
Appeal Decision

Site visit made on 3 May 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 23rd May 2017

Appeal Ref: APP/K3415/Y/16/3165135
21 Main Street, Stonnall, Walsall, WS9 9DX

- 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 Paul Bannister against the decision of Lichfield District Council.
 - The application Ref: 15/00051/LBC dated 3 November 2014, was refused by notice 15 June 2016,
 - The works proposed are extensions to provide an orangery, kitchen and laundry, with additional bathroom above, together with internal alterations.
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Decision

1. The appeal is dismissed and listed building consent is refused for extensions to provide an orangery, kitchen and laundry, with additional bathroom above, together with internal alterations.

Procedural Matters

2. I have taken my description of the proposed works from that given on the application form.
3. I have dealt with another appeal at this address by the same appellant¹. However, that appeal relates to the refusal of an application for planning permission for a new dwelling, access drive and parking within the site, whereas the appeal proposal before me concerns extensions and internal works to Elm Cottage. The two appeals concern different proposals and regimes are not inter-linked, and the planning appeal under section 78 of the Town and Country Planning Act 1990 will be the subject of a separate decision.
4. On 15 June 2016 the Council refused a corresponding planning application² for the same proposal, which was the subject of a subsequent appeal³, dismissed in January 2017. The Inspector on that occasion considered the same (revised) plans⁴ and dismissed the appeal for heritage-related reasons only. He concluded that the proposal would cause harm to the significance of the listed building and would not preserve its special architectural or historic interest. I am not aware of any change in planning policy or other material circumstances in the interim period and therefore this previous appeal decision is an important material consideration.

¹ Ref: APP/K3415/W/16/3161106

² Ref: 15/00050/FUL dated 3 November 2014

³ Ref: APP/K3425/W/16/3154342

⁴ 1412-1 Rev C Floor Plans, date-stamped 5 April 2016; 1412-2 Rev B Elevations, date-stamped 9 May 2016; 1412-3 Rev A Site layout, 1412-4 Rev A Garage, date-stamped 5 April 2016

Main Issue

5. The main issue in this case is whether the proposed works would preserve the special architectural and historic interest of Grade II listed Elm Cottage.

Reasons

6. No 21 Main Street (Elm Cottage) faces a small triangular green at the junction of Main Street and Lazy Hill. Elm Cottage is a Grade II listed building dating from the late 18th century, with minor 19th century alterations. It is a typical and attractive double-fronted brick built cottage with a tiled roof and cogged eaves. The front elevation is symmetrical with a centrally placed door.
7. The proposal comprises several elements. The single-storey orangery/kitchen extension would be flush with the western elevation and project about 3.1m to the rear. It would be a flat-roofed structure with extensive glazing. Also at the rear an existing lean-to store would be replaced by a larger part one and two-storey flat roofed extension comprising a laundry below and bathroom above. Various internal alterations are also proposed.
8. At the Statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to 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.
9. The development plan includes the *Lichfield Local Plan Strategy 2008-2029* (LP), February 2015, and the *Shenstone Neighbourhood Plan* (NP), made on 13 December 2016. Amongst other matters, LP Policy BE1 seeks to achieve a high quality built environment that will have a positive impact on the significance of the historic environment. LP Core Policy 14 states the significance of designated heritage assets will be conserved, enhanced and given the highest level of protection. Whilst the Council has not cited any NP policies in its reason for refusal, they are referred to in its statement. Policy HB2 is most relevant and states that heritage assets within the area, especially listed buildings and their settings, must be protected, conserved and enhanced when development proposals are brought forward. I have also been referred to two Supplementary Planning Documents, of which '*Historic Design*' (SPD) is most relevant.
10. Paragraph 132 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost through alteration or destruction of the heritage asset. As these heritage assets are irreplaceable, any harm should require clear and convincing justification.
11. A large part of the building's special architectural and historic interest derives from its origins as a modest cottage redolent of the local vernacular style, the use of traditional local materials, its form, and its prominent position within the street scene.
12. With regard to the proposed extensions, I accept that a contemporary design can be an appropriate solution in some cases. Indeed, taken in isolation, the orangery/kitchen extension has a crisp, simple and elegant appearance. However, the cumulative effect of the proposed extensions would read as a large and discordant addition that would markedly alter the simple form of the cottage and detract from its simple vernacular character. Furthermore, the flat

roof of the two-storey extension would clash awkwardly with the existing gables at the rear, and the relationship between the existing cottage and this extension would appear visually unsatisfactory and unresolved.

13. The proposal also involves internal works to provide a more open plan ground floor layout with the removal of some later partitions, a new opening to link with the orangery/kitchen extension, and the removal of a chimney breast. Part of an existing exterior wall would also be removed to create a bathroom. In total a substantial amount of historic fabric would be lost, and this would detract from those elements that make an important contribution to the special historic interest of the building; namely its traditional form and appearance, and would also dilute and confuse the historic development of the building.
14. Paragraphs 133 and 134 of the Framework differentiate between the approaches required where proposals would lead to substantial harm or total loss of significance to a designated heritage asset, or alternatively where it would lead to less than substantial harm. In this case, I find that the harm caused to the listed building would be less than substantial. I note too that the appellant's Heritage Impact Statement reaches the same conclusion.
15. I am conscious that the extensions and alterations would provide more practical and spacious accommodation for modern living. However, leaving aside whether the appellant's enjoyment of the property can properly be regarded as a public benefit, the cottage has been occupied until recently, and other more sympathetic means of extending the property to achieve similar benefits may be possible. Whilst the harm to the listed building would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to a designated heritage asset is a matter that attracts considerable weight and importance. With that in mind, I conclude that the benefits involved do not come close to outweighing the harm that would be caused to the significance of the listed building.

Conclusion

16. To summarise, I consider the proposed works would cause less than substantial harm to the significance of this Grade II listed building, and would not preserve its special architectural or historic interest. It has not been shown that public benefits would outweigh this harm, and so the proposal conflicts with the Framework, LP Core Policy 14 and Policy BE1, NP Policy HB2, and advice in Section 3 of the SPD.
17. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR