The Planning Inspectorate

Appeal Decisions

Site visit made on 17 June 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 2 July 2019

Appeal A: APP/H1840/W/18/3211978
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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by J C Hill Properties against the decision of Wychavon District Council.
- The application Ref 18/01134/CU, dated 6 June 2018, was refused by the Council by notice dated 6 August 2018.
- The application sought planning permission for change of use from multiple offices into 5 no residential units in main building and 1 no in storage building without complying with a condition attached to planning permission Ref W/15/00304/CU, dated 9 April 2015.
- The condition in dispute is No 9) which states that: the development hereby permitted shall be carried out in accordance with the following approved plans; location plan; proposed block plan; proposed floor layout; proposed elevations; existing elevations of storage building and floor layout; and proposed elevations of storage building and floor layout.
- The reason given for the condition is: to define the permission.

Appeal B: APP/H1840/Y/18/3211981
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 J C Hill Properties against the decision of Wychavon District Council.
- The application Ref 18/01136/LB, dated 6 June 2018, was refused by the Council by notice dated 6 August 2018.
- The works proposed are side extension to storage building.

Decision Appeal A

1. I allow the appeal and grant planning permission for change of use from multiple offices into 5 no residential units in main building and 1 no in storage building at 2-4 Worcester Road, Pershore WR10 1HG in accordance with application Ref 18/01134/CU, dated 6 June 2018, without compliance with condition 9) previously imposed on planning permission Ref W/15/00304/CU, dated 9 April 2015 and subject to conditions 2) to 9) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant listed building consent for side extension to storage building at 2-4 Worcester Road, Pershore WR10 1HG in accordance

with the terms of the application, Ref 18/01136/LB, dated 6 June 2018 and the drawing 'Amended Plan March 2018' and subject to conditions 1) to 4) on the attached schedule.

Planning History and Procedural Matters

3. The outbuilding is curtilage listed due to the fact that the host building on the frontage is listed Grade II. Planning permission and listed building consent are in place to convert the frontage building and works appear to have commenced. Those approvals included plans to convert and enlarge the appeal building to form a small 3 bedroom house, one bedroom on each floor being in the extension to the west of the original outbuilding (Refs: 15/00304/CU and 15/00321/LB, dated 9 April 2015).

4. Further applications were made to increase the width of the west extension and to add gable projections in order to form two 2-bedroom houses, and these were refused permission and consent, (Refs: 17/00238/FUL and 17/00239/LB). The subsequent appeals were dismissed (Refs: APP/H1840/W/17/3177768 and APP/H1840/Y/17/3180294, dated 29 November 2017).

5. Appeal A results from an application for an amendment to the planning permission under section 73 of the 1990 Act, whereby the drawings listed in condition 9) to that permission would be replaced in a condition attached to a new permission by the revised drawings now the subject of this appeal. Appeal B results from a fresh application for listed building consent although it is noted that condition 5) to that consent did include a list of drawings that could have been altered.

Main Issue

6. The main issue in both appeals is the effect of the proposal on the architectural or historic interest of the building and its setting.

Reasons

7. Policy SWDP 6 of the South Worcestershire Development Plan 2016 concerns the historic environment and proposals should conserve and enhance the significance of heritage assets. Design is the subject of Policy SWDP 21 where all development will be expected to be of a high quality, including conserving and where appropriate, enhancing cultural and heritage assets. Policy SWDP 24 sets out requirements for the management of the historic environment; development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.

8. Paragraph 193 of the 2019 National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10. The original curtilage building is described as being a storage building and comprises a somewhat utilitarian main part with a gable-ended cross roof over 2 storeys, from which projects a short single storey gable wing. There is a small addition to the west. The architectural significance of the frontage building derives from its prominent location, age and architectural detailing, while that of the outbuilding is more limited to its subservient location and appearance, as a service building. The appeal building is however prominent in views from the main road and would remain so when the full development is completed.

11. There is a listed building adjacent at 4 Bagshaw Court, having its frontage onto Head street, although the further extension proposed would be on the far side of the existing outbuilding, furthest from this listed building. The proposal would not adversely affect that building's setting as a result of the distance involved, intervening boundary treatment and parking, and the limited nature of the proposal. That finding is consistent with those of the previous Inspector writing in 2017, and that Decision did not find harm through the loss of open space and the possibility of additional people and cars even though the subject of the appeal was larger and proposed more accommodation than at present.

12. It is pertinent to consider in more detail the findings of the previous Inspector. Of particular note is paragraph 12 which included the view that *'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'*.

13. It is clear that the increased width was considered harmful '*in combination with'* other elements of the proposals. They were gable projections at two storey height to not only the extension, but in addition to the original building in replacement for the single storey gable projection now in place. The addition of canopies over each of the front doors of the proposed 2 dwellings were also considered a detracting feature.

14. None of those gables or canopies are proposed now and the increase in width would be less; that proposed in 2017 would have been approximately equal to the width of the previous permission, effectively doubling that width as a 100% addition, while that now proposed would be in the order of an 80% addition.

15. That extent of addition would still result in the extension being less than the width of the original building and would retain the building line of the approved addition without any of the ornamentation and embellishment that accompanied the 2017 appeal proposals. The extended building would retain the simple attributes of a storage or service building, without the obvious domestic appearance to which the previous Inspector objected, and would remain subservient to the frontage, principal listed building.

