
Appeal Decisions

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal A: APP/J3723/W/20/3253126

Swans Nest Hotel, Swans Nest Lane, Stratford-upon-Avon CV37 7L

- 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 Swans Nest Hotel, against the decision of Stratford on Avon District Council.
 - The application Ref 19/01171, dated 23 April 2019, was refused by notice dated 29 November 2019.
 - The development proposed is guest bedrooms and lift extensions.
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Appeal B: APP/J3720/W/20/3253127

Swans Nest Hotel, Swans Nest Lane, Stratford-upon-Avon CV37 7L

- 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 Swans Nest Hotel, against the decision of Stratford on Avon District Council.
 - The application Ref 19/01172/LBC, dated 23 April 2019, was refused by notice dated 29 November 2019.
 - The development proposed is guest bedrooms and lift extensions.
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Decisions

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

Main Issues

3. The main issues are:
 - Whether the development would preserve the Grade II listed Swans Nest Hotel and any features of special architectural or historic interest that it possesses, including setting (Appeals A and B);
 - Whether the development would preserve the settings of the Grade I listed and Scheduled Monument Clopton Bridge and Tollhouse, The Grade II listed Gazebo, the Grade II listed Stone Cottage, the Grade II listed Old Tramway Bridge, and the Grade II listed Alveston Manor Hotel (Appeal A); and,
 - Whether the development would preserve or enhance the character or appearance of the Stratford Conservation Area (SCA) (Appeals A and B).

Reasons – Appeals A and B

Listed Buildings

Significance

4. The Hotel occupies a prominent location at the end of Clopston Bridge, at the corner of Swans Nest Lane and Banbury Road. The original hotel building, with its simple U-shaped footprint, dates from the 17th century and probably incorporates an older structure. It is built in a formal Restoration style, with brick facades rising from a stone rubble plinth, a symmetrical 6-window range arranged around a pilastered door case and panelled door on the Banbury Road elevation, and is topped with corniced eaves, a small pedimented gablet above the door, and a hipped tiled roof. For clarity in my subsequent reasoning I have referred to the overall complex as the Hotel, and to the original 17th century structure as the original hotel building.
5. The detailing and style of the front elevation wraps around to the right to present a similar although shorter façade on Swans Nest Road, facing the river. The original elevation then steps down at roof level above a later brick extension which broadly continues the fenestration style and proportions of the original hotel's principal elevations. This extension then joins a further two storey linear brick bedroom wing built in the 1970's, angled away from the road.
6. The Hotel's current main entrance is located on the southern side elevation of the original hotel building. This has fewer windows at first floor level than the elevation on Swans Nest Road, and has hipped brick single storey extensions at ground level which obscure the lower elevation of the original building. A terrace of two storey whitewashed cottages with tiled roof and gablets extends from the rear of the hotel and continues the Hotel's Banbury Road frontage. The differences in design detailing between the front and side elevations of the original hotel building indicate that the Banbury and Swans Nest Road elevations were designed for maximum public exposure and attention and should be considered to be the principal elevations.
7. The original hotel building's rear elevation has been largely subsumed into later additions at ground and first floor level, leaving original fabric only at the eastern end of the first floor. However, the detailing and materials of the roof and small hipped dormer windows appear to be largely original.
8. An inner courtyard is formed from other 20th century extensions which include a single storey function room, and two long two storey brick bedroom wings built respectively in the 1930's and 1970's. The function room and 1930's wing are functional and have limited or no ornamentation. They appear to have limited heritage significance other than representing the Hotel's evolution, but they are not displeasing to the eye and are clearly visible as subservient later additions which do not significantly detract from the original hotel building.
9. The 1970's extension faces the river and has flat brick elevations relieved only by the repetition of identical windows. The front section is topped by a narrow tiled pitched roof which is set back from the eaves. This appears to be largely cosmetic and a nod to the hipped roof of the original hotel building. This wing has the appearance of an institutional accommodation block.

10. The original 17th century brick building was both one of the first hotels and one of the first brick buildings to be built in Stratford. It has retained its legibility as a consequence of its original built form and fabric, the uniformity and architectural consistency of its elevations, and the clear separation and subservience of later additions. It is also highly visible in the street scene, with the two principal elevations particularly prominent in views from Clopton Bridge.
11. I conclude that the significance of the Hotel is derived primarily from the prominence and orientation of the original hotel building at the junction of Clopton Bridge and Banbury Road, and its contribution to the street scene, as well as its largely intact historic fabric and detailing, particularly on the principal elevations. These reflect the status of the hotel, and the economic and social evolution of the town as well as demonstrating statement architecture and building crafts from the 17th century. The location, at the convergence of the early Roman river crossing and the London trade routes is also of historic and associative significance. My reasoning in this regard is reinforced by the proximity of other listed buildings at the southern end of Clopton Bridge, including the early 18th century brick Gazebo, located on the traffic island opposite the hotel, and the 16th century Alveston Manor Hotel, a further 150 metres along Banbury Road.
12. The 1970's extension is seen, albeit foreshortened, in the same visual context as the original hotel building in views from Clopton Bridge and from the corner of Banbury Road and Swans Nest Road. It is part of a continuous frontage from the Banbury Road corner. However, its poor design quality and visibility from the public domain detract from the appreciation of the original hotel building's road frontage by virtue of its scale, detailing and appearance. Consequently, it has an adverse impact on the Hotel's heritage significance.
13. The 1930's extension and function room reflect expansion and development but are unremarkable in either their design or use of materials. I conclude that they make a neutral contribution to the Hotel's heritage significance.

Proposals

14. The proposed bedroom extensions would comprise a linear extension and additional storey to the 1970's wing (A), five bedrooms on top of the single storey function room (B), and one additional first floor bedroom located on top of an existing flat roofed area immediately behind the original hotel's rear elevation (C).
15. The third storey of development A would echo the style and be slightly higher than a recently completed flatted development, Cherry Trees, located immediately to the south of the Hotel's car park. It would have continuous full height glazing below a flat roof on the river elevation, and at the rear would continue the flat brickwork and repeated fenestration of the supporting floors. The wing would be extended into the car park, diminishing the lateral separation with Cherry Trees, and would terminate with a blank flank wall, two storeys high, above an undercroft.

Effects

16. The use of contemporary typology on the hotel extension would reference and reinforce Cherry Trees in scale, height and form, and would introduce

significant height and bulk. Although its sleek commercial appearance could be appropriate in a different setting, in this context it would highlight the inappropriateness of the 1970's wing and develop a dominant form of building whose extended form and materials would compete for attention and presence with the original hotel building and its principal elevations.

17. I appreciate that the 1970's extension has a disjointed relationship with the original hotel building when viewed face on from Swans Nest Road, but it is nonetheless part of the listed building. Moreover, the existing narrow pitched roof recedes into the background in views from the Banbury Road corner. The additional storey would extend across the full depth of the 1970's wing, and its bulk and simple typology would appear over-scaled and incongruous.
18. Furthermore, at two storeys high the 1970's wing has limited influence in local viewpoints. An additional storey would be seen from a greater distance. Although it would be a small part of the overall vista when viewed from the north, its contrasting form and materials would make it stand out.
19. The 1970's wing also bounds two sides of the internal courtyard, and can be seen from the rear of the nearby Victoria Cottages, noted as significant buildings in the original SCA appraisal, above the 1930's extension. An additional storey, together with the lateral projection would be a dominating feature in views of the Hotel from these cottages and would also be somewhat overbearing when viewed from within the courtyard.
20. From Clopston Bridge, the original hotel building forms a focal point and attractive backdrop to the river. The level of detailing of the original hotel building is broadly in scale and proportion with the early 20th century pavilion style Boathouse, identified as a building of significance in the SCA appraisal. The 1970's extension is partly screened by the Boathouse and a large tree, and is also seen at an angle which further minimises its impact.
21. However, development A would be a far more dominant feature on the skyline as a consequence of its mass, form and materials. Although there is a photomontage in the heritage statement, this is one viewpoint only. My observations, using the flatted development as a reference, indicated that the development would be seen above and behind the Boathouse, and its bold form and typology would detract from both the original hotel building and the Boathouse's scale and fine detailing.
22. Although the existing narrow pitched roof of the 1970's extension is visible, the red tiles blend into the background, and in any case its pitched form reduces bulk and impact. It also only extends across half the depth of the 1970's wing. The additional storey would extend across the full wing depth as well as being taller than the existing ridge and the nearby Cherry Trees. Its scale and height would appear disproportionate and it would fail to relate to its context. The reduced lateral separation with Cherry Trees would also, from some angles, give a terraced effect. This would reinforce the dominance of this built form. It would consequently overwhelm and diminish the visual impact and appreciation of the original hotel building.
23. I give little weight to the argument that Cherry Trees sets a precedent for development A. Cherry Trees is a relatively narrow building separated from the 1970's wing by around 20 metres and it has a far less direct relationship with the river or the nearby pleasure gardens. It is well set back from the

road, and the narrow plot limits its visual impact in the wider context. Moreover, its detailing and typology, particularly on the flank wall, break up the building's mass.

