



Appeal Decision

Site visit made on 1 February 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/W1850/W/21/3281287

Riverview Flats, Wye Street, Ross-on-Wye HR9 7BY

- 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 Denver Rollings (of D. P. Rollings Ltd) against the decision of Herefordshire Council.
 - The application Ref 202391, dated 22 July 2020, was refused by notice dated 5 March 2021.
 - The development is the proposed conversion of and extension to the existing Riverview Flats building to form 6no. 2-bed apartments with new end staircores and additional storey above.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by D. P. Rollings Ltd against Herefordshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. I understand that the emerging Ross-on-Wye Neighbourhood Development Plan 2019-2031 (the NDP) is currently at a late stage with it having gone through examination and now waiting on a referendum. As such I give the policies of the NDP significant weight for the purposes of this appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area,
 - The living conditions of neighbouring occupiers, with particular regard to outlook from the Ice House; and,
 - Protected species.

Reasons

Character and Appearance

5. The appeal site is within the Ross-on-Wye Conservation Area (RWCA). This is a large area which covers from Wilton, across the River Wye and up to the commercial centre of Ross-on-Wye. From the evidence before me and my observations on site, the RWCA is broadly characterised by a mixture of commercial and residential areas that demonstrate the growth of the

settlements either side of the floodplain. Red sandstone and render are common features within the RWCA, although the render largely appears restricted to later or wealthier buildings. I find the importance of this conservation area stems from the extent to which the RWCA's history is still legible and its historic buildings still intact.

6. Wye Street itself has a mixed character which reflects the growth and changing styles of the conservation area. In particular the river side of the road is characterised by detached and semi-detached dwellings, while the appeal side is predominantly formed of terraces. A number of listed buildings contribute to the street scene, namely the Masonic Hall and Nos 11 to 14 Wye Street all of which are Grade II listed. Beyond the Masonic Hall the character of the street changes again with terraces of grander properties. Behind the appeal site and served by Wilton Road is a modern dwelling, the Ice House, that appears to have been extended from a more historic building. It has a large area of glazing facing the site and is a prominent feature due to its significant raised position.
7. Although views of the appeal site are mostly screened from across the river, it is nonetheless in a prominent position close to the highway and near the start of development along Wye Street. As such, given its location, the site contributes towards views within the RWCA and is within the setting of the above mentioned listed buildings.
8. The appeal site itself contains a three-storey purpose built block of flats. On the ground floor are a set of garages while to either end are open staircases which provide access to accommodation on the first and second floors. It is a long linear building which is set close to the highway and is served by a simple gabled roof running parallel with the road. Moreover, although primarily built in brick, its colouring is evocative of the red sandstone common in the area. While the architectural style of the building is clearly of a later date, the host building is nonetheless read as a thematic continuation of the terrace formed of Nos 11 to 14 Wye Street. Its simple and retiring style, form and overall appearance result in it being sympathetic to these buildings and the wider area.
9. However, I note that the host building is in a very poor state of repair. Notably, at the time of my visit the site was overgrown, windows had been boarded up and hanging tiles had been removed from the front elevation. The site was also surrounded by heras fencing. I have no evidence before me to suggest that the deterioration of the site was deliberate. Therefore, and mindful of Paragraph 195 of the National Planning Policy Framework (the Framework), it is appropriate that this deteriorated state should be taken into account. As such, in this instance it is clear that the poor state of the host building, especially given its prominent position, is detrimental to the overall quality of the street scene and to RWCA as a whole.
10. The proposed extensions and other works to the host building would result in the site and building being renovated. I find that this would be an improvement over the existing situation. However, the resultant building would also be taller than the existing and include forward facing gables. The resultant scale and front gables would make the building more prominent in the street scene and more akin to the feature buildings such as the Masonic Hall, or to the later, semi-detached dwellings opposite the site. The building would therefore no

longer form a sympathetic continuation of the adjacent residential terrace, against which it is read.

