



Appeal Decisions

Site visit made on 17 September 2020

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Appeal A Ref: APP/H1840/W/20/3253097

Acton Manor, Acton Lane, Ombersley DY13 9TF

- 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 Mr Marcus Rea against the decision of Wychavon District Council.
 - The application Ref 19/02454/HP, dated 6 November 2019, was refused by notice dated 2 April 2020.
 - The development proposed is alterations and extensions.
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Appeal B Ref: APP/H1840/Y/20/3253210

Acton Manor, Acton Lane, Ombersley DY13 9TF

- 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 Marcus Rea against the decision of Wychavon District Council.
 - The application Ref 19/02455/LB, dated 6 November 2019, was refused by notice dated 2 April 2020.
 - The works proposed are alterations and extensions.
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Decisions

Appeal A Ref: APP/H1840/W/20/3253097

1. The appeal is dismissed.

Appeal B Ref: APP/H1840/Y/20/3253210

2. The appeal is dismissed.

Applications for costs

3. Applications for costs were made by Mr Marcus Rea against Wychavon District Council. These applications are the subject of a separate Decision.

Procedural Matter

4. The descriptions of development and works used in the headings above have been based on those stated on the application form. However, they have been altered slightly in the interests of clarity to remove reference to the name of the building and to the fact that it is a Listed Building, both of which are not a description of development or works.

Main Issue

5. The main issue for both appeals is whether the proposals would preserve Acton Manor, a Grade II Listed Building, and any features of special architectural or historic interest it possesses.

Reasons

Special Interest and Significance

6. Acton Manor is included on the Statutory List at Grade II. It is located in a relatively isolated location near to a range of outbuildings. Acton Manor is described in the List Description as a house, c1600, restored mid-20th Century. It is timber framed with painted brick infill, plain tiled roofs, two large external sandstone stacks at rear centre and rear left wing with paired, star-shaped brick shafts, also external brick stacks to right side elevation. It has a H-shaped plan, a hall of two framed bays with two framed bay right cross-wing and left wing of three framed bays, the rear end bay of which appears to have been partly rebuilt in brick, encasing former external stack. It is two storeys in height.
7. Insofar as is relevant to the appeal proposals, the significance and special interest of the building derives from its historic H-shaped plan form and its architectural composition including several large and prominent chimney stacks.

The Proposals

8. The proposals are to construct a two-storey extension plus basement to the north-west leg of the H-shaped plan; to remove the existing internal wall between the ground floor kitchen and utility room and to make internal and external alterations to the utility room; to form new ground and first floor door openings adjacent to the existing chimney in the existing kitchen and bedroom 5 and to remove the internal wall between bedroom 5 and the adjacent storage area.

The effect of the proposals

9. The proposed two storey extension is a large addition that would project off the two-storey north gable of the north-west wing. It would effectively double the length of the north-west wing and would diminish and compromise the historic H-shaped plan form of the building resulting in a north-west wing greater in length than the front elevation of the building. Moreover, the gable is largely constructed from brick and appears from the evidence to date from the 18th Century, though it contains the external stone wall of a large, central chimney, topped by a large brick stack. The chimney is a historic feature, evidently dating from the 17th Century, which contributes to the significance of the Listed Building. The scale, position and design of the proposed two storey extension is such that it would completely cover the external stone wall of the chimney and would also partially cover and would interfere with the brick stack. Although the chimney and stack would remain in situ, it appears that the external stone wall of the chimney would be completely covered and would no longer remain visible. This together with the effect of the extension on the historic H-shaped plan would be harmful to the Listed Building.

10. In addition to the proposed extension, a number of internal alterations are proposed. The proposal to remove the 18th Century wall positioned between the ground floor kitchen and utility room would involve a significant loss of historic fabric and would also alter the original plan form of the kitchen. Although the walls of the kitchen and the bedroom above appear not to be original and to date from the 18th and 20th Century, the stone chimney within the rooms is older, appearing to date from the 17th Century, indicating that the rooms themselves may be more historic in origin. The proposal to 'open up' the kitchen to the utility area would alter the plan form of the building and harmfully alter the proportions of the room. The alteration within bedroom 5 to form a dressing room and cupboard space would be less significant, particularly as from my site visit it appears that the walling between the two rooms is more modern in origin.
11. At my site visit I saw that there are enclosed cupboards to the right hand side of the substantial stone chimney within the kitchen and bedroom 5. The shape of the chimney is such that its width decreases with height meaning that the base of the chimney is broadest. The proposals include creating door openings at ground and first floor to replace the existing cupboards and to create a link through to the proposed extension. I noted that the existing cupboard door openings are reasonably narrow and appear likely to be narrower than what would be required for a useable door opening, noting that the extension is to provide a family room at ground floor and a master bedroom at first floor. Though I note the appellant's view that there is sufficient space to form the new door openings without impinging on the stone chimney and surrounding brickwork, this does not appear to be the case from my site visit and in the absence of sufficiently detailed plans showing how the new doorways would be formed and how they would relate to the historic fabric of the building, it has not been demonstrated that this aspect of the proposals would not be harmful to the significance of the Listed Building.
12. Consequently, mindful of the duties arising from the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude that the appeal schemes would fail to preserve Acton Manor and its special interest.
13. In reaching my decision, I have had regard to the findings and conclusions of the Heritage Statement dated September 2019 submitted in support of the proposals and to that fact that it appears that a number of changes and alterations were carried out to the building following its sale by the County Council in the 1970s. Nevertheless, based on the evidence before me and for the reasons stated, I find the proposals to be harmful.

Other Matters

14. The proposals would provide extended and improved living conditions for current and future occupiers of the building and could help to improve the thermal insulation of the building thereby improving energy efficiency. However, whilst energy efficiency improvements would be a public benefit of the proposals, it would be one of no more than moderate weight given the scale of the proposals and the lack of substantive detail regarding this matter. Moreover, it has not been demonstrated that the appeal schemes would be necessary to secure a continued use of the property consistent with its conservation. It has therefore not been established that the appeal schemes would be necessary to secure the optimum viable use of the building.

15. Reference has been made to the fact that the proposed extension follows pre-application discussions, that it would be timber framed to reflect the existing building and would be set down from the existing ridge line to break up the building's massing. It is stated to have been designed by timber frame specialists as a modest and subservient extension that differentiates between the historic fabric and the new addition. Be that as it may, the scale and position of the proposed extension would be harmful to the significance of the Listed Building for the reasons stated.
16. Reference has also been made to the fact that there were no other planning reasons given for the refusal of the applications and that no objections were raised to the applications by others including the Parish Council. However, these are not a benefit of the appeal schemes, but rather a neutral factor that weighs neither for nor against the proposals in the planning balance.
17. Finally, the appellant contends that the Council has failed to assess the significance of the building or to explain the reasoning behind the decisions to refuse consent for the proposals, particularly given that the Council's Conservation Officer did not inspect the interior of the building. Though I note these concerns, there was no requirement for the Conservation Officer to inspect the building internally, particularly if other relevant evidence was available to her, including the plans and details submitted with the applications. Having considered the Council's evidence, I am satisfied that in reaching its decisions, the significance of the building was assessed and that it adequately explained its reasons for refusing consent for the proposals.

Planning Balance and Conclusion

18. The Framework anticipates that once a finding of harm to the significance of a heritage asset, such as a listed building, has been reached, then the magnitude of that harm should be assessed. In this case, given the scale and nature of the proposals, I conclude that they would cause less than substantial harm to the significance of the Grade II Listed Acton Manor. Nevertheless, at paragraph 193 the Framework sets out that great weight should be given to a heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Moreover, at paragraph 196 the Framework states that the harm should be weighed against the public benefits of a proposal. Such benefits could include circumstances where a proposal would secure the optimal viable use of a building.
19. For the reasons given above, the proposals would not result in the optimum viable use of the building. Moreover, the public benefits of the appeal schemes would be no more than moderate and would not be of sufficient weight to tip the overall planning balance in their favour when set against the great weight and importance that I attach to the harm that would be caused to the significance of the heritage asset. In this way the works conflict with the Framework insofar as, amongst other things, it requires heritage assets to be conserved in a manner appropriate to their significance. For the same reasons, the proposed works would conflict with policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan adopted February 2016 and to relevant paragraphs of the Framework. These policies seek, amongst other things, to ensure that proposals conserve and enhance heritage assets.

20. In respect of Appeal A, no material considerations advanced in favour of the proposals are of a sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the above referenced policies, the appeal scheme would clearly conflict.

21. For the above reasons and having regard to all matters raised, I conclude that both appeals should be dismissed.

Beverley Wilders

INSPECTOR