
Appeal Decision

Site visit made on 10 August 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 25 August 2017

Appeal Ref: APP/H1840/D/17/3176463

1 Ivy Barn Cottages, Swan Lane, Upton Warren B61 7EH

- 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 Mrs M Ottley against the decision of Wychavon District Council.
 - The application Ref 17/00641/HP was refused by notice dated 5 May 2017.
 - The development proposed is the retention of existing porch.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The proposed porch is in place. It appears to broadly reflect the details shown on the plans although the apex of the existing structure is topped by a decorative finial.
3. The appellant has questioned whether the porch requires planning permission given that it could qualify as permitted development. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
4. The boundary of the Upton Warren Conservation Area (CA) wraps tightly around the outer edge the building to which appeal property belongs. From the plan¹ provided, the porch appears to fall just outside the CA, whereas the building to which it attaches is within this designated area. From what I saw, the porch has a very close visual and physical relationship with the host building. It also forms part of the immediate surroundings to the CA within which this designated heritage asset can be experienced. As such, I consider that the porch forms part of the setting of the CA.

Main issue

5. The site is located within the Green Belt. The main parties agree that the porch is not inappropriate development within the Green Belt because they consider it to be a small-scale or minor extension to the host building. From my inspection of the plans, and having particular regard to paragraph 89 of the

¹ Inset 53 Upton Warren Wychavon District Local Plan

National Planning Policy Framework (the Framework), I share that opinion, as the porch would not be a disproportionate addition over and above the size of the original building.

6. Consequently, the main issue is the effect of the development on the character and appearance of the host building and the local area.

Reasons

7. The appeal porch is an open-sided timber-framed structure that attaches to one side of the appeal dwelling, which forms part of converted barns that date from the 19th Century and stand within the Upton Warren Conservation Area (CA). From what I saw, the CA derives its significance as a designated heritage asset mainly from its historic buildings many of which are dispersed along leafy rural lanes. Despite its conversion to residential use, No 1 retains a simple form and it has a traditional style and general appearance. It is clearly legible as a former farm building and has both visual merit and historical value in the evolution of the settlement. Consequently, No 1 positively contributes to the character and appearance of the CA and its heritage significance.
8. When considering the impact of a proposal on the significance of a designated heritage asset, the Framework states that great weight should be given to the asset's conservation, which I have done. The Framework also explains that significance, which derives not only from the asset's physical presence but also from its setting, can be harmed or lost through development within its setting. As heritage assets are irreplaceable, the Framework advises that any harm or loss should require clear and convincing justification. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. The porch stands to one side of the gable wall that marks a corner of the host building and is constructed of materials that are in keeping with those of the existing dwelling. Nevertheless, the porch is a sizeable addition. Its considerable scale and height noticeably contrasts with the more modest proportions of No 1. The outward projection of the porch from the main wall also accentuates the visual impact of the structure in oblique views from the adjacent driveway. From this location, the porch draws the eye as a substantial and prominent feature that in my opinion disrupts the otherwise composed and modest style of the host building.
10. For these reasons, I consider that the porch erodes the legibility of the building as a former agricultural property and diminishes its role in the historical development of the village, even with the use of sympathetic materials. While the porch is not readily seen from beyond the site, which is near to a motorway, the requirement for development to preserve or enhance the character or appearance of the CA applies with equal force whether or not the proposal is prominent or available to public view.
11. From the evidence before me, the Council has found various external alterations and extensions to 2 and 3 Ivy Barn Cottages acceptable. Although these changes have, to some extent, diluted the agricultural character of the original building, it visually reads as a former farm building. Whether or not these schemes have had a significant impact on the character and appearance

of the dwellings themselves, and their contribution to the CA, I have assessed the appeal scheme on its own merits and find it to be an incompatible addition for the reasons given.

12. There are short canopies that overhang some of the external entrances elsewhere on the wider converted building that the appellant states have been in place since its first conversion to residential use. However, these canopies differ in type, scale and appearance to the development sought such that they are not directly comparable. Consequently, the presence of these canopies does not weigh in support of the appellant's case.
13. As the porch detracts from the character and appearance of No 1, its positive contribution to the CA is significantly diminished. Therefore, I find that the development would have a deleterious effect on the character and appearance of the CA and its setting, which would fail to be preserved. I attach considerable importance and weight to this harm.
14. The harm caused by the development on the significance of the CA as a designated heritage asset would be less than substantial. In those circumstances, the Framework states that the harm should be weighed against the public benefits. While the porch would provide shelter adjacent to an external door, this would be a personal advantage for the appellant and visitors, rather than a public benefit. From the submitted evidence, there are no public benefits that would outweigh the harm that I have identified.
15. On the main issue, I conclude that the development causes significant harm to the character and appearance of the host building and the local area. Accordingly, it is contrary to Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan, which aim to ensure development conserves and enhances heritage assets and their settings. This principle underpins the guidance within the Appraisal of the CA, with which the appeal scheme would also conflict. It would also be at odds with the statutory duty and the Framework, which notes that planning should always secure good quality design and safeguard designated heritage assets such as conservation areas.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR