



Appeal Decisions

Site visit made on 9 March 2021

by H Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal A Ref: APP/H1840/W/20/3258945

15 Besford Court Estate, Besford, Worcs WR8 9LZ

- 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 John Hytch against the decision of Wychavon District Council.
 - The application Ref 20/01192/HP, dated 12 June 2020, was refused by notice dated 3 September 2020.
 - The development proposed is new door to garden on north elevation.
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Appeal B Ref: APP/H1840/Y/20/3258948

15 Besford Court Estate, Besford, Worcs WR8 9LZ

- 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 John Hytch against the decision of Wychavon District Council.
 - The application Ref 20/01268/LB, dated 18 June 2020, was refused by notice dated 3 September 2020.
 - The works proposed are new door to garden on north elevation.
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Decisions

Appeal A

1. Appeal A is allowed. Planning permission is granted for 'new door to garden on north elevation' at 15 Besford Court Estate, Besford, Worcs WR8 9LZ in accordance with the terms of the application Ref 20/01192/HP, dated 12 June 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Floor Plans 606/001; North South Internal Elevations 606/002; East West Internal Elevations 606/003; Existing and proposed North Elevations 606/004 Rev A; Existing South and East Elevations 606/005 Rev A; West Elevation 606/006; Site Location Plan 606-008.
 - 3) Notwithstanding Condition 2 above, prior to the installation of the new door hereby approved, annotated plans at a scale of 1:20 that provide details of the material and finish, including glazing and paint colour, of the new door, its frame and furniture shall be submitted to and approved

in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Appeal B

2. The appeal is allowed and listed building consent is granted for 'new door to garden on north elevation' at 15 Besford Court Estate, Besford, Worcs WR8 9LZ in accordance with the terms of the application Ref 20/01268/LB, dated 18 June 2020, and subject to the following conditions:
 - 1) The works authorised by this consent shall begin no later than 3 years from the date of this consent.
 - 2) Prior to the installation of the new door hereby approved, annotated plans at a scale of 1:20 that provide details of the material and finish, including glazing and paint colour, its frame and furniture shall be submitted to and approved in writing by the local planning authority.
 - 3) Prior to the commencement of the relevant part of the works, a schedule and methodology detailing the installation of the new door and works of making good to the stonework, shall be submitted and approved in writing by the local planning authority. The works hereby approved shall be carried out in accordance with the approved methodology and details.

Background and Main Issue – both appeals

3. The main issue in both appeals is whether the proposed works and development would preserve the listed building, its setting, or any features of special architectural or historic interest that it possesses.

Reasons – both appeals

4. The appeal site (No. 15) comprises one of four apartment conversions within the former Teaching Court building situated in the estate grounds of Besford Court, a Grade II* listed building. The former Teaching Court building is one of a number of structures associated with the former use of Besford Court as a school. Constructed before 1 July 1948, the former Teaching Court building is within the curtilage of Besford Court and covered by the same statutory protection.
5. Besford Court was added to the statutory list in 1965, with the list entry identifying it as being early 16th century timber frame and plaster on stone foundations, with substantial stone wings of 1912 in 'Tudor' Style; with all listed buildings at, and including, Besford Court, forming a group. It is the considerable age, form, construction and evolution, as well as its historic associations, wider estate and rural setting that underlie the significance and special interest of Besford Court. Adding further interest is the building and site's evolution and use over time, including as a school.
6. The former Teaching Court building is comprised of a quadrangle with four ranges around an internal yard. The building dates from the early-to-mid 20th century, constructed in stone with a neo-Gothic Arts and Crafts aesthetic reflected in its materials and detailing. The building reveals a sense of balance, consistency and symmetry, emphasised by a band of fenestration at the upper level and regular articulation by stone buttresses. No. 15 and the wider former Teaching Court building is of significance and

special interest in their own right owing to the functional, albeit now redundant, association between Besford Court and its use as a school, its architectural integrity and contribution it makes to the Besford Court estate complex as a whole.

