The Planning Inspectorate

Appeal Decisions

Site visit made on 8 May 2018

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2018

Appeal A Ref: APP/H1840/W/17/3189689
113 Upper High Street, Broadway WR12 7AL

- 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 Miss Jane Wintersgill against the decision of Wychavon District Council.
- The application Ref 17/01474/HP, dated 13 July 2017, was refused by notice dated 19 September 2017.
- The development proposed is for a new entrance through existing stone wall for car and pair of oak gates.

Appeal B Ref: APP/H1840/Y/17/3189692
113 Upper High Street, Broadway WR12 7AL

- 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 Miss Jane Wintersgill against the decision of Wychavon District Council.
- The application Ref 17/01475/LB, dated 13 July 2017, was refused by notice dated 19 September 2017.
- The works proposed are for a new entrance through existing stone wall for car and pair of oak gates.

Decisions

Appeal A: Appeal Ref: APP/H1840/W/17/3189689

1. The appeal is dismissed.

Appeal B: Appeal Ref: APP/H1840/Y/17/3189692

2. The appeal is dismissed.

Main Issues

3. These are in respect of both appeals, a) whether the proposed development and works would preserve the Grade II listed building known as 113 Upper High Street (listed as Nos. 113 and 115 and Attached Railings) or any features of special architectural interest that it possesses including its setting and b) whether they would preserve the character or appearance of the Broadway Conservation Area.

Reasons

Special interest and significance

4. The appeal property forms the middle section of a group of three listed buildings (expressly identified as such in the listing schedule) set just beyond the heart of the historic and picturesque village of Broadway. The familiar image of Broadway and its Conservation Area is evidently expressed in the broad sweep of High Street with mellow Cotswold stone buildings set behind the wide grass verges that form an important and entirely complementary part of the main thoroughfare through the settlement and which helps give the village its rural character. I consider that the significance of the Conservation Area is mainly drawn from its predominantly rural character and the historic buildings many of similar age that it contains together with the consistent and harmonious use of the same external materials.

5. In common with its neighbours, No 113 expresses the typical late C18/early C19 vernacular attributes of this part of the Cotswolds, being constructed of limestone ashlar with natural slate roof. Located on the inside of a gentle curve in the road, this group has a relatively greater prominence in the street scene as High Street continues into Upper High Street, which is accentuated by the tapering effect of the otherwise broad continuous grass verge at this point due to the closer positioning relative to the road. From the details available to me, including the list description, I consider the significance of this building is largely derived from its age, form, fabric, architectural details and positioning with its gable end facing close to High Street with its high wall that helps accentuate the connection with the neighbouring listed building, Pear Tree House. For these reasons, it makes a positive contribution to this part of the Conservation Area.

6. A particularly strong feature of this group is the front boundary treatment to each property formed of matching stone walls that, along with the position of the properties themselves, creates a sense of intimacy and enclosure as well as definition to the street frontages. The appeal structure comprises a limestone ashlar wall some 2.1m in height, which is keyed in to the gable end wall of No.113 and topped by a matching stone coping. At the other end, the wall continues as a pillar before returning and abutting against the front elevation of Pear Tree House. The pillar incorporating highly attractive tooled stone quoins supports a modest opening in the wall that provides a pedestrian gated access to the front and rear entrance and garden to No.113.

The development and works

7. The proposals involve the demolition of a section of the existing wall together with the widening of the opening between the pillars to form a 2.9m wide vehicular access centrally positioned within the wall. The stone quoins would be reinstated within the reveals of the new opening. A hardstanding would be formed behind the wall within the garden area to provide a parking area, which would be formed using a porous material. To enable the garden and parking area to be secured, a pair of traditional oak plank timber gates would be fitted within the proposed opening. In addition, a new vehicular crossing would be formed by removing a section of the grassed verge.

