
Appeal Decision

Site visit made on 9 June 2017

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

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

Decision date: 02 August 2017

Appeal Reference: APP/H1840/D/17/3173081

'Orchard Cottage', Church Lane, Martin Hussingtree WR3 8TQ

- 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 and Mrs Sikorski against the decision of Wychavon District Council.
 - The application (reference W/16/01810/PP, dated 20 July 2016) was refused by notice dated 17 February 2017.
 - The development proposed is the erection of "annex accommodation" and of an "orangery building".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of "annex accommodation" and of an "orangery building", at 'Orchard Cottage', Church Lane, Martin Hussingtree WR3 8TQ, in accordance with the terms of the application (reference W/16/01810/PP, dated 20 July 2016), subject to the following conditions.
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing no.: 16/SIKORSKI/01 (Existing Floor Plans);
 - drawing no.: 16/SIKORSKI/02 (Existing Elevations);
 - drawing no.: 16/SIKORSKI/03C (Proposed Floor Plans);
 - drawing no.: 16/SIKORSKI/04C (Proposed Elevations + Design Sections).
 3. No development shall take place until samples (or specifications) of the materials and drawings (at appropriate scales) of the construction details to be used in the construction of the external surfaces of the new development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials.
 4. Prior to the first occupation of any part of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and shall not be altered thereafter.

Preliminary point

2. The 'Planning Refusal Notice' issued by Wychavon District Council describes 'Orchard Cottage' as a "curtilage listed building". The adjacent property, 'Orchard Manor', is, indeed, listed (Grade II) as a building of special architectural or historic interest and at one time a coach house formed part of the same property, within the then existing curtilage. At some time before 1990, the property was subdivided and part of the original coach house appears to have been incorporated into 'Orchard Cottage'.
3. On the evidence before me, I have concluded that the appeal building is not itself a "curtilage listed building" though it adjoins the garage that now stands within the curtilage of 'Orchard Manor'. In any case, this appeal does not relate to an application for listed building consent (for works to a listed building), though the legislation relating to listed buildings is relevant nevertheless, as explained below.

Main issues

4. The first main issue to be determined in this appeal is whether the proposal is "inappropriate development" in terms of Green Belt policies. If so, it is necessary to consider whether the harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations; if not, it is nonetheless necessary to consider the impact of the proposed development on the surroundings, the setting of 'Orchard Manor' (which is a listed building) and the Martin Hussingtree Conservation Area.

Reasons

5. Martin Hussingtree is a dispersed settlement, with a cluster of buildings along Church Lane. The locality is contained within the Martin Hussingtree Conservation Area which includes a number of buildings as well as open spaces. Thus, the Conservation Area has an open and spacious character, enhanced by the quality of individual buildings within it, set in rural surroundings.
6. In particular, the building that stands adjacent to the appeal site is a listed building, as has been pointed out above. 'Orchard Manor' is an imposing house, dating from the seventeenth century with substantial later alterations and additions. It is an irregular and complicated building, with some exposed timber framing and a complex roof form, and it rises above the neighbouring dwelling on the appeal site, with two main floors and an attic storey.
7. The appeal building, 'Orchard Cottage', has also evolved and been adapted over a long period of time. In the nineteenth century it appears to have been a smithy but by the 1930s it had become a dwelling. In 1985, permission was granted for an extension to the elevation facing Church Lane and alterations to the earlier building have been carried out, though it is not necessary for this appeal to consider the history (or lawfulness) of such alterations, in relation to the earlier planning permission.
8. In its current form, 'Orchard Cottage' is essentially a single storey building, of white painted brickwork under steeply pitched tiled roofs. The main eaves of

the roof are above the ground floor windows but the roof spaces contain bedrooms and ancillary rooms at first floor level. These rooms are lit by rooflights, dormers and gable windows.

