



Appeal Decision

Site visit made on 22 January 2020

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/H1840/D/19/3239324

Elm Cottage, Owls End Lane, Upton Snodsbury, Worcestershire WR7 4NH

- 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 Michelle Sidhom against the decision of Wychavon District Council.
 - The application Ref: 19/00864/HP, dated 4 April 2019, was refused by notice dated 30 July 2019.
 - The development proposed is erection of open carport attached to existing garden shed.
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Decision

1. The appeal is allowed and planning permission is granted for erection of open carport attached to existing garden shed at Elm Cottage, Owls End Lane, Upton Snodsbury, Worcestershire WR7 4NH in accordance with the terms of the application, Ref: 19/00864/HP, dated 4 April 2019, and the plans submitted with it.

Preliminary Matters

2. As indicated in the submitted documentation and confirmed by my site visit, the carport has already been erected. Therefore, the application is retrospective and intended to regularise the position.
3. The appeal relates to a listed building within a conservation area. Therefore, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I have also taken account of the guidance within section 16 of the National Planning Policy Framework (the Framework).¹ I am conscious that the Act and the Framework require that great weight should be given to any harm identified to the significance of a designated heritage asset, including from development within its setting, even if that harm is considered, in the terms of the Framework, 'less than substantial'.²

Main Issues

4. The main issues are the effect of the carport on the setting of a Grade II listed building, Elm Cottage, and on the character and appearance of the Upton Snodsbury Conservation Area (USCA).

¹ February 2019

² Paragraphs 193 and 194 of the Framework

Reasons

Listed Building

5. Elm Cottage is a Grade II listed building dating from the 17th century. It is a picturesque black and white, timber frame and plaster cottage, comprising two storeys, with a thatched roof. The cottage is located on the fringe of the small rural village of Upton Snodsbury, towards the end of a private lane, which provides access to the properties along it but is not a through road. An agricultural field lies on the other side of the lane.
6. The cottage and its single story pitched roof extension is adjacent to the western boundary of the site. The cottage stands close to the lane and is positioned side-on to it, with its gable end facing the lane. The main elevation fronts onto a pleasant lawned garden area to the east. Beyond that is a gateway off the lane and a gravelled driveway leading to the carport. Adjacent, along the southern boundary of the site are some other mainly timber structures, including a long storage shed, which the Council advises are lawful.
7. In my view, the special interest of the listed building, insofar as it relates to this appeal, derives principally from its architectural form and historical importance as a surviving 17th century rural cottage. Its relatively open garden setting also contributes to the significance of this heritage asset and enables it to be appreciated. Although there is a boundary hedge and some trees, good, if partial, views of the cottage can also be obtained from parts of the adjacent lane.
8. Set well back from the lane, the carport is located towards the rear south-eastern corner of the site, where it extends out from an existing shed and stands next to the other single-storey structures along the southern boundary. Therefore, although the carport is within the curtilage of the cottage, which stretches back from the north-western corner of the plot, it is positioned some distance away from it. The carport and the driveway leading to it are also separated from the cottage by some trees and vegetation to the side and by a reasonably sizeable area of lawned garden. Consequently, given its position and context, the structure has a negligible effect in terms of the setting of the listed building.
9. The carport is modest in size and constructed of wooden posts supporting a shallow-pitched roof with half-height panels to the sides, which are part-solid wood and part-curved trellis. It is open to the front and part open to the sides and its dark brown colour helps it to blend in with the adjacent single storey timber sheds to the rear of the site. While it lacks antiquity, those factors and its low-level open form make the carport a relatively inconspicuous addition. Therefore, individually and even when considered cumulatively with the other existing structures to the rear of the site, it does not have a harmful effect on the surrounds of Elm Cottage.
10. Although the extent of public views is not determinative in assessing the effects of development on listed buildings, and 'setting' is about more than purely visual linkage, it is still a relevant consideration. The carport can only be seen in the same field of vision as the cottage in limited angled views from the lane, near the entrance to the drive, with the cottage on the periphery and partially

obscured by the boundary hedge. Therefore, the presence of the carport is of minimal effect.

11. Moreover, given the lane is a cul-de-sac, this part of it would be used mainly by persons seeking access to Elm Cottage and Moat Cottage behind it, where the lane terminates. Although a sign on a gate into a field opposite the entrance to the appeal site indicates a public right of way in the vicinity, the full route of which was not entirely clear to me, the carport is unlikely to detract from the ability of any users of the public footpath to appreciate the significance of the listed building.
12. Given the above factors, I conclude that the carport does not harm the setting of the Grade II listed building or diminish its special architectural and historic interest. Consequently, the development complies with policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan (SWDP).³ Those policies seek, amongst other things, to ensure that development is of high-quality design which conserves the significance of heritage assets and the contribution made by their settings. The development also complies with similar policies within the Framework and the requirement of the Act.

Conservation Area

13. The appeal site lies within the USCA, which is characterised by numerous 'black and white' timber-framed houses like the appeal property, which appear to date from the same period. They are dotted along Church Lane, School Lane, Chapel Lane and Owls End Lane. Given that Elm Cottage is listed, I would expect that many of those other similar 'black and white' houses are also listed, along with the nearby St. Kenelm's Church. Although limited information has been provided in evidence, it seems to me that the significance of the USCA is derived primarily from the architectural quality and historical importance of its 17th century 'black and white' cottages and St. Kenelm's Church, which may well originally date from an earlier period.
14. Although the Council refers briefly to harm to the conservation area, its explanation of the nature of the alleged negative impact is limited. It appears to be assumed to flow from the harm it found to the setting of the listed building. However, unlike listed buildings, the significance of a conservation area is dependent upon how it is more widely experienced. Consequently, developments must be judged according to their effect on the conservation area considered as a whole, and must therefore have a moderate degree of prominence, in public or private views.
15. As already detailed above, in the assessment of its effects on the setting of the listed building, the carport is modest in form and scale. Its structure, design and colouring do not draw the eye and it is not prominent in public or private views, which are relatively limited. Moreover, it is a minor addition to a small group of existing timber structures within the enclosed grounds of one property at the western edge of the USCA.
16. I conclude, therefore, that the carport does not have an adverse effect on the character or appearance of the USCA. It follows that the development does not conflict with the SWDP policies referred to above, the Act, or the guidance

³ Adopted February 2016

contained within the Framework. That is also consistent with my findings with regard to the effect on the setting of the listed building.

Conditions

17. The only condition suggested by the Council, in the event that the appeal was allowed, related to the development being carried out in accordance with the approved plans. However, as the development has already been carried out such a condition would not be appropriate or necessary. In any event, the formal decision paragraph above grants permission in accordance with the terms of the application and the plans submitted with it.

Conclusion

18. Paragraph 196 of the Framework, alluded to by the Council, relates to instances where 'less than substantial harm' has been found to the significance of designated heritage assets. As I have not identified any harm to the setting of the listed building or to the character or appearance of the USCA, it is not necessary to undertake the 'public benefits' balancing exercise referred to within that paragraph.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

JP Tudor

INSPECTOR