



Appeal Decisions

Site visit made on 6 November 2019

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 17th February 2020

Appeal A Ref: APP/H1840/W/19/3225566

The Rookery, 4 Weston Road, Bretforton, WR11 7HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs K Jones against the decision of Wychavon District Council.
 - The application Ref 19/00060/HP, dated 9 January 2019, was refused by notice dated 27 February 2019.
 - The application sought planning permission for rear extension, without complying with a condition attached to planning permission Ref 17/02481/HP, dated 30 January 2018.
 - The condition in dispute is No 6 which states that: *Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents –ADS Architects drawings 16970 20 Location Plan, 16970 21 Block Plan and 16970 23 Proposed Plans and Elevations.*
 - The reason given for the condition is: *to define the permission.*
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Appeal B Ref: APP/H1840/Y/19/3226927

The Rookery, 4 Weston Road, Bretforton, WR11 7HW

- 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 for works without complying with conditions subject to which a previous listed building consent was granted.
 - The appeal is made by Mr and Mrs K Jones against the decision of Wychavon District Council.
 - The application Ref 19/00065/LB, dated 9 January 2018, was refused by notice dated 27 February 2019.
 - The application sought listed building consent for rear extension, without complying with a condition attached to listed building consent Ref 17/02482/LB, dated 30 January 2018.
 - The condition in dispute is No 4 which states that: *Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents –ADS Architects drawings 16970 20 Location Plan, 16970 21 Block Plan and 16970 23 Proposed Plans and Elevations.*
 - The reason given for the condition is: *to define the permission.*
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Decisions

Appeal A Ref: APP/H1840/W/19/3225566

1. The appeal is dismissed.

Appeal B Ref: APP/H1840/Y/19/3226927

2. The appeal is dismissed.

Main issues

3. The main issues in Appeal A are the effect of the development on the living conditions of the residents of the Dial House by reason of loss of privacy, whether it would preserve the special architectural or historic interest of The Rookery which is listed Grade II and that of the group of listed buildings of which it forms a part and whether it would preserve or enhance the character or appearance of the Bretforton conservation area.
4. The main issue in Appeal B is whether the works would preserve the special architectural or historic interest of The Rookery which is listed Grade II and that of the group of listed buildings of which it forms a part and whether it would preserve or enhance the character or appearance of the Bretforton conservation area.

Procedural matter

5. The extension the subject of this appeal was permitted in January 2018. It has not been constructed in accordance with the approved plans insofar as an upper floor has been inserted and there are bi-folding doors instead of French doors and two side windows in the east elevation and a large Velux rooflight in the east roof pitch.
6. The plans submitted with the applications for the variation of condition 6 of the planning permission and condition 4 of the listed building consent for the erection of the extension show the works as carried out (16970-23 RevA). These are not in accordance with the approved plan as submitted with the appeals (which is numbered 16970-32, not 16970-23 as referred to in the Council's original decisions). I am determining these appeals on the basis of the works as they have been carried out, that is, in accordance with plan 16970-23 RevA.

Reasons

Appeal A

Living conditions

7. The appeal building is a detached timber-framed house with one main ground floor and rooms in an upper attic floor under a steep thatched roof. It has been recently extended with a single storey timber-clad extension to the southwest elevation.
8. I consider that the installation of the rooflight in the extension has resulted in a loss of privacy for the occupiers of The Dial House to the east. The rooflight is large and in two parts, reaching down almost to floor level. These open outwards in a manner which allows for a person inside the upper room to stand close to the opening and have a clear view into much of the rear garden of The

Dial House and its conservatory. The latter is a fairly large structure which appears to be in full use as a sitting area. It has extensive glazing which, in my opinion, renders it particularly exposed to overlooking from the new rooflight.

9. At the time of my visit there was an open lattice-style fence along the length of the boundary between the appeal site and The Dial House which allows for some degree of intervisibility. The appellants have planted new young evergreen trees along this fence which at the time of my visit provided a limited amount of screening. While the trees might in time grow to a height sufficient to form a more effective screen, I am not convinced that this would be adequate for some time to come and there is no guarantee that their presence could be assured in perpetuity.
10. I note that there are no directly facing windows in The Dial House within 20m of the extension and that in this respect the rooflight meets the relevant criterion in the Council's Supplementary Planning Document 2018 *Design Guide* (the SPD). The appellants have offered to insert obscure glazing in the rooflight in order to mitigate the impact on the neighbours' amenity. However, whilst this might improve the situation somewhat, it would not overcome the concerns I have regarding the impact of the rooflight on the special interest of the listed building, which I set out below.
11. I conclude that the rooflight causes unacceptable harm to the living conditions of the occupiers of The Dial House through loss of privacy. In this respect, it is contrary to policy SWDP21 of the South Worcestershire Development Plan 2016 (the development plan), which requires, among other things, that all development should provide an adequate level of privacy for neighbouring properties, and the advice in the SPD regarding the overlooking of private gardens.

