
Appeal Decisions

Site visit made on 29 October 2019

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal A: APP/T3725/W/19/3232186

Offa House, Village Street, Offchurch, Leamington Spa CV33 9AS

- 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 Mrs Louise Hartog against the decision of Warwick District Council.
 - The application Ref W/18/2145, dated 7 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as full refurbishment, modernisation and restoration of a previously commercial property including creating two additional dwellings.
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Appeal B: APP/T3725/W/19/3232187

Offa House, Village Street, Offchurch, Leamington Spa CV33 9AS

- 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 Mrs Louise Hartog against the decision of Warwick District Council.
 - The application Ref W/18/2146/LB, dated 7 November 2018, was refused by notice dated 31 January 2019.
 - The works proposed are described as full refurbishment, modernisation and restoration of a previously commercial property including creating two additional dwellings.
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Decisions

1. Both Appeal A and Appeal B are dismissed.

Preliminary matters

2. Offa House is a large detached house that dates from the early eighteenth century, with further additions in the early nineteenth century. It was originally the vicarage serving the adjoining parish church, but in recent years has been used as a diocesan retreat house, during which time it was extensively altered and extended. The house is listed Grade II and the church Grade II*, while the surrounding core of Offchurch village has been designated as a conservation area. The entire village lies within the Green Belt.
3. It is now proposed to return the house to use as a family home, in the process undoing some of the former internal alterations. Much of the modern accommodation added to the rear of the house and an external fire escape stair to the side would also be removed. However, part of one of the additions would be retained and extended to form a separate free-standing dwelling. A small detached former coach house would also be extended to form a third

house. The new houses would be separated from the main house by a railed fence and would be served by a separate shared drive accessed through an enlarged opening in the garden wall.

4. The proposals refused planning permission and listed building consent by the Council included a single-storey extension to the south elevation of the original house, to form part of an enlarged kitchen, and intended to balance a much older extension on the opposite side of the house, into which it was proposed to insert a new window. Since the refusals, amended plans have been prepared omitting these two elements. Historic England have since confirmed that this would address their concern about the alterations to the listed building, which would also include the addition of two dormer windows to the front roof slope. The Council has also stated that it would have no objections to the substitution of plans, regarding the changes as an improvement but sustaining an overall objection. In the light of this, and in the absence of any other objection to this aspect at application or appeal stage, I find that no party's interests would be prejudiced by accepting the amended plans¹ as requested by the appellant. I have therefore determined the appeals on the basis of the revised proposals.

Main Issues

5. In both appeals, a main issue is the effect of the proposals on the special interest of the listed building and on its setting and on the character and appearance of the conservation area.
6. In Appeal A, a second main issue is whether the proposals would amount to inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposals.

Reasons

7. The Council raises no objection to the use of the house as a dwelling, for which planning permission has previously been granted. The Council has also advised that there could be scope for a suitably located additional dwelling in the grounds. Its concerns relate to the form and scale of the alterations and additions now proposed.

Listed building and conservation area

8. In considering proposals for alteration to a listed building and development within its curtilage, statutory duty² requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. A similar duty applies in respect of the preservation or enhancement of the character or appearance of a conservation area³. National policy set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the

¹ Plan Ref 14182436-OH: Proposed Site Plan Rev D.

Plans Ref 14182424C-OH: Proposed Cellar Plan Rev D; Proposed Ground Floor Plan Rev D; Proposed First Floor Plan Rev D; Proposed Second Floor Rev D; Proposed Roof Plan Rev D.

Plans Ref 14182423-OH: Proposed East Elevation Rev C; Proposed South Elevation Rev C; Proposed North Elevation Rev C; Proposed West Elevation Rev C.

² Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, dealing respectively with applications for proposed works and proposed development

³ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

conservation of 'designated heritage assets' such as listed buildings and conservation areas⁴. The particular significance of any element of the historic environment likely to be affected by a proposal should be identified and assessed⁵. Any harm should require clear and convincing justification⁶.

Significance of heritage assets

9. Offa House has historic interest as a good surviving example of a vicarage or rectory of its period, providing evidence of the social and religious life of the village over a continuous period since its construction. Its historic value is enhanced by the evidence of the then incumbent's involvement in the substantial extension of the original house. The house's architectural interest is based on the treatment and fine proportions and detailing of its original front, and on the successful integration of the ambitiously scaled later domestic expansion.
10. The interior of the house was not inspected at the time of listing. The submitted Heritage Impact Assessment ('HIA') states that the interior has been 'largely gutted'⁷ and is not of interest. It is not clear if this refers to changes made during the years of use as a retreat house or to apparently more recent works that were evident at my site visit, when most internal non-original partitions had been stripped away, and the floor of the intended play room at ground level had been lowered. In any event, it is apparent that some spaces, particularly some of the larger ground floor rooms, retain sufficient character and historic fabric to make a positive contribution to the building's special interest.
11. Although they provide evidence of an important phase in the building's history, the external alterations and additions to facilitate the retreat house use appear almost entirely detrimental to the house's character. The two wings added to the rear and the external staircase on the north side have the most obviously harmful effect on the building's integrity, but other more minor alterations also detract from its original quality.
12. There is no dispute that the coach house and its adjoining wall are protected as curtilage structures. Historic mapping shows that the coach house was once linked back to the main house by a range of outbuildings. Its survival provides worthwhile evidence of the extent of such supporting structures associated with a house of this local importance, and its scale and simple treatment counterpoint those of the main house.
13. The coach house is virtually hidden from view by the topography of the site, which provides a very generous plot. The extent of the grounds provides a spacious immediate setting for the listed building. I agree with the Council that the scale of the plot, befitting the house's status, contributes to its significance.
14. The character and appearance of the conservation area are heavily influenced by the inclusion within the designation of large areas of green space between buildings, some of which allow views through to the open countryside beyond. Offa House makes an important contribution to the character and appearance,