16. To conclude, the proposed additional length of extension would preserve the architectural and historic significance of the principal listed building and its setting as well as that of the curtilage listed outbuilding and the adjoining listed 4 Bagshaw Court, and would not cause harm to the wider character and appearance of the area and the nearby conservation area. The proposals

would accord with the development plan and national policies previously cited and would satisfy the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

17. Appeal A concerns a section 73 application for the development of land without complying with conditions subject to which a previous planning permission was granted, in this case condition 9) listing the drawings. It is noted that the condition did not list numbers, only titles, and that the revised proposals appear on drawings also lacking numbers. For the avoidance of doubt the date shown on the amended plan and elevation drawing of the outbuilding will be listed.

18. A new planning permission would be granted that would sit alongside, but not replace the original permission. The web-based Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged (Paragraph: 031 Reference ID: 21a-031-20180615). However, no information has been presented over the status of some of the original conditions, and in order to avoid the omission of a vital condition that still persists and is capable of being enforced, all will be restated and in the event that some have in fact been discharged or overtaken by events, that is a matter which can be addressed by the parties. Implementation clauses will be added where required.

19. The Council have suggested conditions for Appeal B, in the event that listed building consent is granted. That new consent would apply to the outbuilding alone and should include a commencement condition notwithstanding the reduced level dig and the works apparently commenced to the principal listed building. Conditions are required to seek approval of windows, wall and roof materials in order to ensure that the works maintain the significance of the listed building. There is no need to list the drawing, it being sufficient to name it in the formal consent, again with reference to the date of that amended, but unnumbered drawing.

Conclusions

20. The enlargement of the outbuilding to an extent greater than previously permitted, but less than for an appeal dismissed in 2017, and without the harmful ornamentation and embellishment of that earlier scheme, would preserve the significance of the principal listed building and the curtilage listed appeal building as well as the setting of a nearby listed building and the character and appearance of the street-scene. For the reasons given above it is concluded that both appeals should be allowed.

S J Papworth

INSPECTOR

SCHEDULE OF CONDITIONS APPEAL A PLANNING PERMISSION

1) Not used, the resulting numbering of the following conditions matches that of the original grant of permission.

2) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank or Public Holidays.

3) No part of the work to the outbuilding shall be commenced until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details submitted must include:

   i) a plan showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

   ii) a plan showing the layout of proposed tree, hedge and shrub planting and grass areas.

   iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

   iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

   v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

   All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

4) No part of the work to the outbuilding shall be commenced until a precise specification of the proposed brick to be used, a sample of at least four bricks to provide a representative range of the colour and texture of the brick, together with a specification of the proposed mortar mix, pointing profile and finish, jointing width and bond of the brickwork, have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, a sample panel of the brickwork using the bond, mortar, jointing and pointing proposed, shall be provided and retained on site during building works as a reference. Details of the methods of spanning structural openings, band, string or dentil courses, parapets and copings, cills, and corbelling to chimney cappings shall be approved in the

same manner. The development shall be carried out in accordance with the approved details and samples.

5) No part of the work to the outbuilding shall be commenced until a precise specification of the proposed tiles/slates to be used, a sample of at least four tiles to provide a representative range of the colour and texture of the tile, together with any ridge details and details of methods of lead flashings, 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 and samples.

6) No part of the work to the outbuilding shall be commenced until detailed drawings of the proposed windows showing design, sections through glazing bars and/or mullions, method of opening, finish and depth of external reveal, 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.

7) No part of the work to the outbuilding shall be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

   i) The parking of vehicles of site operatives and visitors within the application site.

   ii) Loading and unloading of plant and materials within the application site.

   iii) Storage of plant and materials within the application site.

   The development shall be carried out in accordance with the approved Statement.

8) No part of the work to the outbuilding shall be commenced until details of the location, height and the precise specification of the proposed materials, or species of planting, for the boundary treatments on the site 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.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Proposed block plan, Proposed floor layout, Proposed elevations and the 'Amended Plan March 2018' of the outbuilding.

SCHEDULE OF CONDITIONS APPEAL B LISTED BUILDING CONSENT

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of the granting of this consent.

2) Prior the installation of any new windows as part of works hereby approved, detailed drawings of the proposed windows showing design, sections through glazing bars and/or mullions, method of opening, finish and depth of external reveal, shall be submitted to and approved in writing by the

Local Planning Authority. The works shall be carried out in accordance with the approved details.

3) Prior to any building works to the roof of the building as hereby permitted being first commenced, a precise specification of the proposed tiles/slates to be used, a sample of at least four tiles to provide a representative range of the colour and texture of the tile, together with any ridge details and details of methods of lead flashings, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and samples.

4) Prior to any building works in the construction of the extension hereby permitted being first commenced, a precise specification of the proposed brick to be used, a sample of at least four bricks to provide a representative range of the colour and texture of the brick, together with a specification of the proposed mortar mix, pointing profile and finish, jointing width and bond of the brickwork, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, a sample panel of the brickwork using the bond, mortar, jointing and pointing proposed, shall be provided and retained on site during building works as a reference. Details of the methods of spanning structural openings, band, string or dentil courses, parapets and copings, cills, and corbelling to chimney cappings shall be approved in the same manner. The works shall be carried out in accordance with the approved details and samples.