Appeal A and Appeal B

Special interest

12. The Rookery is a Grade II listed building. Its significance lies in its architectural and historic interest as a traditional timber-framed house dating from the 17th century. It has been subsequently altered in the 18th, 19th and 20th centuries, but retains its simple rectangular plan form and comprises a single storey with attic. It has a generally solid appearance under a steeply pitched thatched roof. The window openings to the east elevation are mainly small casements apart from two modern bow windows, all more or less contained within the infill panels defined by the timber framing. Notwithstanding the later alterations and additions, it retains its architectural and historic identity as a traditional 'black and white' timber framed house, representative of the historical development of the village.
13. The Rookery occupies a large plot within a small spur of the Bretforton conservation area at the eastern end of the village. It is one of a small group of buildings listed for group value. They include, to the rear and southwest, an 18th century stone barn attached to Bretforton House Farm, itself an imposing brick-built three storey house, and Corner Cottage, immediately to the rear and northwest, a late 17th century part timber-framed, part stone house. The latter has been much altered but shares some common architectural features with The Rookery, particularly in the proportions of some of the remaining timber

framing and panels and the small window openings. These two buildings in particular exemplify the vernacular architectural style of their period and reflect the development of the village over time. Each forms part of the setting of the other. They make a positive contribution to the domestic character and appearance of this part of the conservation area as it extends into Main Street. The latter is within the core of the conservation area, leading to the church, and is characterised by mainly two storey houses either detached or in terraces with a mix of brick, render and timber framing.

14. Although the appeal site is not readily visible from Weston Road, it can be seen from public viewpoints, including across the open area to the rear of the appeal site between Corner Cottage and The Dial House from the road which serves The Dial House and several other properties.
15. The bifold doors differ from the doors and windows originally permitted in that they appear as three fully glazed doors rather than the two French doors with smaller windows on either side. Overall, in terms of width, they amount to a smaller area of glazing when closed, and thus reduce the ratio of glazed area to solid wall. When the doors are fully open, they will appear as a wider unbroken aperture than the approved scheme. However, I consider that the ratio of opening to solid wall is no more obtrusive or uncharacteristic of the main building and its pattern of window openings as a whole than that approved. I consider that, even when open, they will not be so different in appearance from the approved glazing that they would have a greater impact on the special interest of the building.
16. I consider that the large size and location of the rooflight are wholly out of keeping with the special architectural interest of the listed building and the character and appearance of the traditional buildings in the wider conservation area. Although the extension is clearly designed in a way which is not intended to be a slavish copy of the main house, the rooflight does not in any way respect the proportions inherent in the form and size of the windows in the main part of the house or the simple, largely unbroken line of the thatched roof. The mechanism for opening it stands proud of the roof and appears unattractive and incongruous. Overall, it appears as a dominant feature on a subsidiary extension to the main house which is wholly out of keeping with the listed building.
17. I conclude that the rooflight causes less than substantial harm to the significance of the listed building and to the character and appearance of the conservation area. It fails to preserve or enhance the special architectural or historic interest of The Rookery and that of the group of listed buildings of which it forms a part and fails to preserve or enhance the character or appearance of the Bretforton conservation area. It is contrary to development plan policies SWDP6, SWDP21 and SWDP24 which seek to conserve and enhance heritage assets in accordance with the National Planning Policy Framework 2019 (the Framework).
18. Overall, I have identified some harm to the listed group and the conservation area as a consequence of the appeal proposals, albeit somewhat less than substantial harm. In accordance with paragraph 193 of the Framework, I accord great weight to the conservation of a designated heritage asset. The harm that I have identified is a matter to which I attach considerable

importance and weight. In this case, public benefits, as identified in paragraph 196 of the Framework, are not before me, which would outweigh that harm.

19. I conclude that the rooflight as constructed fails to preserve the special architectural or historic interest of The Rookery and to preserve the character or appearance of the conservation area. It therefore fails to achieve the statutory duties set out in Sections 16(2), 66(1) and 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended.

Other matter

20. The appellants state that their lack of planning knowledge led them to install the bifold doors without seeking further approval because of concerns regarding a potential wind tunnel effect at the front of the property. While I sympathise with this, and I have found that the doors are acceptable, I do not find that this is sufficient reason to justify the installation of the rooflight which I have found to be harmful.

Appeal A

21. I conclude that condition 6 is necessary to prevent harm to the living conditions of the occupiers of The Dial House and to the special architectural or historic interest of the listed building and to the character and appearance of the conservation area, in accordance with the statutory duties, development plan policies SWDP6, SWDP21 and SWDP24, advice in the SPD and the guidance in the Framework.
22. For the reasons given above the appeal is dismissed.

Appeal B

23. I conclude that condition 4 is necessary to prevent harm to the special architectural or historic interest of the listed building and to the character and appearance of the conservation area, in accordance with the statutory duties, development plan policies SWDP6, SWDP21 and SWDP24 and the guidance in the Framework.
24. For the reasons given above the appeal is dismissed.

PAG Metcalfe

INSPECTOR