7. The proposal is to form a new door opening within the north elevation of No. 15 to facilitate a more direct access to its associated garden. The scheme would involve the insertion of a single 'Crittall-style' metal and glass door at ground floor level, approximately mid-way along the building's north elevation.
8. The Council contends that the new opening and door would undermine the uniform appearance of the extant elevation and harm its symmetry. However, whilst there is a clear uniformity in the building's form above ground level, this lessens further down the building beneath the band of fenestration and where existing window and door openings reduce its uniformity and differentiate it from the south.
9. I have taken note of a previous Inspector's decision to dismiss a proposal for replacement of a window with French doors at the appeal property (APP/H1840/A/07/2044861). I concur with the previous inspector's findings that, in combination with the regularly spaced columns and the considerable length of the elevation, the existing fenestration establishes a very strong visual rhythm and unity on the north side of the building, fundamental to its character and attractive appearance.
10. However, the proposal before me is evidently materially different to that considered in 2006, which proposed replacing two of the existing windows with French doors as well as the insertion of a raised, balustraded deck with enclosed storage below. By contrast, the proposals before me would affect a small area of stonework where the ground level slopes. The new opening would be well below the band of existing fenestration, which would be left unaffected. Unlike the previously dismissed scheme, the extant proposals would disturb neither the simple rhythm nor the regularity of the building's fenestration.
11. Furthermore, the previous Inspector found harm in respect of the cluttering effect a deck and steps would have that would be at odds with the building's overall character and appearance. In the scheme before me, however, the proposed new door would maintain the utilitarian simplicity found elsewhere in the lower-level fenestration, notably on its northern elevation. There would be no additional steps, decking or storage, and so the proposal would appear neither cluttered nor at odds with the building's visual rhythm or symmetry. In my judgement, the proposed use of metal and glass would be sympathetic to the material palette and integrity of the building as a whole.
12. Inevitably the proposed works and development would be visible from certain vantages and would change the building's original composition. However, I do not consider that such a low-key change would undermine either the building's sense of balance, consistency and symmetry or its architectural integrity. Nor would the proposal weaken the legibility of the former functional association that endures between the Teaching Court building and the Besford Court estate.

13. I therefore find that the proposed works and development would preserve the special architectural and historic interest of the listed building, and the settings and significance of other heritage assets that comprise the Besford Court estate. It follows that there would not be harm to, or loss of, the significance of designated heritage assets. Given that harm would not occur to the special architectural or historic interest of either the appeal building, the setting of Besford Court, or the group value of the listed buildings on the estate, it would not be necessary to undertake the balance required under paragraph 196 of the National Planning Policy Framework, revised February 2019 (the Framework) in respect of weighing less than substantial harm against public benefits of the proposal.
14. Whilst I have taken account of the previous Inspector's decision, the nature of the proposals before me is not usefully comparable. I also note the Council's had previously refused a similar scheme and the reticence to see any precedent set for small-scale, incrementally harmful, alterations to the former Teaching Court building. However, each application and appeal must be determined on its individual merits. In light of the site-specific circumstances and nature of the proposals before me, I cannot agree that allowing these appeals would cause harm or establish an assumed principle for works and development that might affect different parts of the building in a different way.
15. For all of these reasons, I find that the proposed works and development would preserve the Grade II* listed building and any features of special architectural or historic interest that it possesses. Consequently, I do not find there would be any conflict with Sections 16(2) or 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The works and development would thereby conserve and enhance heritage assets, including their setting; be of high design quality and appropriate to the context; and in accordance with the Framework and relevant legislation and would not conflict with Policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan, adopted February 2016.

Conditions – both appeals

16. The Council have suggested various conditions in the event that the appeals be allowed. I have imposed conditions specifying the relevant drawings and time limits as these provide certainty. I have added conditions to ensure details of materials and finish, including paint colour, appear on a plan and that require further details clarifying works of installation and of making good that are necessary in the interests of preserving heritage assets and ensuring high design quality.

Conclusion – both appeals

17. For the reasons given and subject to the conditions at the beginning of this decision letter, I conclude that both Appeal A and Appeal B should be allowed.

H Porter

INSPECTOR