
Appeal Decision

Site visit made on 4 December 2018

by Ben Plenty BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2018

Appeal Ref: APP/J1860/D/18/3211486

Gurnox Cottage, Berrow Green, Martley WR 6PL

- 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 Leschallas against the decision of Malvern Hills District Council.
 - The application Ref 18/00478/HP, dated 30 March 2018, was refused by notice dated 31 July 2018.
 - The development proposed is a two storey rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal firstly, on the character and appearance of the area and secondly, on the non-designated heritage asset.

Reasons

Character and Appearance

3. The appeal site is a dwelling located in the small hamlet of Berrow Green, accessed from a track via the B4197. The cottage is surrounded by open countryside with no immediate neighbours. The cottage stands on an elevated position with land falling away to the northeast, east and south east. There are some trees on the northeast boundary of the site. Views of the site from the west are largely obscured by rising terrain, trees and hedges. The access track runs to the southwest of the site and provides views towards the cottage over a hedge. The site provides wide and far views of the local area and various access roads, tracks and dwellings can be seen from the property. Public footpaths run to the north and east of the site which also have views of the site.
4. The appeal site consists of a bungalow with dormer windows front and back, in a cottage style. There is a separate double garage to the northwest of the cottage. The cottage has been extended in the past, with a modest extension and conservatory, which conforms to the established design aesthetic of the original cottage and consequently sits comfortably with it.
5. The proposal seeks to demolish the rear extension and conservatory. The proposal would attach to one side, and almost the total rear, of the retained

original cottage. Architectural details such as the rear dormer windows, the rear porch and the northeast chimney would be removed. I find that the proposal would dominate and engulf the existing cottage with an extension that pays limited regard to its existing form or scale.

6. I find that the proposed extension would not respect the character of the existing cottage. The design, including several flat roofed sections, consequently appears contrived in places. The proposal would result in a considerable two storey extension, effectively filling the open aspect between the cottage and the garage. Even with some limited tree screening, long views of the site would reveal a much larger mass of built form, especially from the northeast. The original cottage, the gap and the garage, would read as one building.
7. Therefore, the effect would create an addition that would harm the open setting of the site and the low profile, simple forms created by the current buildings. I consequently find that this proposal would not accord with Policy SWDP21, of the South Worcestershire Development Plan (2016) (The Development Plan), which seeks a high quality design that integrates effectively with its surroundings.

Non-designated Heritage Asset

8. Paragraph 197 of the Framework requires decision makers to make a balanced judgement, having regard to the scale of any harm or loss, and the significance of the heritage asset. I recognise that the appellants do not consider that the cottage is a non-designated heritage asset (NDHA) as it is not on the Council's local list and was not assessed using the stated criteria. However, the Guidance for the Framework explains that heritage assets *can* be identified through the local list, but I recognise this is not an exclusive requirement. Some NDHA's will inevitably only be discovered and identified, through a planning application process. On this basis, I am satisfied that paragraph 197 is engaged.
9. The Framework advises, at paragraph 189, that the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum, the relevant historic environment record should have been consulted and appropriate expertise used. The appellant has not identified the significance of the cottage. However, the Council characterise the cottage by its construction method and appearance. They consider it to be a traditional period cottage of timber frame and render infill panels with clay roof tiles, as justification for its historical interest. The proposal would surround the rear and northeast side elevation of the cottage. I find that the scale of harm is pronounced due to this and due to the extent of features lost.
10. Notwithstanding the lack of evidential information concerning the asset's significance, the proposal would undoubtedly harm the character and appearance of the cottage due to its scale and proximity. I find that the current proposal is of greater harm to the existing cottage than the previously approved scheme of 2014, as it now also includes the removal of a chimney (which 'bookends' the cottage). The proposal would also obscure views of the original building from the north and east. I consequently find that the proposal does not accord with Policy SWDP6 (incorrectly referred to as SWD6 by the Council), SWDP21 and SWDP24 as it does not preserve and enhance a heritage asset. I also find that the proposal does not accord with Policy MKD3, of the

Martley, Knightwick and Doddenham Neighbourhood Development Plan, as the scheme is not sensitive to the distinctive character of the cottage.

Other Matters

11. The appellants have drawn attention to a sizeable extension approved on site, by the Council in 2014, and state that it was lawfully commenced. During my visit I saw a shallow trench that aligns with the location of part of an external wall of the approved scheme. However, there is no evidence to show when this was dug or its purpose. Also, I have not seen any evidence that illustrates that the pre-commencement conditions, applied to the 2014 approval, had been submitted and approved by the Council. It seems likely therefore that the 2014 approval was not lawfully commenced; if commenced at all. I do, however, recognise that the principle of an extension has been agreed by the Council in the past.
12. For the above reasons I have applied some, but limited, weight to the precedent set by the previous approval. Furthermore, even if the previous approval was lawfully commenced, each case must be considered on its own merits, taking into account local and national Policies which post-date the 2014 decision.
13. I recognise that the appellants are owners of the adjacent fields, to the northeast and northwest of the site. However, the size of the application site and the Council's perception of overcrowding, has had limited bearing on my findings of harm caused by the disproportionate extension to the cottage.

Conclusion

14. For the reasons outlined above, and having taken all relevant matters into account, I dismiss the appeal.

Ben Plenty

INSPECTOR