9. 'Orchard Cottage' adjoins its southern boundary with 'Orchard Manor' but it has extensive grounds with broad grassy areas and a number of trees (including both young and mature trees) to the north, east and west of the dwelling.
10. It is now proposed that 'Orchard Cottage' should be further extended. An "orangery" would be constructed to the rear of the existing kitchen, within a courtyard space that adjoins the boundary with 'Orchard Manor'. On the north side of the property, away from the boundary with 'Orchard Manor', extensions would be constructed to provide an "annexe". These would involve the construction of a large room on the ground floor, with a small extension to the ground and first floor on the front elevation. The large room would be covered largely by a steep pitched roof, with a smaller area of flat roof, while the front extension would involve the creation of what would be a new element on the front elevation, of almost two storeys in height, topped by a gable.
11. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect the setting of a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the setting. Other provisions in the Act require decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals.
12. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which emphasises the importance of conserving and enhancing the historic environment.
13. In relation to Green Belt policies, the 'National Planning Policy Framework' makes it plain, at paragraph 89, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in "very special circumstances". Nevertheless, it also provides that the extension of an existing building in the Green Belt can be acceptable "provided that it does not result in disproportionate additions over and above the size of the original building".
14. The Development Plan reflects the provisions of the primary legislation and the 'National Planning Policy Framework' in protecting heritage assets, notably Policies SWDP6 and SWDP24 in the 'South Worcestershire Development Plan – 2013'. Policy SWDP2 in the 'Development Plan' reinforces national Green Belt policies.
15. 'Orchard Cottage' is a substantial dwelling in its own right that was previously extended in about 1985. The proposed new extensions would be significant in themselves but the local planning authority has accepted that, in terms of Green Belt policy, they would be limited in scale and would not amount to disproportionate additions to the original building. It follows that they would accord with paragraph 89 of the 'National Planning Policy Framework' and that the project would not amount to "inappropriate" development in principle. It is, nonetheless, necessary to consider the impact of the proposed development

- on the surroundings; specifically on the setting of 'Orchard Manor' and on the Martin Hussingtree Conservation Area.
16. The proposed "orangery" would be located close to the boundary with 'Orchard Manor' but it would be concealed from longer views by other buildings. It would be a single storey extension, contemporary in style (with a flat roof and lantern) but thoughtfully designed, with white painted brickwork to blend with the existing building. It would not cause material harm either to the setting of the nearby listed building or to the wider Conservation Area and it would not be objectionable in planning terms.
 17. The proposed annexe extensions, on the opposite side of the building would be set away from the listed building at 'Orchard Manor'. They would, however, be obvious in views from Church Lane and Strand Lane, which border the property.
 18. The appeal building has an irregular plan form that would be made more complex by the proposed additions. Even so, it would echo traditional forms, as a low range of buildings with steeply pitched roofs, incorporating "design breaks" in the overall composition and thereby maintaining a human scale. The proposed extensions would be subsidiary in appearance to the host building, while the dwelling as a whole would continue to be subservient to the taller listed building at 'Orchard Manor'.
 19. Decision makers are warned not to seek to impose their own particular tastes in design matters and, considered objectively, the scheme that is the subject of this appeal would not be harmful to either the character or appearance of the Conservation Area or to the setting of 'Orchard Manor' more particularly.
 20. Hence, the proposals would not conflict with the aim of protecting the historic environment which is established in primary legislation, set out in Section 12 of the 'National Planning Policy Framework' and reinforced by Policies in the Development Plan (notably Policies SWDP6 and SWDP24 in the 'South Worcestershire Development Plan – 2013', referred to above).
 21. I accept that the proposed extension would be a useful addition to the accommodation at 'Orchard Cottage' and that the provision of an ancillary "annexe" would provide a real benefit, in planning terms. I have concluded that the project would not amount to "inappropriate" development in the Green Belt and, hence, that it would not be in conflict with Green Belt policies, in principle. I have also concluded that it would not conflict with policies that are intended to protect the historic and architectural heritage.
 22. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
 23. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). I have concluded that conditions are necessary to define the planning permission and to ensure that quality is maintained (including by the provision of a sustainable drainage system), while, for the avoidance of doubt, a more

specific condition has been imposed to require the submission of details of the proposed construction materials.

Roger C Shrimplin

INSPECTOR