24. Development B would be unseen from the public realm, and works would be confined to providing an additional storey to a later addition. Although views of the remaining original windows and roof form at the original hotel building's rear elevation would be screened, these existing views are already limited, and the actual fabric would not be disturbed. Although contemporary in design, the extension would reflect the flat elevations and flat roofs that dominate the internal courtyard, and it would be proportionate to the size and scale of other components of the Hotel.
25. Development C would be a single bedroom added to a line of first floor bedrooms. It would have little impact on the visual appreciation of the original hotel building. I appreciate that one former window opening would be further altered and enlarged but it appears to me that this part of the original hotel's rear elevation has already been greatly altered and the works would be very limited in extent. Developments B and C would have a negligible adverse effect on the Hotel's significance in heritage terms.
26. In the light of the above I conclude that the development would have a minor impact on the Hotels' historic fabric. Nonetheless it would fail to preserve the historic features that contribute to its significance.

Setting

27. Clopton Bridge is located near the Roman river crossing and its southern entry point is just metres from the principal elevations of the original hotel building. It is a rough stone built structure with repeated low arches. It is both Grade I listed and a scheduled monument and I conclude that its significance arises from its location and relationship with the road network, as well as its intact historic fabric.
28. The 19th century stone Old Tramway Bridge provided a historic link across the river and is still a well used footbridge which links open space and recreational facilities south of the river with the town centre. Its significance is derived from its historic fabric, and its prominence as a river crossing, reflecting 19th century development south of the river.
29. The Stone Cottage is a modest early 19th century two storey structure located behind and slightly to the side of the Boathouse. It presents a blank rear stone façade to Swans Nest Road alongside a car park. Its significance is derived from its historic fabric and form, as stone cottages are rare in the town.
30. The location of the Gazebo, opposite the end of Clopton Bridge and the original hotel building signifies the former extent Alveston Manor's gardens. Its significance is derived from its spatial relationship to the historic layout of this area and its intact fabric.
31. However, notwithstanding the evidence that the Gazebo was within the curtilage of the former Alveston Manor, those large gardens are now diminished in extent and separated from the Hotel by the four lane Banbury Road. Moreover, Alveston Manor Hotel is not within this Hotel's visual context. As such I am satisfied that the setting of the Alveston Manor Hotel would not be affected by the development.

32. Nonetheless, the other listed buildings described above lie within the Hotel's visual context and are also given group value in the listings, as is the Hotel itself. The concentration of historic features around the river crossing reinforces my reasoning that the spatial relationship between these buildings demonstrates its importance as the hub of the town's activity and economic wealth in earlier times. As there are layers of overlapping influences emanating from these listed buildings and structures, I have considered their settings more fully within my reasoning for the SCA.
33. I give limited weight to the argument that Swans Nest Road is little used. At my visit it was well used by pedestrians walking over the Old Tramway Bridge and it is a key route to car parks on this side of the river as well as the pleasure gardens and river walks. In any case, the development would be experienced from viewpoints well beyond Swans Nest Road.
34. Consequently, in having an adverse effect on the significance of the Hotel, the development would also have an adverse effect on the settings of the Stone Cottage, The Old Tramway Bridge and Clopston Bridge and Tollhouse.

Stratford Conservation Area

35. The area around the hotel falls within Area A of the SCA appraisal. It is an area dominated by wide open views. These take in the river and its wooded islets, the historic town centre, canal basin and the Grade I listed Shakespeare Memorial Theatre. The views accentuate the irregular and small scale building pattern of the town, but also highlight the dominance of the river and the undeveloped and semi-rural land on its southern bank.
36. Swans Nest Road runs broadly parallel to the river south of the bridge, and has a utilitarian appearance arising from excessive clutter associated with the car park beside the Stone Cottage, the functional rear of The Boathouse and the Hotel's service area. The SCA appraisal notes that the area's character is strongly related to the river and former industrial uses, and also highlights the importance of views from Clopston Bridge. It also notes that the town's high profile tourist economy has largely been responsible for ensuring the retention of a very high proportion of historic features. I see no reason to disagree with the SCA in this regard.
37. I conclude that the significance of the SCA is derived from the mosaic of built form and semi-natural open space, and the juxtaposition of a multitude of impressive and important historic features with pockets of utilitarian character. This reflects the town's evolution and the importance of the river as the focus for industrial development. It also reflects the historic association with Shakespeare which has fuelled the successful tourism business. However, I also find significance in the overarching spaciousness and distinctive undeveloped character of this stretch of the southern river bank, bookended by the Clopston and Old Tramway Bridges (the bridges).
38. By virtue of its scale and dominance, development A would intrude into the subtle spatial relationships between The Stone Cottage and the two bridges, and the openness that contributes to their settings. It would represent a step change in the underlying scale and presence of the building pattern along this stretch of the river, and this would be the case whether it was attached to a listed building or not. The proposals would dominate the locality, and detract from its underlying spaciousness. This would be detrimental to the character

and appearance of the SCA. The SCA appraisal states that it is important that the spirit of this area is not lost and although this was published some time ago, I see no reason to disagree. The proposals would therefore fail to preserve or enhance the character or appearance of the SCA and would be detrimental to the settings of the Stone Cottage, the Old Tramway Bridge and Clopton Bridge.

39. The Gazebo is within a restricted visual envelope and appears marooned on its traffic island. Its setting would be unaffected by changes to the rear of the Hotel.

Planning and Heritage Balance

40. The harm identified above in relation to the Hotel, the settings of other listed buildings, and to the SCA, would amount to less than substantial harm. Paragraph 193 of the Framework states that great weight should be given to a heritage asset's conservation, irrespective of the degree of potential harm.
41. Paragraph 196 of the Framework states that where there is less than substantial harm, this should be weighed against the public benefits of the proposal, including where appropriate, securing its optimal viable use.
42. I appreciate that additional bedrooms would enable the hotel to expand. However, occupancy of 90 per cent or above for 87 days only in 2019, does not necessarily indicate to me that there is an imperative for expansion. I also appreciate that economies of scale arising from more guests would allow greater profitability and the statement includes percentage increases in profit likely to arise. However, it is difficult from those figures to get any idea of the current viability of the hotel. There is nothing before me to suggest that the hotel would fail if the development were not to go ahead. Nor does the fact that the hotel is the smallest in the owner's portfolio necessarily demonstrate a need for expansion. It is also unclear whether options for adding a more sympathetic top floor to the 1970's wing have been considered.
43. The distinctive character of the landscape and townscape near the Hotel is fundamental to the underlying appreciation of the town and its historic and cultural association and evolution. Moreover, as noted above the town's success as a tourist destination is heavily reliant on its distinctive character, which would be diminished if the development went ahead. The development would not bring any benefit to the area in design or townscape terms, as argued by the appellant. In fact I conclude that it would be detrimental in these respects for its failure to respond or relate to its context. As such, on the basis of what is before me I conclude that the harm to the hotel, the setting of other listed buildings and the SCA is not outweighed by the economic benefits to the hotel or the town's economy.
44. In the light of the above, I conclude that the development would be contrary to CS Policy CS.8 which safeguards the historic environment, and CS Policy CS.5 which requires proposals to have regard to local distinctiveness and historic character amongst other considerations. It would also be contrary to CS Policy CS.9 which requires all forms of development to improve the quality of the public realm and enhance the sense of place, and to reflect the character and distinctiveness of the locality, along with other design aims. The development would also cause harm to the experience of open space along the river and would therefore be contrary to CS Policy CS.13, which sets out that

development must not harm or threaten Areas of Restraint, also taking cumulative effects into account.

45. The proposals would also fail to accord with the design aims of Policy BE1, BE2 and BE5 of the Neighbourhood Plan (NP), which taken together seek to ensure high standards of design and safeguarding of local distinctiveness and NP Policy BE8 which is concerned with the safeguarding of heritage assets.
46. I have considered whether a split decision could be issued but there is nothing before me to confirm that this would be acceptable or indeed to indicate that the three areas of development would be truly severable.

Other matters

47. The appellant argues that the CS policies do not allow for the weighing of harm against public benefits for the designated heritage assets and are therefore inconsistent with the Framework. However, CS Policy CS.8 almost replicates the text of the Framework's Paragraph 196, with the only difference being that *must be justified* is used in place of the Framework's *should be justified* in relation to the balance of harm against public benefits. Although the policy's wording is slightly more restrictive than the Framework, there is clearly a requirement for public benefits to be taken into account in the planning balance.
48. The fact that the development might comply with other relevant local plans in relation to tourism does not lessen the conflict with those policies cited, or the overall planning balance.

Conclusion – Appeals A and B

49. The development would fail to accord with the Local Plan, national guidance and the Act and I have not found benefits of sufficient weight to outweigh the harm identified. I conclude that the appeal should be dismissed, and that listed building consent should also be refused.

A Blicq

INSPECTOR