

ITEM No. 4 (b)

Report No 789/96

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

26 SEPTEMBER 1996

**SUBJECT: PLANNING APPEAL DECISION
CHANONRY WYND, BRECHIN**

REPORT BY DIRECTOR OF PLANNING, TRANSPORT & ECONOMIC DEVELOPMENT

Abstract: This report presents the findings of the Reporter appointed by the Secretary of State to determine the appeal against the refusal of Angus District Council to grant consent for the erection of a dwellinghouse at Chanonry Wynd, Brechin.

1 RECOMMENDATION

It is recommended that the Committee note the successful outcome of the above appeal.

2 INTRODUCTION

- 2.1 Angus District Council's Planning and Development Committee at their meeting on 13 September 1995 refused planning permission for the erection of a dwellinghouse at Chanonry Wynd, Brechin (application No. 01/95/1294).
- 2.2 The applicant, David Stewart Executry, appealed against the refusal and the Inquiry Reporter's conclusion and decision are presented below.

3 REPORTER'S DECISION

- 3.1 Section 54(3) of the Town and Country Planning (Scotland) Act 1972 requires that in consideration whether to grant planning permission for a development which affects a listed building or its setting, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 262(8) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character of the appearance of conservation areas. Section 18(a) of the Act requires that determinations under the Planning Acts shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Accordingly, on the basis of the written submissions and the site inspection, I consider that the determining issues in this appeal are whether the proposed development would preserve the setting of the nearby listed building; whether the proposal would serve to preserve or enhance the character or appearance of the conservation area; and whether the proposal would be in accordance with the terms of the Development Plan. No evidence has been put forward to support the contention that the proposal would be detrimental to future conservation area proposals for the area and I do not regard that concern as a determining issue in this appeal.

- 3.2 Brechin Cathedral and the adjoining Tower are designated as Category A listed buildings, which reflects their status as buildings of national architectural and historic importance. The Round Tower is virtually unique in Scotland, and the Cathedral is fortunate in surviving in largely its original form. The West Tower of the Cathedral is a particular fine example of medieval church architecture. The evidence of the written submissions and my site inspections demonstrates that the setting of the Cathedral has changed little in hundreds of years, and the Chanonry in Brechin is unusual in Scotland in retaining the ambience of the Cathedral Close. Although the Cathedral lies in the heart of a historic core of the city, with a few buildings in its immediate surroundings, and consequently is open to view from a number of locations. I regard the view to the West Tower of the Cathedral and the Round Tower from Chanonry Wynd as an attractive and integral part of the setting of the listed buildings and the character and appearance of the conservation area.
- 3.3 The Cathedral and Round Tower are clearly visible from the Wynd on the approach from the west, and they increase in prominence as the appeal site is reached. I accept that the proposed house on the appeal site would remove the views towards these listed buildings from Chanonry Wynd, but I agree with Historic Scotland's assessment that a new building would intrude this view and would be likely to partly obscure the Cathedral and Round Tower from certain vantage points. In so doing, the proposal, would conflict with the advice contained in the Memorandum of Guidance on Listed Building in Conservation Areas. I find that the development would detract from the setting of this Category A listed buildings, and would be detrimental to the character and appearance of the conservation area. I am also concerned that the erection of a new house approximately 24 metres from the west door of the Cathedral would spoil the view from the Cathedral precinct enjoyed by visitors and members of the congregation. I am satisfied that your client's architect has made considerable efforts to design a sympathetic and unobtrusive building, but I conclude that any house on the appeal site would be likely to have an adverse impact which I have described.
- 3.4 I consider that the proposed demolition of a section of the sandstone boundary wall would be extremely damaging to the character of the Chanonry, and to the setting of the Cathedral. The application proposal before me shows the formation of a vehicular access through the wall, and the rebuilding of the wall behind the passing place, which would remove the sense of enclosure in this section of Chanonry Wynd. No plans have been submitted for the suggested alternative access arrangement, but I would regard the loss of even a short section of this wall to allow the insertion of solid gates as regrettable. Insofar as the appeal proposal would disturb views of the Cathedral and the Round Tower, and the access works would necessitate the removal of part of the roadside wall, I conclude that the proposed development would be contrary to the provisions of the adopted Local Plan which aims to preserve the environment of the area surrounding the Cathedral.
- 3.5 I have considered the circumstances of the grant of planning permission for the new manse on the opposite side of the Wynd, and I accept that there is a clear function of historical linkage between the manse and the Cathedral. I understand that the development of the manse does not require removal of a section of boundary wall and note that the manse does not interrupt towards the Cathedral from Chanonry Wynd.

- 3.6 I have taken account of all the other matters raised, none outweighs the considerations leading to my conclusions. Accordingly, in exercise of the authority delegated to me I hereby dismiss the appeal and refuse to grant planning permission for the application dated 2 June 1995.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 CONSULTATION

- 5.1 The Director of Law & Administration and the Director of Finance have been consulted in the preparation of this report.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/RMcN/IAL
18 September 1996

Alex Anderson
Director of Planning, Transport & Economic Development

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