8. The existing boundary wall gives the appearance of a secluded walled garden in the centre of the village; from the evidence and what I saw during my site

visit, it is contemporaneous with the building of No.113 and helps provide a sense of enclosure when viewed from the street. The appellant's description that the building at No.113 was formerly the coach house to Pear Tree House is entirely convincing. There is therefore a strong architectural and historic association between the wall and the listed buildings at No.113 and Pear Tree House and these factors reinforce the historic significance of the wall in this context.

The effect of the development and works

9. Although recognising that the existing section of walling includes a pedestrian gated access, this narrow opening provides a high degree of legibility as well as an understanding of the historic use and functioning of the garden over time. It connects architecturally and historically the listed buildings and accentuates the identified associations between buildings within this listed grouping. The proposed enlarged opening by comparison would give an entirely different and somewhat suburban character and despite the reinstatement of the stone quoins and copings it would lead to an area of hardstanding for parked vehicles. It would also lead to the material diminishing of the historical association between No.113 and Pear Tree House and result in the permanent loss of a substantial quantity of historic fabric that makes a significant contribution to the special interest of the building.

10. In addition, the proposed works would remove a section of the grass verge that contributes significantly to the settings of the listed buildings at Pear Tree House and Nos.113 and 115.

11. Accordingly, the demolition of part of the walling that serves to reflect its original use and purpose and highlight its historical and architectural associations as well as the loss of historic fabric would fail to preserve the special architectural interest of the listed building contrary to the Act[1] , the desirability of which is a consideration the Courts have determined as a matter of considerable importance and weight. Moreover it would fail to accord with the expectations of paragraph 132 of the National Planning Policy Framework which anticipates great weight being afforded to the conservation of designated heritage assets and their settings. For the same reasons, the works would also conflict with policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan (SWDP), that seek to underpin these statutory and national policy objectives.

Effect on the conservation area

12. Having concluded that the proposed works would fail to preserve the special architectural and historic interest of the listed building, I consider that the proposals would also diminish the contribution that the listed building makes to the conservation area. The development would also through removal of the grass verge, an important feature of the Conservation Area, also reduce the rural character that is so evident of Broadway. Accordingly, the proposed works would fail to preserve the character and appearance of the Conservation Area, which would be contrary to the expectations of section 72 of the Act, to paragraph 132 of the Framework and to policies SWDP6, SWDP21 and SWDP24 of the SWDP.

[1] The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning balance and conclusion

13. Having identified that harm to designated heritage assets would occur, paragraphs 133 and 134 of the Framework requires the decision maker to consider its magnitude. In this case, I conclude that on balance, the proposals would lead to less than substantial harm when assessed in the context of the significance of the assets as a whole. In such circumstances the Framework sets out that such harm should be weighed against any public benefits that might arise from the works themselves.

14. I readily acknowledge the appellant's desire to have an off-street parking facility in an area of the village where on road parking is restricted. This is particularly pertinent given the appellant's disability. The Public Sector Equality Duty (PSED) arising from the Equalities Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share protected characteristics and people who do not share it. Since the appeal proposal concerns the appellant with restricted mobility, the appellant would have protected characteristics for the purposes of the PSED.

15. That said, it does not necessarily follow from the PSED that the appeal should succeed. Whilst I am aware from the appellant's evidence that emergency services have had to park on the road at some distance from the property, I have no evidence to suggest that the appellant is seriously disadvantaged by not having off-street facilities. The appellant draws attention to a number of properties in Broadway that enjoy parking facilities within their respective curtilages. However, none of these are directly comparable particularly in terms of the functional and historical associations of existing buildings and their structures that are clearly evident at the appeal site. In any event, each case needs to be carefully considered on their individual merits.

16. Whilst accessibility is an important consideration and should be afforded moderate weight, in this instance the appellant has not identified any quantifiable public benefits. That said, I consider that there would be some benefit derived from avoiding on-street parking where road safety and convenience of road users may be potentially problematical and that this may represent a *bone fide* public benefit. However, such benefit as far as it may constitute a public benefit is considerably outweighed by the significant harms that have been identified to both the listed building and conservation area.

17. I conclude therefore that both Appeals A and B should fail.

Gareth W Thomas

INSPECTOR