



Appeal Decisions

Site visit made on 10 June 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal A Ref: APP/H1840/W/19/3244596

Monks Close/Priors Gardens, Dock Lane, Bredon GL20 7LG

- 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 Miss A Devine, Mr C Mann, Mr & Mrs Rimell against the decision of Wychavon District Council.
 - The application Ref 19/01816/HP, dated 1 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is alterations and improvements to vehicular entrance to Priors Gardens and Monks Close and rebuilding of wall.
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Appeal B Ref: APP/H1840/W/20/3245917

Monks Close/Priors Gardens, Dock Lane, Bredon GL20 7LG

- 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 Miss A Devine, Mr C Mann, Mr & Mrs Rimell against the decision of Wychavon District Council.
 - The application Ref 19/01774/LB, dated 1 August 2019, was refused by notice dated 24 October 2019.
 - The works proposed are alterations and improvements to vehicular entrance to Priors Gardens and Monks Close and rebuilding of wall.
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Decisions – both appeals

1. Appeal A is dismissed. Appeal B is dismissed.

Main Issues – both appeals

2. The main issues are the effect of the proposed works and development on the significance and special interest of the relevant Grade II listed buildings; and the effect on the character and appearance of The Bredon Conservation Area.

Reasons – both appeals

3. Prior's Gardens is a detached two-storey dwelling set back from Dock Lane behind high boundary walls. The statutory list description identifies Prior's Gardens as being adjacent to and probably originally part of The Rectory (a Grade II* listed building). Listed as 'Stables at the Rectory', Monk's Close directly addresses Dock Lane and is a converted c. 18th century red brick former stable building ancillary to The Rectory. The Wall at Prior's Gardens (adjoining Monk's Close) is a Grade II listed building in its own right, which the statutory list description identifies as being 18th century red brick wall partly rebuilt and of group value. All are within the Bredon Conservation Area (CA). I am mindful of my statutory duties in respect of both listed buildings and

conservation areas as set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

4. From all that I have seen and read, the special interest and significance of Prior's Gardens relates, in part, to its architectural execution, form and fabric. Adding further historic interest are the building's functional connection with The Rectory and its lands, and its setting behind high boundary walls. The significance of Monk's Close also lies in its form, fabric and layout, which reflect the building's former purpose as stabling and ancillary function to The Rectory. The significance of the listed wall fronting Dock Lane is underpinned by its fabric, form and the delineation and group value it provides.
5. The CA designation includes a number of historic buildings, many of which are listed, that line the principal routes through the historic core of the settlement. Historic buildings, as well as traditional boundary features, contribute to a rich built backcloth that makes a positive contribution to the character and appearance of the CA. The boundary walls affected by the appeal proposals have been categorised as 'important boundary features' on the Bredon Conservation Area Appraisal. They are therefore important elements that denote the significance and special interest of the CA as a whole.
6. Monk's Close and Prior's Gardens are separate residential dwellings that share vehicular access off Dock Lane. Prior's Gardens' traditionally constructed, red brick wall bounds one side of a shared gravel forecourt. Beyond the formal driveway entrance into Prior's Gardens are spaces for parking and a small area of lawn associated with Monk's Close. A redundant gated entrance through the Prior's Gardens boundary is located closer to Dock Lane.
7. The proposals would involve blocking the current driveway entrance into Prior's Gardens with timber boarding and the construction of a brick wall with pedestrian gateway from the entrance to an extant high timber fence opposite. Access into Prior's Gardens would be relocated to the redundant gated entrance, which would be widened, and a new driveway extended off it into the site. A section of the listed wall would be removed at the Dock Lane entrance, whilst repairs and rebuilding of a collapsed section further along the listed wall are also proposed.
8. The proposed works and development would involve the removal of approximately 1.6 metres of the listed wall fronting Dock Lane. Additionally, a total of some 1m would be removed from the Prior's Garden walls to facilitate widening of the new access. This would involve loss of historic fabric and would cause harm.
9. Even if constructed in matching brickwork, the construction of a new wall across the Monk's Close site would reduce legibility of the traditional boundaries and erode the clear historic plot delineation these provide within the setting of Prior's Gardens and Monk's Close. By the same effect, legibility of important boundary features that are an important aspect to the character and appearance of the CA would be eroded and the significance of this asset also incrementally harmed.
10. I do not take issue with the re-use of a redundant entrance per se, nor with the extension proposed to the driveway within the Prior's Garden site. However, blocking up the existing entrance with timber boarding would serve to further confuse legibility of the site's boundaries and evolution. I note that the proposals would reduce the length of high timber fencing that runs alongside Monk's Close to the rear lawned area. This fence, however, does not apparently

benefit from listed building consent or planning permission and its shortening would not compensate for the harm the proposals would cause.

11. The need to rectify the collapsed section of listed wall is noted. However, paragraph 191 of the Framework¹ makes clear that where there is evidence of deliberate neglect of a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. The duty to preserve listed buildings stands irrespective of the other works and development being proposed. Therefore, whilst neither the Council, nor I, object to the repair of the listed wall, this aspect of the proposals should not be used to justify other harmful aspects of the scheme.
12. All things considered, I find that the proposed works and development would fail to preserve and cause some degree of harm to the special interest and significance of Monk's Close, Prior's Gardens and the separately listed wall. By the same effect, legibility of important boundary features that are an important aspect of the character and appearance of the CA would be eroded and the significance of this asset also incrementally harmed.
13. The degree of harm to the designated heritage assets in this case would be less than substantial, which should be weighed against the public benefits of the proposal. The proposed works and development are largely predicated on meeting the private wants and needs of the occupiers of Monks Close. Whilst I can appreciate a desire to create a larger private garden area, especially with a young family, this would not amount to any wider public benefit. I have no demonstrable evidence that the existing visibility onto Dock Lane threatens highway safety and so I attribute very little to this being a public benefit. Nor the rebuilding and repair of the listed walls, the preservation of which is a statutory duty. There would be some modest benefits associated with the construction phase. Even cumulatively, the sum of public benefits does not outweigh the considerable importance and weight that even less than substantial harm to designated heritage assets carries.
14. Conflict therefore arises with Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan, 2016, as well as Policy NP5 and NP6 of The Bredon Parish Neighbourhood Plan 2016 – 2030, July 2017. Amongst other things, these policies seek to conserve and enhance heritage assets, and ensure proposals preserve the distinctive local character and historic interest of heritage assets, including historic boundary walls. The works and development would also fail to accord with the historic environment policies within the Framework.

Conclusions – both appeals

15. Even though the overall harm would be less than substantial, it would not be outweighed by public benefits. The proposed works and development would therefore run contrary to the clear expectations under Section 66(1) and 72(1) of the Act. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

H Porter

INSPECTOR

¹ National Planning Policy Framework, revised February 2019