
Appeal Decisions

Site visit made on 27 January 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 12th February 2020

Appeal A: APP/J3720/W/19/3235000

The Orchards, Coxs Walk, Ardens Grafton B49 6DR

- 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 Freeman against the decision of Stratford on Avon District Council.
 - The application Ref 18/03596/FUL, dated 29 November 2018, was refused by notice dated 23 May 2019.
 - The development proposed is described as 'erection of an oak framed garden room replacing existing garden room and alteration to existing garage including new roof'.
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Appeal B: APP/J3720/Y/19/3235003

The Orchards, Coxs Walk, Ardens Grafton B49 6DR

- 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 Mr & Mrs Freeman against the decision of Stratford on Avon District Council.
 - The application Ref 18/03598/LBC, dated 29 November 2018, was refused by notice dated 23 May 2019.
 - The works proposed are 'erection of an oak framed garden room replacing existing garden room and alteration to existing garage including new roof'.
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Decisions

1. The appeals are refused.

Preliminary Matters

2. The development descriptions above refer to an alteration to an existing garage as part of the proposal. This element of the scheme was removed during the applications and so I have not considered this matter further. The design of the proposed garden room was also altered during the applications to reduce its size. However, the appellant confirmed before the Council made its decision that they wished the original garden room plans to be decided upon. I have made my decision upon the same plans.

Main Issue

3. The main issue in both cases is whether the proposal would preserve the special architectural and historical interest of the Grade II listed building.

Reasons

4. The Orchards is a Grade II seventeenth and eighteenth-century house constructed in blue lias rubble with later alterations, including in the twentieth century. The northern gable of the property adjoins Coxs Walk, with the front of the house described in the listing as to the left (facing eastwards). The rear of the property has 2 later gabled wings with the northern one being shorter and older than the southern one; between these two wings is a lean to outshut. The listing notes that the southern wing dates from 1982. Despite the various alterations to the house the property manages to retain its core as a one and a half storey vernacular cottage, and although fairly significant in size, the two rear wings remain subsidiary to this core. The special interest of the house is largely defined by this core linear form, with the various extensions and alterations adding to the property while remaining largely sympathetic.
5. Adopted policy CS.8 of the Core Strategy¹ states that the District's historic environment will be protected and enhanced for its inherent value, and that where a development proposal would lead to less than substantial harm to the significance of a listed building such harm will be weighed against the public benefits of the proposal. The Planning (Listed Building and Conservation Areas) Act 1990 requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.
6. The proposal seeks to demolish the existing rear lean to outshut and construct a new garden room. The existing outshut externally appears to be of declining quality (described as dilapidated by the appellant) but is of a simple lean to form, with the highest point of the roof set just below the eaves of the main cottage. The outshut nestles within the space created by the two gabled wings and is subservient to the house as a whole.
7. The proposed garden room would be of a larger scale, extending beyond the rear building line of the northern gable. The room would be constructed with an oak frame and would be primarily a glass structure. The roof would be flat, although a fairly large protruding roof lantern is shown on the plans. The depth of the proposal, at over 5m, would be significantly more than the current outshut.
8. The effect of such a large structure would detract from the primacy of the original range of the building. When viewed from the rear garden the proposal would dominate the historic range visually, due to its size and the proposed materials. Such an effect would be added to by the protrusion of the proposal beyond the rear line of the older northern gable and by the scale of the proposed roof lantern.
9. I can appreciate that the property has had various extensions and alterations made to it over the years, and that the rear gables are examples of such extensions. However, the proposal would extend beyond the older northern gable and would adversely affect the rear of the historic range of the building, being neither subservient nor visually subsidiary. The proposal would detract from those elements which make an important contribution to its special architectural and historic interest including its core linear form.

¹ Stratford-on-Avon District Core Strategy 2011-2031

10. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset, and as they are irreplaceable, any harm should require clear and convincing justification. For the reasons given above, I consider the proposal would result in harm being caused to the significance of this listed building. However, and particularly as the proposal would not materially affect the fabric of the original part of the building, which would remain intact, I am satisfied in this case that the degree of harm caused would be less than substantial.
11. In such situations this harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. The proposal would enhance the appellants' enjoyment of the property and contribute to continuing custodianship, but superficially the property appears in beneficial use. The appellant considers that the scheme would also replace existing poor visual elements. However, while I can appreciate that the outshut is of declining quality, as noted above it remains subservient to the whole and is not without charm. Furthermore, I note that the Council state that they have no objection in principle to the replacement of the outshut. As a consequence, what public benefits there might be are insufficient to outweigh the harm caused.

Conclusion – Appeals A and B

12. To summarise I consider that the proposal would cause less than substantial harm to the significance of this Grade II listed building and would not preserve its special architectural or historic interest. It has not been shown that public benefits would outweigh this harm, and the proposal would conflict with the Framework and the Core Strategy Policy CS.8. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should fail.

Jon Hockley

INSPECTOR