
Appeal Decisions

Site visit made on 11 August 2020

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 2 September 2020

Appeal A - Ref: APP/W1850/W/20/3245480

Well Cottage, Blakemere, Hereford HR2 9PY

- 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 Dr Chu against the decision of Herefordshire Council.
 - The application Ref 193425, dated 1 October 2019, was refused by notice dated 6 December 2019.
 - The application sought planning permission for single storey extension and alterations to the existing annexe including the addition of external insulation without complying with a condition attached to planning permission Ref 191763, dated 12 July 2019.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 119-03B & 119-04B) and the schedule of materials indicated thereon.
 - The reason given for the condition is: to ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
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Appeal B - Ref: APP/W1850/Y/20/3245483

Well Cottage, Blakemere, Hereford HR2 9PY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to vary or discharge conditions of a listed building consent.
 - The appeal is made by Dr Chu against the decision of Herefordshire Council.
 - The application Ref 193554, dated 1 October 2019, sought to vary condition No 2 of a listed building consent Ref 191764 granted on 12 July 2019.
 - The works proposed are for single storey extension and alterations to the existing annexe including the addition of external insulation.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 119-03B & 119-04B) and the schedule of materials indicated thereon.
 - The reason for the condition is: to ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.
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Appeal A - Decision: The appeal is allowed and planning permission is granted for amendment to previous planning approval 191763 for a single storey extension and alterations to the existing annexe including the addition of external insulation at Well Cottage, Blakemere, Hereford HR2 9PY in accordance with the application Ref 193425 dated 1 October 2019, without compliance with condition number 2

previously imposed on planning permission Ref 191763 dated 12 July 2019 and subject to the following condition:

The development hereby permitted shall be carried out strictly in accordance with the approved plans, drawing numbers 119-03C and 119-04B.

Appeal B – Decision: The appeal is allowed and listed building consent is granted for a single storey extension and alterations to the existing annexe including the addition of external insulation at Well Cottage, Blakemere, Hereford HR2 9PY in accordance with the terms of the application Ref 193554, dated 1 October 2019 without compliance with condition number 2 previously imposed on a grant of listed building consent Ref 191764 dated 12 July 2019, and subject to the following condition:

The works hereby approved shall be carried out strictly in accordance with the approved plans, drawing numbers 119-03C and 119-04B.

Procedural Matter

1. The proposed development and works have been carried out. In effect, retrospective consent is being pursued. A fall-back position applies in this case – both listed building consent and planning permission has previously been granted¹ for a smaller extension.

Main Issue

2. The main issue for both appeals is the impact of the proposal on the special architectural and historic interest of this Grade II listed building known as Well Cottage.

Reasons

3. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policies SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and Policy WE03 of the Wyeside Group Neighbourhood Plan which combine to require that proposed development should be designed to maintain local distinctiveness and ensuring that in the case of proposals likely to affect heritage assets, such proposals protect, conserve and where possible enhance such heritage assets with development being of an appropriate scale in terms of height, scale and massing. These policies are consistent with section 16 of the National Planning Policy Framework.
4. Well Cottage is a Grade II listed building. The listing describes it as a house of 17th century origins, restored in the late 20th century and of timber-frame with three bays aligned north/south with external stack to north gable of rubble with brick shaft. The east front is of one storey with attic lit by three gabled dormers with three 2-light casements at ground floor with ledged and boarded door. The significance of this listed building lies in its historic form as a simple rural house that retains much of its original timber framing, particularly from the roadside. The rear outbuilding has eroded its setting although the set back of this structure does not seriously affect its legibility as a listed building dating from the 17th century.

¹ Council references 191764 and 191763 both dated 12 July 2019

5. The proposal involves an extension to a detached outbuilding located close to the rear of the listed building together. The outbuilding is not mentioned in the list and the Council permitted its extension by some 3.8m in length. The appellant explains that during implementation of these works comprising the extension, a decision was made to extend it by a further 1.5m. Whilst its ridge height is substantially below the ridge of the original roof of the main house, the outbuilding seriously affects the level of both architectural and historic significance that can be afforded the rear elevation of Well Cottage and its setting. That setting to the rear is also affected by the changes over time to a domestic garden with modern features such as the patio areas and boundary fencing and other domestic paraphernalia.
6. It is a fact that the fall-back position and previous consented scheme has substantially altered the setting of the listed building when viewed from within the site and from the glimpsed views from outside the site in the vicinity of the telephone kiosk and roadside. The additional 1.5m in this context does not cause any additional harm to the significance of the listed building or its immediate setting. In all other respects the contemporary and restrained nature of the design of the extended outbuilding is an appropriate design response. Importantly, the development undertaken has not affected any part of the historic fabric of the building and its plan form remains very much intact.
7. I do not accept the Council's proposition that the additional 1.8m has tipped the balance in terms of harm to this listed building. Whilst further extending the length of the outbuilding has brought about some change to the setting of the listed building, I find that the area furthest away from the listed building is less susceptible to harm whilst the design of the extended building responds appropriately to the form and setting of the listed building and its surroundings. No real harm has been caused to the designated heritage asset or to its significance that I have identified. When considered as a whole, the architectural and historic interest and setting of Well Cottage as a listed building has been preserved and accordingly, the as-built development is not contrary to the objectives of local and national policies outlined above.
8. A condition is necessary only in relation to specifying the approved drawings in order to provide certainty in terms of the planning permission and it being necessary to list the drawings in the formal listed building consent.

Conclusion

9. The extended element to the outbuilding would not adversely affect the architectural or historic significance of the listed building or the setting of the listed building itself. Therefore, for the reasons given above and, having regard to all other matters raised, I conclude that the appeals be allowed.

Gareth W Thomas

INSPECTOR