit of including the whole of the settlement of Ross-on-Wye within the AONB, but that request had not resulted in the exclusion of Ross from the AONB. Nevertheless I find no clear basis for concluding that the appeal proposal would result in any material harm to the landscape or policy objectives of the AONB. However this is not a view that outweighs my conclusion on the main issue.

Previously-developed land

30. I am satisfied that the whole of the appeal site constitutes PDL under the definition of Annex C to PPG3, because the site is occupied by the Chase Hotel which is a permanent structure with associated fixed surface infrastructure, and all the site (including the sloping 'parkland') falls within the curtilage of the Hotel. However, Footnote 2 to the Annex makes it clear that this does not mean that the whole area of the curtilage should therefore be developed. It is a matter of judgement for the decision maker as to how much of the site is suitable for development.
31. The fact that the land proposed for development is PDL is a material consideration, but this does not mean that other important considerations such as impact on the character of a

conservation area should be set aside. So despite the support given to the development of PDL in SP Policy CTC.18 and draft UDP Policies P8, S1 and S3 this is not a matter which in my view is decisive to the outcome of this appeal.

Conservation area appraisal

32. The appellant criticised the Council for not having prepared a general appraisal of the Conservation Area despite the elapsed time since its designation, or a detailed character assessment in relation to this appeal. The availability of a general or area-specific conservation area assessment might have helped the Council in its consideration of the appeal proposal. Yet the absence of such an appraisal is not in my view fatal to the Council's cause, even though PPG15 at paragraph 4.4 strongly commends as good practice the preparation of such schemes. I regard the general methodology of the appellant's assessment as sound; it is only on the exercise of particular judgements within the methodology that I have as already indicated differed from the conclusions reached.

Housing land supply

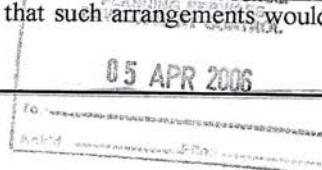
33. The Statement of Common Ground records agreement that there are no in-principle objections to the residential development of a previously developed site located within the confines of the built up area, located close to public transport and local services, circumstances which apply to the appeal site. Although the Council sought to demonstrate that there is no need for the appeal development in terms of UDP housing provision for Ross-on-Wye, the appellants argued, based on underperformance on housing completions so far, that there was no convincing evidence to support a position that a windfall supply in Ross-on-Wye was no longer required.
34. In my view the issue of housing land supply in Ross should be regarded as neutral so far as this appeal is concerned. There is neither a strong argument for resisting the appeal proposal on the grounds that the development is not needed to support the local supply, nor for permitting the development on supply grounds based on a justification which outweighs the harm to the character and appearance of the surroundings that I have already identified.

Drainage

35. Concern was expressed at the time the application was under consideration by the Council that no details of arrangements for the disposal of surface water had been submitted at that time. In the context of the Council's promotion of a flood alleviation scheme in Ross-on-Wye it was important to ensure that additional flows into the local water course arising from the proposed development were kept to a minimum. However there was no dispute at the inquiry that the necessary arrangements could be made on site to balance the surface water run-off in such a way as to control the flow entering local watercourses, and that such arrangements were enforceable by means of an appropriate condition of planning permission.

Parking and access considerations

36. In the light of concern expressed by third parties about congestion arising from the occasional generation of traffic at the Chase Hotel beyond the capacity of the car park, the appellant submitted proposals for creating an increased capacity in the car park without significantly increasing its total area. I am satisfied that such arrangements would enable



~~the parking demand to be reasonably accommodated at all times, and to ensure that dedicated parking space was available for the residents of the proposed apartments.~~

37. Concern was expressed in a letter and petition handed in to the inquiry from some residents of Goodrich Court, an apartment development almost opposite the existing entrance to the Chase Hotel, about the increased traffic which would be generated if the appeal development were to be permitted. I note that the local highway authority has no objections to the proposed access arrangements based on the existing access. I find no convincing evidence to persuade me that the increase in traffic would cause any undue difficulties for traffic entering or leaving the appeal site, or using Gloucester Road. However these two matters do not outweigh my conclusion on the main issue in this appeal.

Conditions

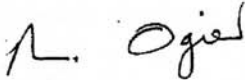
38. As a result of the discussion at the inquiry there was a large measure of agreement on the conditions which might be imposed in the event of the appeal being allowed and planning permission granted. However I am satisfied that the objection to the appeal development I have identified in the main issue could not be overcome by the imposition of reasonable conditions of planning permission.

Conclusions

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

Formal Decision

40. I dismiss the appeal.



Inspector