



Appeal Decision

Site visit made on 7 October 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/J3720/W/19/3233149

Weston Close, Frog Lane, Welford On Avon CV37 8EQ

- 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 & Mrs Reckitt against the decision of Stratford on Avon District Council.
 - The application Ref 19/00498/FUL, dated 18 February 2019, was refused by notice dated 17 May 2019.
 - The development proposed is new down-size dwelling including relocation of existing garage and associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the address from the planning application form but have also included reference to the position of the site on Frog Lane as per the Council's decision notice.

Main Issues

3. The main issue is the effect of the proposal on the character or appearance of the Welford-on-Avon Conservation Area and the setting of the Grade II Listed Buildings at Weston Close, Priors Lee Cottage and The Nest and Tymss Cottage.

Reasons

4. The significance of Welford-on-Avon Conservation Area (CA), derives from its scattered pattern of residential development much of which is of traditional design including thatched and timber framed properties with many served by spacious landscaped gardens. The appeal site relates to part of the extensive rear garden serving Weston Close, a substantial C17 Grade II Listed, timber framed dwelling with later additions. There are other Grade II Listed Buildings located along the opposite side of Frog Lane at Priors Lee Cottage and The Nest and Tymss Cottage. The unlisted dwelling at Devon Cottage also sits in close proximity to the site and within the CA.
5. The extensive garden at Weston Close shares boundaries with the substantial grounds serving the neighbouring dwelling at Weston Fields. The appellant contends that the appeal site has not always formed part of the historic curtilage of Weston Close and I have seen the historic map extracts and aerial

photography provided. Regardless, the extent of a Listed Building's setting is not fixed nor is it necessarily limited to curtilage. Historically there has been a spacious, soft landscaped backdrop to the edge of this part of the village. The modest scale of outbuildings, the size of the gardens and the significant amount of mature planting here still retain this, adding to the significance of the Listed Building and making a positive contribution to the character and appearance of the CA.

6. When considered in isolation, the relocation of the existing garage on the site, noting the ancillary scale and nature of this building, would be unlikely to result in any material harm to the setting of Weston Close or the character or appearance of the CA. However, the new dwelling would be taller than the re-sited garage and the neighbouring modest garage, that serves Weston Fields. The development would be readily apparent from the public realm on the approach to the Public Right of Way (PROW) along Frog Lane and would be an unwelcome incursion into the spacious, soft landscaped setting. The position of the development and its greater scale above these outbuildings would visually compete with the stature of Weston Close, detrimentally altering the way its significance is appreciated. Consequently, the setting of Weston Close would not be preserved.
7. The position of the Listed Buildings at Priors Lee Cottage and The Nest and Tymss Cottage on the opposite side of Frog Lane and the intervening distances would ensure the development would be visually distinct from these listed buildings and their setting would be preserved.
8. Notwithstanding the relationship with the setting of these neighbouring listed buildings, in addition to the public views towards the site on Frog Lane, the development would be appreciable from within the grounds of Priors Lee Cottage including from a ground floor bedroom window. This window faces towards the site and is set back from the boundary with the PROW allowing for a line of sight above the intervening hedge. Furthermore, the proposal would be prominent in views from first floor windows serving Priors Lee Cottage and Devon Cottage. As a result, the development would erode the spacious and verdant character that has historically been experienced by pedestrians on Frog Lane and by the occupants of these neighbouring properties and would create a more urbanised setting to this part of the CA.
9. Given the intervening land forming part of the curtilage of Weston Fields and the height and proximity of the hedgerow, it would be difficult to appreciate the proposal when stood on the PROW. Even accounting for the level of screening which would be provided by the existing hedgerow, the remaining visible element appreciable from Priors Lee Cottage and Devon Cottage would be particularly stark by virtue of the form, mass, detailing and materials incorporated to the north facing elevation. The design of the proposal also includes flat roofed elements in contrasting brickwork that would be visible from Frog Lane. By virtue of these factors, I do not consider that the development would respond well to the immediate more traditional context on Frog Lane.
10. Taking all matters into account, the proposal would not preserve the setting of the Listed Building nor would it preserve or enhance the character or appearance of the CA. It would result in less than substantial harm accounting for the overall level of appreciation of the development factoring in its scale

and position relative to the heritage assets. In accordance with Paragraph 196 of the National Planning Policy Framework (the Framework) less than substantial harm should be weighed against the public benefits of the proposal.

11. The provision of a single three-bedroomed dwelling would make a limited contribution towards the Council's housing figures. There would also be a limited social and economic benefit through the development of the site and the expenditure of future occupants using local services and facilities. However, I must attach considerable importance and weight to the desirability of preserving the settings of the CA and the Listed Building. I find therefore that the limited public benefits identified do not outweigh the less than substantial harm that would result from the proposal.
12. For the foregoing reasons, the proposal would harm the character and appearance of the CA and would not preserve the setting of Weston Close. Consequently, in that regard, the development would be contrary to Policies CS.5 (Landscape), CS.8 (Historic Environment) and CS.9 (Design and Distinctiveness) of the Stratford-on-Avon District Core Strategy 2011 – 2031 (2016). The development would also be contrary to Policies HE4 (The Conservation Area and other Heritage Assets) HLU2 (Design Excellence) and HLU5 (Garden and Back-land Development) of the Welford-on-Avon Neighbourhood Development Plan (2017) (the NP) and the Framework.

Other Matters

13. I acknowledge that backland development can be acceptable in local and neighbourhood policy terms and that the pattern of development in the wider village does not rule out the principle of such development. Even so, such development should not be at the expense of the need to preserve the setting of heritage assets. The appellant also contends that subservience is not referred to in the Stratford-on-Avon District Council Development Requirements Supplementary Planning Document (2019) (SPD). The SPD does however refer to there being a need for sensitive treatment of historic buildings spaces and landscapes. In this particular case, the site-specific characteristics do not lend themselves to a development of the scale, design and layout proposed.
14. My attention has been drawn to several planning appeal and planning application decisions. Whilst I appreciate that there has been development elsewhere in the CA, all sites and schemes differ to some extent and must be determined on their own individual merits and against the development plan in place, and with particular regard to their immediate context as I have done in this case. Where alterations have occurred over time to Weston Close and to neighbouring listed buildings, this does not remove the duty to consider whether the current proposal preserves or enhances the setting of these heritage assets.
15. The Council's handling of the planning application with particular regard to the scheme of delegation is not a matter for me to assess in considering an appeal made under s78 of the Act.
16. The proposal has not been found by the Council to be harmful to the living conditions of neighbouring occupants, highway safety, drainage or ecology and from my own observations I find no reason to conclude differently. However, the acceptability of these matters only addresses other usual planning

requirements rather than being public benefits that might outweigh the heritage harm identified.

17. The Council's decision also refers to conflict with HLU4 (New Residential Development Mix and Type) and HE8 (Allotments) of the NP. However, the reason for refusal does not identify any particular concerns with regards to the housing type proposed and the proposal does not relate to land in use as allotments. Whilst I too have not found any particular conflict with these policies, this does not overcome the harm identified to heritage assets.

Conclusion

18. For the reasons given, the appeal is dismissed.

M Russell

INSPECTOR