⁴ NPPF paragraph 193

⁵ NPPF paragraphs 189, 190

⁶ NPPF paragraph 194

⁷ HIA paragraph 3.25

both as a key historic building in the village and its garden as undeveloped green space.

Effect of appeal proposals: listed building and setting

15. The Council supports the proposed removal of the modern additions and the principal internal alterations, including the proposed making good and replication of historic detailing. I agree that these aspects of the proposal would in general be beneficial and would allow the house's special interest to be more readily appreciated.
16. The reasons for refusal of the applications raise particular concern about the proposed single storey extension. I agree with the Council that the omission of this aspect has considerably reduced the proposal's adverse impact. I also agree that the addition of two dormer windows, for which there is some historic precedent, and of railings next to the front door would not be harmful to the building's special interest.
17. The proposed removal of the external fire escape would considerably improve the northern elevation. The insertion of new double doors at first floor level, subject to detail could be sensitively carried out. I do not endorse the Council's concern that the addition of a 'conservatory' of the size proposed would challenge the primacy of the front elevation. The addition would be significantly lower than the adjoining nineteenth century extension, and would not overpower it in scale. Subject to detailed design, an extension could be accepted as a clearly new further chapter in the house's history, including the use of the roof as a balcony. But while the removal of partition to create a single 'play room' would not be harmful, inadequate justification has been provided for the lowering of the floor, which has already begun, or for the complete removal of the external wall. The retention and lowering of existing primary openings, together with the insertion of a new opening as on the floor above, would facilitate the extension while allowing the building's evolution to be understood.
18. Similarly, I find inadequate justification for the radical alteration of openings at the centre of the western elevation, where it appears that the reversal of one modern insertion on the second floor would allow the original pattern of openings to be retained, without detriment to the proposed room layout.
19. Therefore, although the proposed works to the main houses would have much to commend them, some aspects of the proposal would have harmful effects on the listed building's architectural and historic interest.
20. The proposed enlargement of the coach house would retain much of the building's existing fabric and its attached wall, but the modest scale and character of the small building would be overwhelmed by the size, complexity of form and variety of materials of the proposed house. Its heritage value as an historic service building would be fundamentally compromised, causing harm to the special interest of the listed building of which it forms part.
21. The second proposed new dwelling, comprising a large extension to a retained part of the 1980s wing, would also be complex in its form and treatment. Although it is stated that the overall height of the building would not greatly increase, its perceived scale as a two-storey building with a double-height glazed entrance hall would be significantly greater than the existing. I fully

share the Council's concern that the new dwelling would be too near the main house and would have an unsatisfactory relationship with it, in both visual and functional terms, with the primacy of the original house compromised by the separate dwelling so close to it. These effects would be emphasised by the awkwardly placed single-storey extension on the side nearest the main house. The genesis of this aspect of the appeal proposals appears to lie in contractual provisions on the sale of the house rather than from an analysis of optimum solutions for the listed building, whose setting would be adversely affected.

22. This new house would be separated from the main house by 'estate fencing' with a native hedge. Further fencing would be placed to each side of the proposed drive to separate off the two new dwelling plots. While the intention is to limit the impact of the new boundaries, I agree with the Council that the subdivision of the existing site to create self-contained residential plots would have an intrusive urbanising effect that would detract from the setting of the listed building. The historic map evidence does not confirm actual past subdivision, for which no conclusive evidence has been found on the ground, as the purpose and history of the one fragment of brick wall are unclear. The contribution to the listed building's significance made by its setting would be harmed.

Effect of appeal proposals: conservation area

23. As the quality of the site's green space contributes to the character of the conservation area, its subdivision and development as individual house plots would detract from that character, even though the site is screened from many public viewpoints. The character of a conservation area also depends greatly on the heritage value of the buildings it contains. Harm to the special interest of a key listed building in the village must inherently have an adverse effect on the conservation area's significance. In this case, the harm to the listed building due to insensitive alterations, the extension to the coach house and the poor relationship of the other house with the main building would all be detrimental to the character of the conservation area.

