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# Appeal Decision

Site visit made on 14 July 2020

**by H Baugh-Jones BA(Hons) DipLA MA CMLI**

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

**Decision date: 24 July 2020**

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**Appeal Ref: APP/V4630/W/20/3246655**

**Pelsall Hall Residential Home, Paradise Lane, Pelsall WS3 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 Greensleeves Care against the decision of Walsall Metropolitan Borough Council.
  - The application Ref 19/1449, dated 12 November 2019, was refused by notice dated 9 January 2020.
  - The development proposed is erection of a prefabricated summer house located in the garden immediately to the west of the main house.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The effect of the proposal on (i) the setting of the locally listed residential home building; and (ii) whether it would preserve or enhance the character or appearance of the Old Pelsall Conservation Area (CA).

## Reasons

3. Pelsall Hall was originally a farmhouse dating from the 18<sup>th</sup> Century which was added to during the Victorian Period and again more recently. It is constructed of red brick and has a number of pitched tiled roofs although there is a substantial single-storey flat roofed projection at the rear of the building. Given the historic link between Pelsall Hall and the CA, it is an important building.
4. The summer house would be located within a lawned area which comprises part of the outside space around the residential home building and which is surrounded by mature trees and shrubs. It is evident from the CA Management Plan, that this outside area forms an intrinsic part of the CA and is intimately associated with the historical significance of the building. It is therefore a key component of its setting.
5. There are other sheds and a small greenhouse close to the building and some smaller brick structures around an outside seating area leading from the flat roofed part of the building. The accretion of such structures in combination with the manicured lawn has given the outside space around the building the appearance of a domestic garden. In combination with the more recent additions to the building itself, great care therefore needs to be taken to prevent further additions from resulting in an unacceptable level of harm to the historical significance of the building and/or its setting.

6. The summer house would be of standard 'off-the-peg', utilitarian appearance. In the context of the space in which it would be sited, it would appear as a substantial and strident structure. It would appear somewhat randomly located within the outside space would appear as a discordant feature close to the building which would detract from its overall architectural appreciation and thereby undermine the objectives associated with it featuring on the local list. It would harm the setting of the locally listed building and diminish its historical significance. I turn now to the effects on the Old Pelsall CA.
7. The CA covers an area of only about 4 hectares. It is focused around Pelsall Hall, a closely neighbouring dwelling (The Lodge) and an area that extends to the south, most of which is wooded but that also contains a number of large modern dwellings in the Oakleaf Gardens development and which have somewhat imposed themselves on the CA.
8. The CA is surrounded by 20<sup>th</sup> Century residential development forming the western part of Pelsall although there is an area of open countryside beyond Allens Lane to the south. The significance of the CA derives from its industrial mining past and the important contribution it now makes as a green space within an otherwise modern built-up area. The outside space around the residential home is therefore a very important component of the CA's historical make-up.
9. During the summer months, the building would not be seen from public viewpoints given the presence of the mature trees and shrubs around the site's boundaries. However, this vegetation is mostly deciduous and would therefore provide significantly less screening during autumn and winter. Consequently, there would be a substantial part of the year where the summer house would be visible.
10. Notwithstanding this, the effects on the CA must also be considered in terms of its physical characteristics. I have already found that the character and appearance of the summer house would not be in tune with that of the surrounding historic fabric. It would not enhance the CA's character or appearance or be of a sufficiently high standard of design to at least preserve it. Consequently, the proposal would result in harm to the significance of the CA. In the parlance of the National Planning Policy Framework (the Framework), this would not reach the high hurdle of substantial harm. Nevertheless, it would result in less than substantial harm that requires clear and convincing justification.
11. I acknowledge that there would be amenity benefits to the home's residents through their enhanced enjoyment of the outdoor environment and consequent improvement in quality of life. However, in my view, these are private rather than public benefits. Accordingly, there are no material considerations of sufficient importance to outweigh the identified harm to the significance of the CA.
12. The proposal therefore runs counter to saved policies GP2 and 3.13 to 3.15 of the Walsall Unitary Development Plan (2005) (UDP). Amongst other things, these policies seek to safeguard the heritage value of buildings and CA's. It also conflicts with policies ENV2 and ENV3 of the Black Country Core Strategy (2011) and policy EN5 of the Walsall Site Allocations Document (2019), all of which have similar heritage protection objectives. Given my findings, the

proposal would not achieve the design objectives of policy DW3 of Designing Walsall SPD. Finally, it would run counter to the Framework.

13. The Council also suggests that the proposal would conflict with saved UDP policy ENV28. However, this policy is not relevant to my considerations as it seeks to refuse permission for schemes which propose the demolition or adverse alteration of a building on the local list, which in this case, the scheme does not.

### **Conclusion**

14. I am sympathetic to the desire to improve the life of the home's residents. However, given the historic significance of the building and its surroundings, this should not come at the expense of good design that respects the local historic environment. Consequently, for the above reasons, the appeal does not succeed.

*H Baugh-Jones*

Inspector