



Appeal Decisions

Site Visit made on 8 December 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal A, APP/T3725/W/20/3256586

Rectory Cottage, Church Lane, Lapworth B94 5NX

- 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 N Hearnden against the decision of Warwick District Council.
 - The application Ref W/19/1963, dated 20 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the demolition of 20th century garage block and sunroom. Erection of one and a half storey extension.
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Appeal B, APP/T3725/Y/20/3256587

Rectory Cottage, Church Lane, Lapworth B94 5NX

- 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 N Hearnden against the decision of Warwick District Council.
 - The application Ref W/19/1964/LB, dated 20 November 2019, was refused by notice dated 31 January 2020.
 - The works proposed are demolition of 20th century garage block and sunroom. Erection of one and a half storey extension.
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Decisions

1. **Appeal A** - The appeal is dismissed.
2. **Appeal B** - The appeal is dismissed.

Preliminary Matters

3. As the proposal relates to a listed building that is located in a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. During the course of the appeal proceedings the Local Planning Authority (LPA) confirmed that its determination was based on revised plans and elevations, drawing no. 006D. I was subsequently provided with a copy of this drawing and have considered this as part of the appeal. In doing so, I am satisfied that no party would be at a disadvantage.

Main Issue

5. The main issue, in relation to both appeals, is whether the proposal would preserve the Grade II listed building, Rectory Cottage, and any of the features of special interest that it possesses, and, linked to that, the extent to which it would preserve or enhance the character or appearance of the Lapworth Conservation Area.

Reasons

Special interest and significance

6. Dating from the mid-17th century, Rectory Cottage is a two-story timber framed dwelling located within the historic village of Lapworth. The property is a Grade II listed building and is thought to have originally provided accommodation for the local rector's servants. The cottage has been subject to various 20th century alterations and additions, including a two-story extension, a single storey garage extension and a detached sunroom. However, it has nonetheless retained much of its historic character and features of interest. These include its extensive oak framing with handmade brick infill panels, its clay tile roof with central chimney stack and its original L-shaped form.
7. The significance of the listed building, in terms of its special architectural and historic interest, in part, derives from its age, character and appearance as a well-preserved example of a vernacular timber-framed cottage, typical of its period. The building also draws interest from its historic and modest L-shaped form which, despite some additions and alterations, remains legible and is illustrative of its original design.
8. The appeal site lies within the Lapworth Conservation Area, which is focused on the historic core of the village and centred around the Parish Church of St Mary the Virgin. Lapworth is a scattered settlement with an intrinsic rural character. The conservation area comprises a number of historic properties set within large grounds, allowing an appreciation of the surrounding countryside. The historic character and traditional appearance of properties, and their leafy settings, make a significant contribution to the quality of the conservation area. Indeed, many of these properties appear to have largely retained their historic form and character and therefore make a positive contribution to their surroundings. Accordingly, I find that the significance of the conservation area, in so far as it relates to these appeals, to be primarily associated with the architectural integrity and historic legibility of its buildings. As a mid-17th century building, Rectory Cottage makes a positive contribution to the character and appearance of the conservation area.

The appeal proposal

9. The appeal proposal primarily seeks the removal of the existing flat roofed garage extension and a sunroom to facilitate the erection of a one and a half-storey side and rear extension. Internally this would facilitate a kitchen and dining area, utility, WC and entrance hall to the ground floor and a bedroom with en-suite to the first floor.

The effect of the appeal proposal

10. The proposed extension would be on a smaller footprint to that of the existing garage and would possess a degree of subservience to the host building in that it would be set back from the principal elevation and would step down from the ridgeline of the roof. However, owing to its scale, form and overall massing, the proposed extension would appear as an overly assertive and somewhat contrived addition to the building that would almost entirely obscure its north facing elevation.
11. This would over complicate and harmfully detract from the building's original simple L-plan form, thereby undermining the architectural integrity of its

original design. While I accept that the original plan form has already been compromised to a degree by the existing two-storey 20th century extension, this does not justify a further harmful addition to the property.

12. Furthermore, there would be perceptible differences in the form and detailing of the proposed extension, such as the incorporation of an open fronted porch with catslide style roof, a half-hipped roof feature and poorly scaled dormers, that would be at odds with and harmfully detract from the historic character of the property. The use of matching traditional materials would do little to temper these harmful effects.
13. I acknowledge the appellant's assertion that the heritage value of the cottage could be improved by removing the garage and sunroom and replacing them with well thought out alterations that would preserve and enhance the property's historic features of note. However, for the reasons I have set out above, I am not persuaded that the proposal offers a less harmful alternative to the existing garage and sunroom, which clearly provide a more subservient scale and enable a greater appreciation of the architectural form and historic character of the cottage. Accordingly, the proposal does not represent a heritage benefit.
14. Whilst the LPA makes no reference in its reason for refusal to the effect of the proposal on the character or appearance of the Lapworth Conservation Area, I am mindful that, as a statutory consideration, I am required to have regard to this matter when determining these appeals. It follows that if the special interest of a listed building within a conservation area, prominently located such as in this case, is materially diminished, as a consequence the character and appearance of that conservation area as a whole is also similarly incrementally harmed. Therefore, as the proposal would undermine the architectural integrity of the listed building, I also find it to be harmful to the character and appearance of the Lapworth Conservation Area, by diminishing the historic and architectural qualities of a building that contributes positively to the area. In this respect, the proposal fails to satisfy the requirements of Section 72(1) of the Act as well as Paragraphs 192, 193 and 194 of the National Planning Policy Framework (the Framework), compounding the harm which I have identified in respect of the listed building.
15. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and, linked to that, it would also fail to preserve the character and appearance of the Lapworth Conservation Area. As a consequence, the appeal proposal would result in clear harm to these heritage assets.
16. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. In this case, under the terms of the Framework, I consider the harm to be 'less than substantial' given the extent of the proposal and its consequent effects. However, less than substantial harm does not equate to less than substantial weight in the planning balance and therefore, in accordance with the Framework, it attracts great weight. Under such circumstances, Policy HE1 of the Warwick District Local Plan 2011-2029 and paragraph 196 of the Framework requires that the harm be weighed against any public benefits that the proposal might secure.

Public benefits

17. The replacement of the existing garage and sunroom with an overly assertive and unsympathetic extension, as proposed, would override any public benefit gained from their removal. In addition, no evidence has been put forward to demonstrate that the optimum viable use of the building as a dwelling would be jeopardised or would cease in the event that the appeals were to fail, and consequently the proposal was not implemented.
18. The appellant advises that the proposal would enhance the practical occupation of the dwelling by rationalising the internal space provided to enable its occupation as a family home. However, this is of limited public benefit.
19. Consequently, the harm I have identified would not be outweighed by any demonstrable public benefit and therefore the proposal would be contrary to Policy HE1 of the Warwick District Local Plan 2011-2029, and would also conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.

Other Matters

20. The appellant has drawn my attention to the fact that the LPA found no conflict with Green Belt policy. Nonetheless, this is a neutral factor that weighs neither in favour of, nor against, the appeal proposal.
21. The appellant also points out that there would be a limited loss of historic fabric associated with the proposal. While that may be the case, it does not outweigh the harm that I have found.
22. I note the appellant's concerns over the LPA's handling of the applications which led to these appeals, and that they feel aggrieved that LPA Officers did not visit the site prior to making a determination. However, these essentially procedural matters are beyond my remit in so far as it relates to a consideration of the planning merits of the appeal.

Conclusion

23. Consequently, for the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jeff Tweddle

INSPECTOR