
Appeal Decision

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 Ref: APP/H1840/D/17/3173232

The Byre, Bredons Norton, Tewkesbury, Glous GL20 7EZ

- 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 Peter Bridgland against the decision of Wychavon District Council.
 - The application Ref W/17/00002/PP, dated 2 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is a single storey study/home office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are to the effect of the proposed development on the character and appearance of The Byre and the Bredons Norton Conservation Area; and whether the proposed development would preserve the setting of the Grade II* listed Church of St Giles.

Reasons

Character and appearance

3. The Byre forms part of a mid-19th century single-storey barn conversion situated within Bredons Norton Conservation Area (the Conservation Area). The Byre and the attached Little Paddock are constructed in brick and Cotswold stone, with a clay tile roof, set back within an enclosed space demarcated by a stone boundary wall. Despite its conversion into two dwellings, the characteristic simple rectangular plan form of the former barn, set within a traditional yard-like setting, remains legible.
4. The Bredons Norton Conservation Area Appraisal, adopted 2006 (the Appraisal) establishes that the special interest of the Conservation Area is contributed to, in part, by the survival of the historic form and identity of the village and the continued presence of farm buildings, which reflect the historic development of the settlement and contribute to its rural character. The traditional form of the Byre reflects the local vernacular of farm buildings and as such contributes to the character and appearance, as well as heritage significance, of the Conservation Area.

5. The appeal scheme would introduce a single-storey, pitched roof 'home office' within the far corner of the garden of The Byre. The structure would be positioned at the furthest point from the highway, close to the stone dividing wall between gardens of The Byre and Little Paddock.
6. Despite the various ancillary buildings and the conservatory associated with Little Paddock, as well as the garage to the side of The Byre, the contained garden areas to the front of the former farm building have an open, yard-like appearance. Irrespective of whether or not structures historically populated this now open area, the proposed garden room would significantly encroach upon the enclosure. While designed to be unobtrusive and positioned at the furthest point away from The Byre, even at single-storey height the garden room would dominate what is a relatively small, characteristically undeveloped portion of the garden. As a result, the sense of contained openness that reflects its historic yard-like function would be disrupted, eroding the legibility of The Byre's origins as an agricultural building.
7. The design of the proposed garden room is intended to reflect the simple characteristics of an agricultural building. However, the timber and glazed front elevation, which would face towards the main highway, would reveal its domestic function. Increasing the domestic appearance of the appeal site would, in my judgement, further undermine the legibility of its former agricultural use. All in all, the proposed garden room would harm the historic integrity of The Byre as a surviving example of Bredons Norton's evolution and the role farming played in the development of the settlement, even with the use of sympathetic materials. As a consequence, the proposal would also adversely affect the character and appearance of the Conservation Area as a whole, which, it follows, would not be preserved.

Setting of the listed building

8. The Church of St Giles (the Church) is a Grade II* listed building, which is readily visible as the central feature of the village. In addition to the Church's historic fabric, it is also its historic role as the social and spiritual focal point of the community that makes an important contribution to the building's special interest and significance as a heritage asset. This is manifest in the dominance of the building's tower, which remains visible in views between the buildings that have evolved around it. These buildings and the spaces between them are thus part of the setting of the Church.
9. The square bell-tower of the Church is revealed as a focal feature in views across the stone boundary wall and open garden of The Byre, approaching from the north. The high hedge and stone wall either side of the private access lane that runs along the front of The Byre also channels a view towards the Church, which is categorised within the Appraisal as a 'significant view'. While other dwellings and garage structures may be in closer proximity to the Church itself, the unencumbered view to it across the open garden of The Byre and along the access lane, is an important element of the setting of the Church.
10. The boundary wall is a little over 1.5 metres high, whereas the proposed garden room would be 2 metres to the eaves and 3.5 metres to the ridge. Positioned at the furthest point from the highway, the longest side of the proposed structure would flank the private access lane. The various outbuildings associated with Little Paddock, and properties and associated single-storey garaging on the opposite side of the access lane, which includes

St Giles End, are set back and do not impede the important views to the Church. However, owing to the scale and position of the proposed garden room, it would appear prominently in the mid-ground of the view towards the Church when seen across the garden of The Byre, as well as along the access lane. The top of the Church tower itself may still be visible above the garden room, and planting could, seasonally, lessen the impact. However, the works would nonetheless distract from the Church as a focal feature and thus result in material harm to the setting of the Grade II* listed building.

Other matters

11. I have been referred to several other developments that have been permitted in the village and some within the curtilage or setting of heritage assets. While I do not know the circumstances that led to the proposals behind the Village Hall and next to Malvern View being accepted, I noted that they both appeared deferential to the setting of the heritage assets, and preserved the character and appearance of their wider context. Moreover, unlike the appeal proposal neither of these developments affects a view towards the Church. While the appeal scheme may be similar to that permitted within the curtilage of the Old Barn, as the capacity of a setting or sensitivity of the special interest, of a designated or a designated heritage asset will vary, the implications should therefore be considered on a case-by-case basis. Accordingly, I have determined the appeal on its own merits.
12. The Council may have expressed a view on alternative options for reducing the impact of the proposal, including a different location or modification of the existing garage. While I note the appellant's argument that such alternatives would present their own challenges, I have determined the appeal on the basis of the plans and information submitted. I also note the comments made in relation to the Council's assessment of the proposal and their communication of this to the Planning Committee. The administration of the original application is a matter of local government accountability and my role in this appeal is confined to assessing the planning merits of the proposal before me. These matters have therefore had very little bearing on my overall conclusion.

Conclusions

13. I have found that the character and appearance of The Byre and Conservation Area would not be preserved. The appeal proposal therefore conflicts with the provisions made under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which require special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposal would also fail to accord with Policy SWDP 6, SWDP 21 AND SWDP 24 of the South Worcestershire Development Plan, adopted February 2016 insofar as these policies seek to ensure development integrates effectively with its surroundings, reinforce local distinctiveness and conserve heritage assets and their settings. The proposal would also conflict with the aims of the Appraisal, which seeks to preserve or enhance the existing character and appearance of the Conservation Area.
14. I have also found that there would be harm to the setting of the Grade II* listed Church, contrary to the duty under Section 66 of the Act, 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, and to the guidance in the National Planning Policy Framework (the Framework).

15. Given the scale of the impact, for the purposes of the Framework, the degree of harm to the special interest and significance of the heritage assets would be less than substantial. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal. I consider that the convenience afforded by the provision of additional, flexible living accommodation would be a personal advantage for the appellant, rather than a public benefit. There would be no harm to the living conditions of neighbouring residents, and the purpose of a conservation area designation is not to fetter modern-day needs and lifestyles. Even so, public benefits do not outweigh the considerable importance and weight I must afford to the harm to the designated heritage assets. I therefore conclude that the appeal should be dismissed.

H Porter

INSPECTOR