
Appeal Decisions

Site visit made on 21 November 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 29th November 2017

Appeal A: Appeal Ref: APP/H1840/W/17/3177768
2-4 Worcester Road, Pershore WR10 1HG

- 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 Jon Hill Properties against the decision of Wychavon District Council.
 - The application Ref 17/00238/FUL, dated 2 February 2017, was refused by notice dated 15 May 2017.
 - The development proposed is an extension to the existing approved building to form an additional residential unit.
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Appeal B: Appeal Ref: APP/H1840/Y/17/3180284
2-4 Worcester Road, Pershore WR10 1HG

- 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 Jon Hill Properties against the decision of Wychavon District Council.
 - The application Ref 17/00239/LB, dated 2 February 2017, was refused by notice dated 15 May 2017.
 - The work proposed is an extension to the existing approved building to form an additional residential unit.
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Decisions

1. The appeals are dismissed.

Background

2. The appeal building is an outbuilding within the grounds of 2-4 Worcester Road (No 2-4) which is a grade II listed building. As such, it is not a matter of contention that the appeal building is within the curtilage of No 2-4 and, due to its age and relationship to that building, should be considered to form part of the listed building.
3. The appellant has referred to policies within the Wychavon District Council Local Plan. However, the Council's Officer Reports and Decision Notices refer to the current development plan which is the South Worcestershire Development Plan (SWDP). The Council determined the applications on this basis and so shall I.
4. The Council have stated that they demonstrate a 5 year supply of housing (HLS) and this is not disputed by the appellant. In such circumstances, the Framework at paragraph 49 sets out that relevant policies for the supply of housing can be considered up-to-date and paragraph 14 of the Framework sets

out a presumption in favour of sustainable development. For decision taking this means '*approving proposals which accord with the development plan without delay*'.

5. There are extant planning and listed building consents for the conversion and extension of the appeal building to form one dwelling and to convert No 2-4 to five dwellings. At the site visit it appeared that some initial works have been carried out within the glazed area to the rear of No 2-4 and that there are some building materials being stored on the site. Consequently, I consider that it is highly likely that the development and works authorised by those consents would be carried out if I dismiss these appeals. This constitutes a fallback position and I give it substantial weight.

Main Issue – Both Appeals

6. The main issue is whether the proposed development and works would preserve the special architectural and historic interest of the listed building including its setting and would its significance as a heritage asset be harmed.

Reasons

7. No 2-4 stands in close proximity to Worcester Road and its junctions with Station Road and Head Street. The appeal site is also in close proximity to Pershore Town Centre, the Pershore Conservation Area and 4 Bagshaw Court which is grade II listed. Numbers 1-3 Bagshaw Court (No 1-3) are modern dwellings, adjacent to the appeal site, that face Worcester Road. There is a gated vehicular access between No 2-4 and No 1-3 that serves a hard surfaced parking area.
8. No 2-4 is a 2-storey building that appears to be vacant with a 2-storey outbuilding and the main building appears to date from the early 19th Century and is constructed in red brick with a tile roof that has a brick dogtooth eaves detail. The outbuilding is constructed of similar materials and also has a brick dogtooth eaves detail. Even though it may have been constructed after No 2-4 it also appears to date from the 19th Century. Its plain form with a door and window, with curved brick jambs, to its main front elevation gives it a simple, functional appearance.
9. From the evidence available to me, including the listing description, I consider that the significance and special interest of these buildings is largely derived from their age, form, fabric, architectural features and relationship to each other. The significance of No 2-4 is mainly experienced from within its curtilage. However due to its proximity to Worcester Road its significance is also experienced in views from this road. The appeal building, due to its siting, closely relates to No 2-4 and is seen in this context from Worcester Road. This siting and the form of the appeal building provide a clear indication of the building's former functional relationship with No 2-4. As a result, I consider that the appeal building makes a positive contribution to the significance and setting of No 2-4.
10. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that significance

can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.

