



Appeal Decision

Site visit made on 15 June 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 24 June 2020

Appeal Ref: APP/J3720/Y/20/3244840

4 Avon Carrow, Lower End, Avon Dassett CV47 2AR

- 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 Martin Kipling against the decision of Stratford on Avon District Council.
 - The application Ref 19/02402/LBC, dated 23 August 2019, was refused by notice dated 4 December 2019.
 - The works proposed are described as 'retrospective permission for a conservatory. The building's footprint is 58 sq ft & a 45 degree splayed design as shown on plans'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the conservatory preserves the special architectural or historic interest of the Grade II listed building.

Reasons

3. Avon Carrow is a substantial country house located on the edge of the small settlement of Avon Dassett. The elaborate property was built in the late 19th century and is constructed of ironstone ashlar to a Tudor style set around a central courtyard. The original garden front façade faces towards the south west with access to the internal courtyard possible from the rear north east entrance elevation.
4. The property is now divided into numerous separate houses. At my visit it was only possible to view in part some of the north west range, in which the appeal site is situated, but it was clear that this subdivision of the building and the resultant small scale alterations to individual properties and their gardens has eroded some of the overall character of the building.
5. The north west range has a small two storey corner pavilion tower at the join with the north east range with pyramid roof and louvred square lanterns. Heading south west along the north west range, there is then a stretch of single storey and attic building with dormers and roof lights before the 2 storey No 16 and adjacent No 4, the appeal site. These properties have half dormers with some ball finials. The property to the right, No 3, forms part of the garden façade and returns longer than the north west range, so that the rear of No 3 juts out beyond the rear of No 4.

6. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. The special interest and significance of the building derives from its elaborate architectural style and architectural history. While this significance has been eroded over the years by the subdivision of the property and incremental alterations by individual plot holders, the building as a whole remains impressively detailed and of special interest, with the north west range largely retaining its historic composition and design, despite such alterations.
7. The proposal seeks to retain a conservatory which has been erected on the rear of No 4. This structure is constructed in brown/chestnut uPVC and sits adjacent to a wooden pitched roof porch over the rear door of the property. The building is temporary in nature; it is affixed to the property by a few screws through the mortar and the floor is set on a raft structure above the paving slabs below. However, this is not immediately clear from outside where the structure appears more permanent.
8. Although some planting has blended to a certain degree the structure to the building behind, the conservatory appears somewhat alien set on to the ironstone ashlar building, despite alterations nearby such as the porch and uPVC windows in the rear elevation. While the design of the conservatory is similar to the host property in some ways, such as the canted nature of the sides, the starkness and thickness of the uPVC material jars with the host property, causing harm to the special interest of the building.
9. The appellant suggests a number of ways to mitigate such harm, including painting the uPVC with specialist heritage paint, oak boarding, the use of lead top hat flashing to the roof or the alteration of the roof to a flat one. However, none of these proposals would alter the fundamental material of the structure or mask successfully in my view the modern design and materials of the conservatory.
10. The National Planning Policy Framework (the Framework) makes it clear that when considering the impact of a proposal 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 scheme harms the significance of this listed building. However, and particularly as the works only affect a small part of the building, I am satisfied that the degree of harm caused is less than substantial.
11. In such situations the harm should be weighed against the public benefits of a proposal, including securing the asset's optimum use. I appreciate that the conservatory provides additional living space and social benefits for the appellant and that such space has been particularly of benefit during the Coronavirus pandemic. I also note the energy efficiency benefits of the structure and subsequent benefits to the appellant's health, and the lack of local objections. However, leaving aside whether the appellant's enjoyment of the property can properly be regarded as a public benefit, it appears to be able to adequately function as a dwelling without the structure and is well maintained by the current owner. As a consequence, while I have sympathy

with the appellant, what public benefits there might be are insufficient to outweigh the harm caused.

12. Above I have noted the temporary nature of the structure and the appellant suggests a condition if necessary, to restrict the property to a temporary structure. However, and putting aside whether this is possible under the Act, this would still mean that the structure would cause harm to the listed building for the duration of the consent, with such harm not outweighed by any benefits.
13. My attention is drawn to various structures on other parts of the listed building. It was not possible to view all these during my visit, although I could partially see some examples. I have not been provided with the full details of such alterations but note that many of them appear to be permanent structures and therefore not entirely similar to the case before me. I have dealt with the case on its own merits.
14. I therefore conclude that the conservatory does not preserve the special architectural or historic interest of the Grade II listed building. The building is contrary to the Act and to the Framework.
15. For the reasons given above I conclude that the appeal should fail.

Jon Hockley

INSPECTOR