



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/09/20

gan **A L McCooey, BA MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19th October 2020

Appeal Decision

Site visit made on 08/09/20

by **A L McCooey BA MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 19th October 2020

Appeal Ref: APP/E6840/A/20/3255619

Site address: Myrtle Cottage, Caerwent Link, Caerwent, NP26 5AZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mrs Gail Harris against the decision of Monmouthshire County Council.
 - The application Ref: DM/2019/01948 dated 2 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is the conversion and extension of a double garage under construction to a detached bungalow at the rear of Myrtle Cottage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The principle of development in terms of whether the proposal complies with national and local policies that seek to control the location of development;
 - Whether the proposal would preserve or enhance the character or appearance of Caerwent Conservation Area; and
 - Whether the location, design and appearance of the proposal would contribute to a high-quality sense of place and would respect the local distinctiveness and character of the historic area of Caerwent.

Reasons

3. The appeal site comprises part of the rear garden of the property and contains a partially constructed garage. The site is accessed off School Lane and a new access (approved for the garage) and two car parking spaces would be provided. The site is enclosed by fencing, a stone wall to the rear and hedges. There are a number of outbuildings and garages in other gardens adjoining the site. There are extensive excavated remains of Roman shops adjoining the site to the west behind the rear stone wall. The plans provide for a bungalow to be constructed on the site of the garage. It would have a low ridged roof with a front gable projection. The maximum height is shown as 4.4m. The building would occupy most of the plot width.
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4. Planning permission was granted for the garage in 2012. In 2014 an application for a dwelling on the site was refused and a subsequent appeal was dismissed in 2015.

The principle of development

5. Policy S1 of the Monmouthshire Local Development Plan (LDP) defines the locations suitable for development by the designation of development boundaries around settlements and states that outside these boundaries open countryside policies will apply. Residential development would only be allowed for acceptable conversions of existing buildings, sub-division of dwellings or Rural Enterprise dwellings¹. Policy LC1 restricts development in the open countryside to specified uses such as agriculture, forestry, tourism, etc. The proposal does not meet Policy LC1 as it is not related to any of the specified uses. Policy H1 defines the development boundaries for settlements. In the case of Caerwent, the boundary has been drawn to exclude the Roman town. General development within the Roman walls is not permitted by virtue of Policy HE4.
6. The site is within the Roman town walls and is outside the development boundary for the Severnside settlement of Caerwent as defined under Policy H1. The proposal is not for the conversion of an existing building as the garage on site has not been completed and the proposal would be considerably larger than the approved garage. The proposal is not for a Rural Enterprise dwelling or related to the sub-division of a dwelling. The proposal does not therefore meet the terms of Policies S1 and LC1.
7. There is a modest range of services available in the local area comprising a post office, a pub and some community facilities. Occupants of the proposal would rely on a car to access all other services. The appellant refers to the previous appeal decision acknowledging that the site was within the built form of the village. However, the LDP policies do not allow for infill proposals outside the development boundaries. Policy H3 does allow for infill development in defined minor villages. The site is in a Severnside settlement and not a defined minor village. Policy H3 does not therefore apply to the proposal. Paragraph 3.56 of Planning Policy Wales (PPW) is cited by the appellant as if the reference to infill development in villages was a change in policy since the previous appeal decision. In fact, this expression of policy has remained largely unchanged in successive editions of PPW.
8. Policy HE4 continues the long-established policy of restricting development in the Roman town of Caerwent in order to ensure that the remains of the Town are left undisturbed and that its special character and openness is preserved. Whilst there is no archaeological objection to the proposal, the aim to preserve its special character and openness is relevant and reinforces the development boundary as defined by Policy S1. I shall consider the effect on the Conservation Area below.
9. Having considered all the evidence, I conclude on this issue that the proposal would not comply with Policies S1, H1, LC1 and HE4. The development boundary has been carefully drawn and approval of this proposal would undermine the settlement hierarchy and spatial strategy of the LDP. The modest contribution that the proposal would make to housing supply in the area does not outweigh the policy objections in the current LDP, which is the statutory plan for the area.

¹ As set out in Technical Advice Note 6 Planning for Sustainable Rural Communities

Impact of the proposal on Caerwent Conservation Area

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to desirability of preserving or enhancing the character or appearance of a Conservation Area. PPW states that there will be a strong presumption against the grant of planning permission for development that conflicts with this statutory duty. LDP Policy HE1 reflects the statutory duty and refers to the importance of views into and within the Conservation Area. Development should reflect the best architectural qualities, design and materials of the surrounding buildings. The importance of open spaces and settings is also emphasised.
11. The Council published a Conservation Area Appraisal in 2016. Its overarching aim is to preserve and enhance the character and appearance of Caerwent Conservation Area and to provide a basis for making sustainable decisions about its future management. As the Conservation Area is large the appraisal document divides it into character areas. The appeal site is within Character Area 5: Later Village Development (including visible archaeology). Character Area 5 contains the best of the visible Roman remains in Caerwent. Paragraph 7.3.26 of the Appraisal is quoted by the appellant. As this is a descriptive paragraph about the variety of buildings in the area, it doesn't detract from the references to open spaces in the Appraisal itself, in the Council's case or in the previous appeal decision. The houses are generally two storey or one and a half storey, set on the roadside with generous open gardens. The open spaces are an important characteristic of this part of the Conservation Area.
12. The proposed bungalow would be of low elevation and modern design. It would not respect the character of the existing dwellings in this part of the Conservation Area. The height, form, design and detailing of the proposal would not preserve or enhance the character of the Conservation Area. The proposal would also introduce a new dwelling onto a small plot that would not complement the historic settlement pattern in this part of the Conservation Area, as defined in the Conservation Area appraisal. The sense of openness and views across the site from Pound Lane and School Lane would be adversely affected by the proposal.
13. The approved garage is considerably smaller than the proposal and was approved as an outbuilding to Myrtle Cottage. The proportions of the proposal and associated parking areas would detract from the character of the Conservation Area. The dwelling would be larger and erode openness and obscure more of the views than the approved garage.
14. I have taken into account the other examples of development in the Conservation Area provided by the appellant. The Chapel on School Lane is referred to in the appraisal as an important unlisted building and its design and materials are appropriate to its age and function. Whilst one example of a bungalow is provided, this is in a very different part of the Conservation Area and the circumstances of its approval are not provided. The scheme at Byeways was for the conversion of an existing stone building involving only a very modest extension. Conversions to residential use are acceptable under the above LDP policies. The re-use of a stone building would not be directly comparable to the proposal in terms of the impact on the Conservation Area. The appeal proposal is for a new dwelling that is larger than the approved partially constructed garage. The other examples of development over the years are not comparable to the proposal in terms of type, form or location and do not justify the approval of development that adversely affects the Conservation Area.

15. I note that the previous appeal decision did take explicit account of the approved garage at paragraph 21. There is therefore no change in circumstances as argued by the appellant.
16. For the reasons given, I conclude that the proposal would fail to preserve or enhance the character or appearance of Caerwent Conservation Area contrary to Section 72 of the Act. The proposal would also be contrary to national policy and guidance and would not meet the criteria in Policy HE1 of the LDP.

Placemaking and Design Issues

17. PPW emphasises the importance of placemaking and good design of development in keeping with the surroundings. This is an important consideration under the Well Being of Future Generations (Wales) Act 2015 (WBFGA). Strategic Policy S17 requires development to promote high quality design which respects local distinctiveness in order to protect and enhance historic and built environments. Policy DES1 requires that all new development contribute towards a sense of place, respecting the form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings. For the reasons given above I conclude that the proposal would have an adverse impact on the character of the Conservation Area and views of the historic environment. The layout, design and appearance of the proposal is not in keeping with the quality buildings that surround the site and would not reflect the traditional design of the dwellings in this part of the Conservation Area. I have taken the approved garage on the site and the examples of other developments into account in assessing the impact of the proposal. I conclude that the proposal would be contrary to the criteria of Policy DES1 and the provisions of Policy S17 of the Local Development Plan for the reasons given.

Other matters

18. The appellant is concerned by an apparent change of opinion between the application and appeal on the part of Cadw. The original consultation reply from Cadw related to the impact on the Scheduled Ancient Monument (SAM) only. It is clear that it did not relate to the impact on listed buildings or the Conservation Area. After careful consideration no objection was raised to the impact of the proposal on the setting of the SAM. The consultation reply for this appeal provides an opinion on the impact of the proposal on the Conservation Area, which is a different matter. There is no change in stance in these circumstances.
19. The impact on the SAM was assessed in the submitted archaeological evaluation. The SAM contains significant Roman features, which may have been encountered during further excavations beyond the footprint of the approved garage. Glamorgan Gwent Archaeological Trust recommended conditions requiring a programme of archaeological work and a watching brief. Subject to such conditions, no objection was raised in terms of the impact on the SAM. Cadw has no objections on these grounds either.
20. Policy S4 of the LDP requires all housing developments to contribute to affordable housing. Single dwellings are required to make a financial contribution and the amount will depend on the size and location of the proposed dwelling. The Council committee report states that the financial contribution required for this dwelling would be £4,640 that would be secured through a section 106 Legal Agreement. No such agreement has been submitted. However, as I am dismissing the appeal, I do not need to address this matter.

Conclusion

21. Having considered all relevant matters, I conclude that the appeal should be dismissed for the reasons given. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the WBFGA. I have had regard to advice in PPW Chapter 6 on Distinctive and Natural Places and the ways in which distinctive and natural places contribute to the seven goals of the Act². I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' revised well-being objectives to build healthier, more resilient communities and environments

A L McCooey

Inspector

² As set out in pages 118 and 120 of PPW