11. The proposal would involve the conversion and extension of the outbuilding to form 2 dwellings. The extensions include a substantial 2-storey extension to the side with a gable projection at the front and a first floor extension above the single storey gable projection to the front of the existing outbuilding. The extensions would have a lower ridge height than that of the main roof of the outbuilding and would be built in sympathetic materials.
12. However, the considerable width of the side extension in combination with the gable projections would add significant bulk and massing to the original building. As such, they would be prominent features that would have an overly dominant impact on the existing outbuilding. Furthermore, the formal arrangement of openings and the introduction of canopies over the front doors would have an obviously domestic appearance, materially diluting and eroding the special interest and significance of the structure as a historic outbuilding. Consequently, the contribution that the outbuilding makes to the significance and setting of No 2-4 would also be materially eroded.
13. The Council considers that the addition of an additional dwelling on the appeal site would lead to a cramped form of overdevelopment as it would lead to a reduction in the amount of external amenity space on the site and would place pressure on already limited car parking within the site. The proposal would reduce the amount of amenity space available on the site.
14. Nonetheless, the reduction in space would be adjacent to the rear boundary and the majority of the space would remain available and is an appreciable area adjacent to No 2-4. Moreover, the parking area is already hard landscaped and there is no dispute that sufficient spaces can be made available to meet the Council's parking standards. The addition of 2 extra cars within the overall parking area would have limited impact visually. Accordingly, I do not consider that the proposal would have a cramped appearance and in these respects it would not harm the setting of the listed building.
15. The extension that forms the fallback position does not include either of the proposed gable projections, is significantly shallower in width and does not have any canopies. Accordingly, I consider that it would be subservient to the outbuilding and would not materially erode the special interest and significance of the outbuilding. The proposed works and development would have a significantly greater impact on the special interest and significance of the outbuilding and the setting of No 2-4 than the fallback position.
16. I note that the Council's Officer Reports included recommendations of approval for the planning and listed building consent applications. However, it is a matter of judgement as to whether the proposal would preserve the special interest and significance of the listed building.
17. Taking into account all of the above, whilst I have found that the proposal would not have a cramped appearance I consider that it would materially erode the contribution that the outbuilding makes to the significance and setting of No 2-4. Accordingly, it would not preserve the significance and special

interest, including the setting, of the listed building. In the language of the Framework, the development would result in less than substantial harm to the significance of No 2-4 on the basis that the development would harm only part of the significance of the heritage asset. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.

18. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide two dwellings on the site. There would be social and economic benefits derived from that provision both during construction and after occupation. However, given the limited amount of dwellings that would be provided these public benefits would be likely to be small in scale.
19. Even though I have found that the harm to the designated heritage asset is less than substantial it is not to be treated as a less than substantial objection to the proposal. The public benefits attributable to the proposal in my judgement they would not outweigh the great weight to be given to the harm to the designated heritage asset. As such, the proposal would not comply with paragraph 134 of the Framework.
20. Accordingly, the proposal would not comply with SWDP Policies SWDP6, SWDP21 and SWDP24 which seek development that conserves the significance of heritage assets, including their setting and state that development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.

Other matters

21. The Council have not stated that the proposal would harm the setting of 4 Bagshaw Court. From my observations I consider that this building is mainly experienced from within its curtilage and Head Street and as such its setting is confined to this area. There would be some intervisibility with the proposal but there is no evidence before me to indicate that there is or was a historical or functional relationship with the appeal site. Consequently, I consider that the appeal site contributes little to the setting or significance of this listed building. As such, the proposal would have a neutral impact on and would preserve the significance of 4 Bagshaw Court.
22. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to these appeals.
23. The Council have not objected to the proposal in relation to highway safety or the amenity of nearby occupiers. However, the lack of harm in relation to these matters is a neutral consideration and does not weigh for or against the proposal.

Conclusion

24. For the reasons given above and having considered all other matters raised, the appeals are dismissed.

D. Boffin

INSPECTOR