11. Therefore, and notwithstanding the comments from Historic England, I find that given its siting, the proposal would be a jarring feature on this side of the road and would compete with the listed buildings. This would be further exacerbated by expanding the palette of materials present on the building which, while in keeping with the RWCA in general, would not be sympathetic to its immediate context.
12. Notwithstanding the appellant's argument that the style and renovation of the host building would be beneficial to the appearance of the street scene and heritage assets, given the above harm the proposal would fail to preserve or enhance the character and appearance of the conservation area and setting of the listed buildings. I am mindful of the scale of the development in relation to the designated heritage assets, the listed buildings and RWCA, and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.
13. The appellant has submitted that the proposal would result in the efficient and effective use of the land and increase the provision of housing. The provision of additional dwellings would contribute towards the Government's aims of increasing housing supply, however, given the harm identified above as a result of the development it cannot be said that the scheme would make efficient or effective use of the site. Therefore, given the above, I attach these matters, collectively, only moderate weight.
14. It has been submitted by the appellant that it would not be economically viable to simply renovate the building and that works such as those proposed here would be the only viable way of improving the site and its contribution to the surrounding area. However, I have not been provided with any substantive evidence to demonstrate whether this is the case and as such it has not been determinative in my consideration of this appeal.
15. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character of the RWCA, the setting the listed buildings and conserving the heritage assets as identified above.
16. The appeal site is also within the Wye Valley Area of Outstanding Natural Beauty (the AONB) where local and national policy requires development to conserve its scenic beauty. From my observations on site, I find that the special characteristics of the AONB stem from the flood plain, winding river and open farmland. Notwithstanding the harm identified above, given the appeal site's location within a built up area where it would be read against existing development, I find that the proposal would not result in harm to the scenic beauty of the AONB.
17. Nevertheless, the development would harm the character and appearance of the surrounding area, including the conservation area and setting of listed buildings, contrary to Policies LD1, LD4, SD1, SS6 and RW1 of the Herefordshire Local Plan Core Strategy 2011-2031 (the CS, October 2015) and Policy EN1 of the NDP which require that, amongst other matters, development

is influenced by its surroundings, maintains local distinctiveness and protects, conserves and enhances the historic environment. It would also be contrary to the overarching heritage aims set out within Parts 12 and 16 of the National Planning Policy Framework (the Framework), including Paragraph 202.

Living Conditions

18. The proposal includes the extension of the building to either side as well as upwards to provide an extra floor. These extensions would bring the host building closer to the rear of the Ice House, the property to the rear of the site at the top of the cliff. This dwelling has a number of windows and external terraces which overlook the appeal site, The outlook from both the windows and terraces is primarily across Wye Street towards the River Wye, it appears to be largely open with only some very limited restrictions of oblique views caused by the appeal building.
19. Given the change in relationship between the two buildings it is likely that some of the openness afforded to the outlook of the Ice House would be lost when looking down or in a northerly direction. However, this would be very limited and the predominant outlook, across towards the River Wye, would be retained from both the rear windows and terraces.
20. Given its relationship to other nearby buildings, the proposal would not result in an unacceptable overbearing or overshadowing impact on neighbouring occupiers to the detriment of their living conditions.
21. Therefore, in light of the above, I find that the scale and siting of the proposal would not harm the living conditions of occupiers at the Ice House or other nearby dwellings. It would therefore comply with CS Policy SS6 which requires that, amongst other matters, proposals properly consider local amenity.

Protected Species

22. It has been agreed between the two main parties that bats are present at the appeal site, and that they would be affected by the development. Bats are protected by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981, and I am statutorily required to have regard to the purposes of conserving biodiversity by Section 40 of the Natural Environment and Rural Communities Act 2006.
23. A mitigation scheme has been put forward as part of the Ecological Appraisal by Clarke Webb Ecology Limited, dated 15 August 2021. This includes the provision of a bat cellar and bat shed which would be accessed via a void underneath the proposed rear decking area.
24. I find it likely that the void under the decking could lead to noises typically associated with decking areas, whether that is speech, music or footsteps, to echo through and disturb bats roosting within the cellar or shed. However, I note that the appellant has suggested amendments to the proposed mitigation which would include direct access to the shed which in turn would provide access to the cellar. In this way bats would be able to fly straight from the area of vegetation and in to the shed and cellar without needing to travel under the decking. Given this and the physical separation, unacceptable noise levels are unlikely to affect the bats or be transferred to the roosting areas.

25. Although I have not been provided with amended plans of this proposed alteration, I find that the level of the change proposed is so limited that it could be suitably dealt with through condition should the appeal be allowed.
26. Therefore, the proposal would not result in harm to a protected species and would comply with Policy LD2 of the CS which requires that development conserve, restore and enhance the biodiversity of Herefordshire. I have also had regard to Paragraph 99 of Circular 06/2005.

Conclusion

27. As outlined above, no public benefits would outweigh the identified harm to heritage assets. While I have found no harm to the living conditions of neighbouring occupiers or to protected species, the lack of harm affords only neutral weighting. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
28. For the reasons given above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR