
Appeal Decisions

Site visit made on 4 July 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 26 July 2017

Appeal A Ref: APP/J3720/W/17/3170834

River Keepers Cottage, Bridge Street, Hampton Lucy, Stratford upon Avon, Warwickshire, England CV35 8BA

- 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 Alf Rajkowski against the decision of Stratford on Avon District Council.
 - The application Ref 16/02184/FUL, dated 29 June 2016, was refused by notice dated 7 November 2016.
 - The development proposed is a conservatory.
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Appeal B Ref: APP/J3720/Y/17/3173678

River Keepers Cottage, Bridge Street, Hampton Lucy, Stratford upon Avon, Warwickshire, England CV35 8BA

- 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 Alf Rajkowski against the decision of Stratford on Avon District Council.
 - The application Ref 16/02187/LBC, dated 29 June 2016, was refused by notice dated 7 November 2016.
 - The works proposed are a conservatory.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Main Issue

2. The main issue in both appeals are whether the proposed works and development would preserve the special architectural and historic interest of the Grade II listed building.

Reasons

3. River Keepers Cottage is a detached Grade II listed cottage situated within a verdant setting on the banks of the River Avon. Having become extremely dilapidated towards the end of the last century, the building was substantially rebuilt and extended. The List Description was amended in 1999, subsequent to the building's refurbishment and extension in 1997.
4. The extant building has two distinct ranges. The southern range is of timber-frame and brick construction under a steep-pitched, reed-thatched roof. Based on the information before me, it is clear that this portion of the building reflects the form and traditional construction of the original 17th century cottage. The

northern, cross-range is taller and made of brick with a clay tiled roof, with large gable ends. The scale, material treatment and orientation of this portion distinguish it as the late 20th century extension. I consider that the special interest and significance of the listed building is as a historic example of a modest rural dwelling, the form and scale of which remains clearly evident, in a verdant riverside setting.

5. The appeal scheme proposes to add a conservatory, constructed of oak and glass, to the rear (east) elevation of the 17th century cottage. While the works would be away from the prominent southern elevation of the building, they would nonetheless affect a portion of the building's earlier range. Projecting from the flat elevation between the large gable of the modern extension and the cat-slide roof that kicks out from the building's southern end, the works would effectively infill the set-back between these elements. As a consequence, the conservatory would appear to have been squeezed into the space, creating a cramped and uncomfortable addition that would detract from the simplicity of its original form. The clear distinction between the original and later portions of the building would also be diluted.
6. There is very little timber-framing visible on the part of the cottage where the works are proposed. Even so, the flat elevation and the position of the door and two windows closest to it evidently reflect the traditional features and layout of the original cottage. The proposed works would internalise the majority of the rear wall, partly concealing the plan-form of the building's historic range, and two of the ground-floor casement windows. In percentage terms, the scale of the proposed conservatory would be relatively modest compared to existing floor area. The appellant also proposes the use of high quality materials, sympathetic to the main body of the building. Nevertheless, even though the conservatory would be of a simple construction with large amounts of glazing, and leave the internal brickwork exposed, the proposed works would still screen elements of the building's original form and traditional features. Reaching up to the cill of the first floor casement, and abutting the existing tiled roof of the entrance porch, the roof of the proposed conservatory would have a clumsy relationship with both, resulting in a confused and contrived addition.
7. Overall, the legibility of the building's original plan-form and traditional features, as well as the physical narrative of how it has been modified over time, would be harmfully impacted. For these reasons, I consider that the proposed conservatory would result in material harm to the building's significance as a designated heritage asset. While the impact on the building as a whole would be relatively minor, the proposed works would nonetheless fail to preserve the special architectural and historic interest of the listed building.

Planning balance

8. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It confirms that, as I have found in this case, significance can be harmed by alterations to a heritage asset. That said, I consider that the degree of harm to the significance of the listed building in this instance would be less than substantial. In these circumstances, as established in paragraph 134 of the Framework, the less than substantial harm should be weighed against the

public benefits of the proposal, including securing the optimum viable use of the building.

9. There would also be some, short-term, economic benefit through employment associated with the construction phase. I consider that the convenience afforded by the conservatory and the additional living space it would provide would be a personal advantage to the appellant, rather than a public benefit. Moreover, no evidence has been put forward to indicate that the works would be essential to secure the optimum use of the building as a single family dwelling. Consequently, the scheme would meet a private need and the identified public benefits are not sufficient to outweigh the material harm to the designated heritage asset.

Other matter

10. The appeal site falls inside the Charlecote & Hampton Lucy Conservation Area (the Conservation Area). The Council have not raised any specific concerns about the effect of the proposal on the Conservation Area; mindful of Section 72(1) of the Act, I am still obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of it. The appeal site lies on the northern periphery of the Conservation Area, somewhat physically isolated from the core of the estate village of Hampton Lucy. Nonetheless, it provides an important part of the historic built development of the area. As such, the site contributes aesthetically and historically to the character and appearance of the Conservation Area as a whole, and thereby to its significance as a designated heritage asset.
11. While I have identified the proposal would harm the significance of the listed building, the impact of the proposed development would not be obviously visible from the public realm. Overall, that the aesthetic and historic contribution that River Keepers Cottage contributes to the Conservation Area as a whole would remain unharmed. The proposal would therefore not impact on the character or appearance of the Conservation Area, which, as a consequence, would be preserved.

Conclusion – both Appeal A and Appeal B

12. The works and development would fail to preserve the listed building, or its features of special architectural interest, contrary to the clear expectations in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). There would also be a conflict with Policy CS.8 of the Stratford-on-Avon District Core Strategy 2011 – 2031 (the CS), insofar as it seeks to protect and enhance designated heritage assets within the District such as listed buildings. In failing to be sensitive to the existing built form of the site, there would also be conflict with Policy CS.9 of the CS.
13. In considering whether to grant listed building consent or planning permission, the relevant Act requires decision makers to have special regard to the desirability of preserving a listed building. Even though the overall harm would be less than substantial in this case, this overarching statutory duty must be given considerable importance and weight. For the reasons set out above, therefore, both Appeal A and Appeal B should be dismissed.

H Porter

INSPECTOR