

---

## Appeal Decisions

Site visit made on 29 December 2016

**by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC**

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

**Decision date: 6 April 2017**

---

### **Appeal A: Ref: APP/J3720/W/16/3155966**

#### **Manor Lodge, Sheep Street, Shipston-on-Stour CV36 4AF**

- 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 Jeremy Pragnell against the decision of Stratford on Avon District Council.
  - The application Ref 16/00600/FUL, dated 19 February 2016, was refused by notice dated 9 June 2016.
  - The development proposed is alterations and extension to a curtilage listed garage for the conversion to a two bedroom dwelling. New shed and new bin/bicycle store.
- 

### **Appeal B: Ref: APP/J3720/Y/16/3155969**

#### **Manor Lodge, Sheep Street, Shipston-on-Stour CV36 4AF**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Jeremy Pragnell against the decision of Stratford on Avon District Council.
  - The application Ref 16/00601/LBC, dated 19 February 2016, was refused by notice dated 9 June 2016.
  - The works proposed are alterations and extension to curtilage listed garage for the conversion to a two bedroom dwelling. New shed and new bin/bicycle store.
- 

## **Decisions**

1. **Appeal A** is allowed and planning permission is granted for alterations and extensions to curtilage listed garage for the conversion to a two bedroom dwelling, new shed and new bin/bicycle store at Manor Lodge, Sheep Street, Shipston-on-Stour CV36 4AF in accordance with the terms of the application, Ref 16/00600/FUL, dated 19 February 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.
2. **Appeal B** is allowed and listed building consent is granted for alterations and extensions to curtilage listed garage for the conversion to a two bedroom dwelling, new shed and new bin/bicycle store at Manor Lodge, Sheep Street, Shipston-on-Stour CV36 4AF in accordance with the terms of the application, Ref 16/00601/LBC, dated 19 February 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

## **Application for costs**

3. An application for costs was made by Mr J Pragnell against Stratford on Avon District Council. This application is the subject of a separate Decision.
-

## **Preliminary Matters**

4. Since the applications for planning permission and listed building consent were determined, the Council adopted the Stratford-on-Avon District Core Strategy 2011-2031 (CS) on 11 July 2016. The Local Plan policy referred to in the Council's refusal of the application for planning permission is therefore no longer current and the Council's statement draws attention to two Core Strategy Policies upon which it now relies. The appellant has been given an opportunity to comment on the Council's statement. My determination of the appeals is made in the context of the adopted CS.

## **Main Issues**

5. The main issue in respect of Appeal A is the effect of the proposal on highway safety with particular regard to the availability of parking.
6. The main issue in respect of Appeal B is whether the proposed works would preserve the listed building known as Manor Lodge or its setting or any features of special architectural or historic interest which it possesses.

## **Reasons**

7. The appeal site comprises part of the land at the rear of Manor Lodge and includes a modern flat roofed garage and store. The site is enclosed by high walls. The appeal site has an existing pedestrian access through the boundary wall onto a public footpath on the eastern side of the site. This alley runs between Sheep Street and Telegraph Street. Manor Lodge is a Grade II listed building, listed as "Manor House and The Manor and attached wall, coach house and gatepiers".
8. The proposal would alter and extend the garage building to provide a two-bedroom single storey dwelling. The development would incorporate an oak framed structure, rendered walls and oak doors and window to a courtyard garden. The design of the proposed dwelling would complement the contemporary appearance of a recently constructed single storey extension to the east side of Manor Lodge.
9. Double gates set within an archway onto Sheep Street serve Manor Lodge and the drawings show that off-street parking for Manor Lodge would continue to be provided alongside that property. As a consequence of the proposed subdivision of the site by means of a horizontal timber panelled fence, there would be no vehicular access to the proposed dwelling. Pedestrian access would continue to be provided from the footpath alongside the site. Cycle storage forms part of the proposals.
10. In considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, special regard is to be paid to preserving the listed building or its setting or any features of special architectural or historic interest it possesses<sup>1</sup>. The Council do not dispute that the existing garage is of no architectural merit; from what I observed during my site visit, I find that the existing garage detracts from the immediate setting of the listed building. The listing description includes references to the late 18C and early 19C wall to the east of Manor House and

---

<sup>1</sup> Sections 16(2) and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

to the wall to the north. I consider that the walls which surround the appeal site contribute to the significance of the listed building.

*Appeal A*

11. The Council refused the proposal due to the lack of any off-street parking to serve the proposed dwelling. Sheep Street is a one-way street with parking on both sides of the road along much of its length. This parking is restricted to residents permit parking or a maximum two hour stay. At the time I visited the site, there were a number of parking spaces available on Sheep Street although this may not be typical of all times of the day or week. However, I am not presented with any detailed evidence to demonstrate there is a consistent shortage of parking in the vicinity of the appeal site. I have taken into account that future occupiers would in all likelihood be eligible for a residents parking permit and so may increase slightly the number of vehicles parking in the area. Notwithstanding this, the evidence identifies a number of public car parks in the town centre including the Telegraph Street car park and the West Street car park, both of which are within easy walking distance of Sheep Street and the appeal site. I note that the highway authority raised no objection to the proposal.
12. The proposed dwelling would have a floor area comparable with that of a flat or small cottage. Whilst future occupiers may choose to have a car, the central location of the site would not require occupiers to be dependent on car-borne travel as many facilities are within walking distance. There is access to bus services serving other destinations.
13. I am satisfied that there would be no significant adverse effect upon highway safety arising from the lack of on-site parking in this particular case. The proposal would comply with CS Policy CS.20 which addresses conversions and changes of use of buildings to dwellings and there would be no significant adverse impact on the amenities of neighbouring properties by reason of there being no off-street parking as part of the proposal.
14. CS Policy CS.26 is specific to transport and communications and the location of the appeal site is such that it would encourage modal shift towards the use of more sustainable forms of transport. The location, combined with the modest scale of the development would not result in any conflict with Part B of CS Policy CS26 as the scale of traffic generated would be appropriate for the function and standard of roads serving the site. With regard to Part C of the policy, there would be no unacceptable impact on the amenity of the local area or highway safety for the reasons already referred to and I am not directed towards any published or adopted parking standards. The proposal would accord with the National Planning Policy Framework.
15. The proposal would not have an adverse effect on the setting of the listed building and the Council's evidence shows that the manner in which the dwelling would be attached to the existing courtyard wall would preserve the character and integrity of the wall.
16. Where development affects a conservation area, special attention is to be paid to the desirability of preserving or enhancing the character or appearance of that area<sup>2</sup>. Given the enclosed nature of the appeal site, the impact on the

---

<sup>2</sup> Section 72 of Planning (Listed Building and Conservation Areas) Act 1990

appearance of the conservation area would be minimal and in terms of the built form would be beneficial. Thus the proposals would enhance the appearance of the area. Any increase in traffic would be very modest in scale and would therefore preserve the character of the area.

*Appeal B*

17. The Council's reason for refusing listed building consent refers to the refusal of planning permission and a failure to demonstrate that the development could proceed in a way that conserved and enhanced the heritage asset and protected its significance. The Council's statement does not include evidence to support this reason for refusal.
18. The Council's report on the proposal sets out the conservation officer's view that the proposed development would preserve the setting of the listed building and the character and integrity of the courtyard walls. I have considered the proposals and the evidence submitted by the appellant including the Heritage Statement which accompanied the application. From this, and from my assessment of the site, I am satisfied that the proposal would not diminish the significance of the listed building and would preserve its special interest and its setting.

**Conclusions and conditions**

19. For the reasons given above and having taken into account all matters raised I conclude that the appeals should be allowed subject to appropriate conditions.
20. I have considered the various conditions suggested by the Council. In respect of the application for planning permission, in addition to the standard time limit, I agree a condition specifying the approved plans is necessary. I have added drawing 2458-05 to the list of drawings. Provision of the agreed drainage strategy is necessary. Details of materials and fenestration are not fully addressed in the submission. Given the relationship of the proposal to listed structures, I agree that control of these matters is appropriate. For the same reasons restrictions on alterations to the dwelling including changes to the roof and further walls and fences should be subject to control. Covered storage for bins as shown in the proposals should be secured. The cycle storage facilities are required to encourage the use of non-car borne transport.
21. In respect of listed building consent, additional controls relating to materials and other details of the construction are required to ensure the development preserves the special interest of the listed building and its setting.

*J E Tempest*

INSPECTOR

Attached – Schedule of conditions.

## **Schedule of conditions.**

### **Appeal A. Conditions attached to planning permission .**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2458 -02; 2458-05; 2458-06 Rev E; 2458-11 and 2458-14. The development shall also be carried out in accordance with the Design and Access Statement and Heritage Statement unless otherwise required by the conditions attached to this permission.
- 3) Notwithstanding the details indicated on the approved drawings listed in condition 2 above, prior to their construction or installation a schedule of materials and finishes and samples and trade descriptions of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include: (a) the external facing and roofing materials including colour, type and profile; (b) the type, colour and finish of any timber cladding/boardings to be used; (c) construction details at a scale of 1:20 of all eaves and verges (d) cross sections, design, appearance (including thresholds, profiles, reveals surrounds, materials, finish and colour) of all doors and windows including their method of opening and all lintels and sills; and (e) locations, heights and sizes of all ducts, flues, rainwater goods, vents, meters and any other external attachments. The development shall be carried out in accordance with the details thereby approved and retained in that form.
- 4) The development hereby permitted shall not be occupied or brought into use until the foul and surface drainage has been fully implemented in accordance with the details shown on drawing 2458-14 and details received by the Council in the email of 12 May 2016. The approved drainage shall be retained thereafter.
- 5) The development hereby permitted shall not be occupied or brought into use until the bin storage area and cycle storage shown on drawing 2458-06 Rev E have been provided. These storage facilities shall be retained for the specified purposes thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Part 1 Class A or Class C or Part 2 Class A of Schedule 2 of that Order shall be carried out without planning permission granted by the Local Planning Authority.

### **Appeal B. Conditions attached to listed building consent.**

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 2458 -02; 2458-05; 2458-06 Rev E; 2458-11 and 2458-14. The works shall also be carried out in accordance with the

Design and Access Statement and Heritage Statement unless otherwise required by the conditions attached to this consent.

- 3) Notwithstanding the details indicated on the approved drawings listed in condition 2 above, prior to their construction or installation a schedule of materials and finishes and samples and trade descriptions of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include: (a) the external facing and roofing materials including colour, type and profile; (b) the type, colour and finish of any timber cladding/boarding to be used; (c) construction details at a scale of 1:20 of all eaves and verges (d) cross sections, design, appearance (including thresholds, profiles, reveals surrounds, materials, finish and colour) of all doors and windows including their method of opening and all lintels and sills; and (e) locations, heights and sizes of all ducts, flues, rainwater goods, vents, meters and any other external attachments. The works shall be carried out in accordance with the details thereby approved and retained in that form.

End.