Heritage balance

24. The Council acknowledges that, while some elements of the proposals would have severely harmful effects, the total level of harm to the significance of the listed building would be less than substantial. I endorse that assessment, but contrary to the Council's conclusion, I also find less than substantial harm to the significance of the conservation area.
25. In those circumstances, NPPF policy⁸, which is echoed by Policy HE1 of the Warwick District Local Plan 2011-2029 ('LP') adopted in 2017, is that the harm should be weighed against the public benefits, including securing the optimum viable use of the heritage assets.
26. In this case, the primary public benefit would be the listed building's repair and return to active use after a period of vacancy and decline. Despite its lack of use, the survey submitted by the appellant shows that its condition in 2015 was not of grave concern. Some further deterioration will have happened since then, but there are insufficient grounds to characterise the building as 'at risk', as the appellant seeks to do. Nevertheless, the investment in its repair and

⁸ NPPF paragraph 196

restoration would be welcome. Use as a dwelling would certainly be highly appropriate, but given the past institutional use there is insufficient evidence to conclude that it would be the optimum viable use. The addition of three dwellings to the housing supply would also amount to a very minor public benefit, although the weight to be given to it is mitigated by the extent of the Council's planned deliverable supply.

27. On balance, I find that the harm arising from the less well considered aspects of the proposals would outweigh the public benefits. The proposal would be contrary to the statutory and policy objectives and to LP Policy HE1. The proposed new dwellings' failure to respect their surroundings in terms of scale, height, form and massing would also be contrary to LP Policy BE1. The incorporation into the proposed dwelling of the coach house, whose location and history suggest that it can be classed as a rural building for policy purposes, would also be contrary to LP Policy BE4, as it would not retain the special quality of the listed building.

Green Belt

28. The NPPF confirms the great importance of Green Belts, whose essential characteristics are their openness and their permanence. Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. The limited categories of new building that are not inappropriate in the Green Belt are defined by paragraph 145 of the NPPF. LP Policy DS18 brings these into the development plan.
29. The extension or alteration of a building will be inappropriate if it results in a disproportionate addition over and above the size of the original building. That would clearly be the case in the extensions to existing buildings to form the two new dwellings. However, I accept the parties' agreed position that for the purposes of Appeal A the proposals should be considered as a whole. In that case, the only applicable exception would be that defined by part (g) of paragraph 145: the limited infilling or partial or complete redevelopment of previously developed land.
30. The criteria set by LP Policy H11 for assessing limited infilling in Green Belt villages is that the site should comprise a small gap fronting the highway in an otherwise built-up frontage. The site is a large green space, virtually all of whose former long road frontage has passed into separate ownerships. There is no sense of any continuous frontage development on this side of the road. The proposed new development would be set in the heart of the site and would comprise detached dwellings set in substantial plots. They would adjoin the site's boundaries to open countryside, and would not be enclosed by any existing development to the west or north. The appeal proposal would not comply. Furthermore, as outlined above the site's green space is characteristic of the village, so that there would also be conflict with the third criterion.
31. Even if, as the appellant argues, the proposal could be considered outside the context of Policy H11, the key test set by national and consequently local policy is whether there would be a greater impact on the openness of the Green Belt. The appellant's calculations of the footprint area of the proposed development suggest that it would be less than that of the existing buildings. But in terms of volume, which provides a better indication of physical impact on openness, the figures show that the proposal would be virtually the same as the existing, at

- only 0.55% less in total now that the proposed kitchen extension has been omitted. The quantitative benefit would be minimal.
32. While these figures are useful in their own terms, I endorse the Council's approach in giving greater weight to a qualitative assessment of impact. At present, development on the site is focused on the main house, with its low-rise extensions and very small outbuilding. The sense is of a single building on a large open site. The appeal proposal would radically change that to create a perception of domestic plots containing built development, at least part of which would be two-storey, spread right across the site. The reduction in the discreet area of hard standing adjoining the main house would be offset by the introduction of the new drive and parking areas next to the houses. The cumulative effect of these changes would be a significant adverse effect on openness.
33. The proposals would therefore comprise inappropriate development. In order to justify approval, the inherent harm due to inappropriateness together with the heritage harm outlined above would need to be clearly outweighed by other considerations.
34. The appellant argues that the additional houses should be regarded as a form of 'enabling development', that is development which is contrary to normal policy but is necessary to secure the future of a heritage asset. In order to meet recommended criteria for enabling development⁹, the proposals would have to avoid harm to the heritage value of the site, which I have found would not be true here. Also, it would have to be shown that the proposals represented the minimum necessary to achieve the objective. In this case, the restriction imposed on the site acquisition appears to be a significant constraint. But no detailed information on costs and values has been provided that would confirm the extent of any conservation deficit and how it would the new development would be the minimum required to address it.
35. Therefore, while all parties including some local supporters recognise that the repair and reuse of the listed building would be welcome, I find that the identified harm would not be outweighed. Very special circumstances would not apply. The proposals would be contrary to national policy and to LP Policies DS18 and H11.

Conclusions

36. For the reasons set out above, and having taken account of all submissions, I conclude that both appeals must be dismissed.

Brendan Lyons

INSPECTOR

⁹ As set out in English Heritage: *Enabling Development and the Conservation of Significant Places* 2008