



Appeal Decision

Site visit made on 7 January 2020

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st January 2020

Appeal Ref: APP/P1805/Y/18/3215571

Lane House, Aqueduct Lane, Alvechurch, Birmingham, B48 7BP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs N Smith against the decision of the Bromsgrove District Council.
 - The application Ref: 18/00841/LBC, dated 4 July 2018, was refused by notice dated 11 September 2018.
 - The works proposed are alteration to existing dwelling to give access from the main house to the link.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In reaching my decision I have had regard to s16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") which requires me to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
3. I have also taken account of Policy BDP20 of the Bromsgrove District Plan (2017) insofar as it seeks to interpret the Act.
4. A proposal to create a new opening was dismissed on appeal¹ in 2013. However, the particular detail of those works differ from those before me. Additionally, insofar as they are relevant in interpreting the Act, there have been changes to local and national planning policies. Consequently, I have determined this appeal on its own merit, taking account of the earlier appeal as background information.

Main Issue

5. In the language of the National Planning Policy Framework (2019) (NPPF) this can be described as the effect of the proposed works on the significance of the designated heritage asset.

Reasons

6. Lane House is a mid-18th Century detached farmhouse and is listed Grade II (Ref. 1391203). Integral, but not limited, to its significance is the historic U-shaped plan and internal layout of rooms, its construction in narrow red brick

¹ APP/P1805/E/13/2193878

- in a bond of three rows of stretchers to one row of headers, and side elevations with some wide windows under segmental arches. Also, the hierarchical relationship between the (primary) main house and (secondary) outbuildings.
7. In 2012 planning permission and listed building consent was granted for refurbishment of the outbuilding. This included a glazed extension, accessible from internal steps in the outbuilding, which joined with the side elevation of the main house (enclosing a window). For the appellants it is suggested that future generations will now understand the justification for the modern link-block - to provide an access link between two buildings. However, it is clear to me that the 2012 proposed development/works as constructed, and the Council's justification of it, was as a glazed extension to the outbuilding, rather than to provide an enclosed functional link allowing internal movement directly between the house and the outbuilding.
 8. A subsequent proposal to create a functional link between the two buildings by removal of the enclosed window and brickwork underneath was dismissed on appeal in 2013. That notwithstanding, an unauthorised opening was thereafter created and which has since been partially reinstated.
 9. The current proposal would remove the enclosed window and some of the reinstated brickwork under, followed by the insertion of a new window and door combination, thereby providing an internal functional link between the house and outbuilding. It is argued for the appellants that this would make conservation sense of the existing glazed extension.
 10. However, I do not agree. The provision of the proposed door would provide a solid but openable barrier between the house and the extended outbuilding. In doing so it would effectively integrate and combine the whole of the outbuilding with the main house. As such, it would harmfully undermine the interpretation and understanding of the spaces in the historic floorplan and traditional pattern of movement through the main house. Additionally, the understanding of the historic hierarchical relationship and movement between the primary house and the secondary outbuilding, and how traditionally one has served the other, would also be blurred. I acknowledge that these effects have to a limited extent already occurred, simply from the presence of the connecting glazed extension, but in my view the proposal would degrade that position further. Consequently, the significance of the listed building would be harmed.
 11. It is argued that the reinstated brickwork below the window is not original and that its removal would not therefore represent removal of historic fabric. However, that results from the unauthorised removal of the original historic brickwork following the dismissed appeal in 2013. Thus, the harm resulting from its removal has already occurred, and only partially mitigated by its reinstatement with more modern brickwork. Accordingly, in accordance with NPPF paragraph 191, I take no account of the deliberate and harmfully deteriorated state of the asset in support of allowing the appeal.
 12. For these reasons I find that the proposal overall would result in harm to the significance of the listed building. I acknowledge that details for treatment and finishing of the threshold/step and canted brick detailing could be secured by a planning condition. However, such would not mitigate against or outweigh the harm I have described.

13. It is also argued that the works could be reversible. However, I consider that the proposal would be more likely to be a permanent feature, and in any event it would not adequately mitigate the harm. Consequently, I attach little weight to this argument in support of allowing the appeal.
14. The harm to the significance of the listed building would be less than substantial. Hence, in accordance with NPPF paragraph 196 the harm should be weighed against any public benefits.
15. I fully appreciate that the proposal would provide domestic use benefits to current and future occupiers. However, those are private benefits rather than public benefits.

Conclusion

16. The proposed scheme of works would fail to preserve the listed building Lane House, contrary to the clear expectations of the Act. Moreover, there are no public benefits or other considerations which would outweigh the totality of the harm I have identified.
17. For all these reasons, and having regard to all other matters raised, the appeal is dismissed.

Thomas Shields

INSPECTOR