



Appeal Decisions

Site Visit made on 11 May 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal A: APP/P1805/W/20/3263755

14 The Square, Alvechurch B48 7LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Sukhjot Khera, Simply Fresh against the decision of Bromsgrove District Council.
 - The application Ref: 20/00387/FUL, dated 26 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is described as change of use of ground floor to A1 use. Demolition of existing single storey side/rear building. Erection of replacement rear building. Replacement of single door to double doors to Swan Hill and new shop front facing Bear Hill and minor internal alterations.
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Appeal B: APP/P1805/Y/20/3263756

14 The Square, Alvechurch B48 7LA

- 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 Sukhjot Khera, Simply Fresh against the decision of Bromsgrove District Council.
 - The application Ref: 20/00388/LBC, dated 26 March 2020, was refused by notice dated 6 May 2020.
 - The works proposed are described as change of use of ground floor to A1 use. Demolition of existing single storey side/rear building. Erection of replacement rear building. Replacement of single door to double doors to Swan Hill and new shop front facing Bear Hill and minor internal alterations.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The description of the proposal in the banner heading above refers to change of use of ground floor to A1 use, as shown on the application form. However, there is a barbershop on the ground floor of the appeal building and I see no reason to disagree with the Council's view that the ground floor already has Class A1 use. As such, I assess this case on the basis that a change of use of the ground floor is not proposed.

4. Swan Street is the accurate name for the street that is referred to as Swan Hill in the description.
5. As the proposal relates to a listed building and is 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).

Main Issue

6. The main issue is whether the proposal would a) preserve the Grade II listed building, '12 and 14, The Square' (Ref: 1167392) and the curtilage listed outbuilding, or any features of special architectural or historic interest that these possess and b) preserve or enhance the character or appearance of the Alvechurch Conservation Area (CA).

Reasons

7. The CA covers the historic heart of the Worcestershire village of Alvechurch. The listed building is a two-storey, mainly pitched roof property located at the heart of the CA, on a corner of The Square and Bear Hill.
8. From what I saw during my site visit and the evidence before me, the CA's significance, insofar as it relates to these appeals, lies in its illustration of the village's architectural evolution from a planned medieval market settlement through to the Georgian period. This is manifested in the following combination of elements. A characterful mix of historic structures and buildings includes a concentration of high quality timber-framed late medieval buildings. The approximately cross-shaped central road layout converges around The Square. Spaces around and relationships between buildings articulate a variety of historic uses.
9. The listed building's medieval core includes part of No 14 The Square. The listed building has evolved through a sequence of architectural phases, starting with its history as a late medieval house.
10. Phase One of No 14's architectural history is manifested in parts A and B of the building¹, which date back to the late fifteenth to sixteenth century. These parts contribute to the approximately L-shaped half-timbered core of the listed building with pitched tile roofs. This phase includes elements of a hall and main range and some internal and external timber framing. The gable of the cross wing has nineteenth century planted framing, and the side wall has earlier close-studding to the first floor. The building's elevations with black and white detailing are prominently situated on this corner plot, facing the junction of Bear Hill and The Square. Furthermore, these elevations are experienced as part of a sequence of listed black and white buildings at the heart of the CA. This further adds to the heritage value of the listed building.
11. Internally, No 14's part of the older core of the building is experienced through a sequence of variously sized and shaped rooms that are accessed via several staircases and changes in floor level and direction. This contributes to the experience of winding through, and up and down the older core of the building through a sequence of characterful rooms of relatively intimate form and scale. The above contributes to the architectural charisma of the building's interior.

¹ Illustrated in Figure 5 of the Heritage Impact Assessment (HIA) submitted by the appellant.

12. Externally, yard space of various ground levels and configuration is set to the rear of the building. Since the medieval period, the listed building has been expanded through phases of extension.
13. Phase Two of No 14's architectural evolution encompasses various remodelling and alterations dating from the eighteenth century. These include some building alterations to the main range, and expansion of the building, shown as parts C, D, E and F in the HIA. This expansion comprises brick and pitched roof extensions to the western gable of No 14 and the rear of the building. Pitched roof form goes some way to visually unify the building's earlier phases.
14. Phase Three of No 14's architectural history dates from the nineteenth and twentieth centuries. It includes a twentieth century red brick, flat roof, single storey extension to the rear. This distracts from appreciation of the historic earlier phases of the building, experienced as a whole moving through the building and into the yard, and looking into the yard from neighbouring property.
15. The listed building appears to have been used as a dwelling in combination with retail use and possibly a smithy. At some stage residential use of No 14 has ceased and the ground floor appears to have been in retail use for some time. On the ground floor of No 14 a bakery shop previously faced onto Bear Hill and a barbershop fronts onto The Square, with the rest of the space used mainly for storage. No 14's shopfront projects with a twentieth century flat-roof and multi-pane shop window. No 14's first floor is mainly in use as offices.
16. There is a substantial step up from the ground at the immediate rear of the building to the raised terraced area of land on which remains of an outbuilding is located. Judging by the parties' analyses, the outbuilding has possibly been used as a privy and pigsty in the past. The pigsty use illustrates the more rural past of the village. Lower parts of the outbuilding's brick walls and one of its gable ends remains. Due to its physical proximity and former functional relationship to the house, the outbuilding may be considered as a curtilage listed building in accordance with Section 5(2) of the Act.
17. Together with the twentieth century form to the rear, the relatively neglected appearance of the rear yard, including the disrepair of the outbuilding, distracts from appreciation of the historic character and function of the listed building's terraced domestic yard. Nevertheless, the open character of the remaining yard space with its terraced landform remains noticeable, along with the lower part and footprint of the outbuilding.
18. Consequently, the listed building with its yard and outbuilding embodies evidential, historic and aesthetic values. The above contributes to both the listed building's special interest and the significance of the wider CA.
19. Given the above, I consider the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the legibility of the evolution of its charismatic historic architecture from the fifteenth to the nineteenth centuries, at the historic heart of the village of Alvechurch. This derives from the listed building's age, architectural features, historic plan form, historic fabric, use and contribution as an attractive late medieval timber framed building with later additions, set within a wider area of similarly distinguished properties. The special interest of the curtilage listed outbuilding

derives from its contribution to illustrating the above evolution of the listed building.

20. The significance of the listed building is experienced from various viewpoints, including from within its yard/garden areas. The latter form part of the land historically associated with the listed building and thus make an important contribution to the special interest of the building. Given views of the building from the street, approaching its corner junction location, its significance is also experienced from The Square and Bear Hill, Swan Street and Red Lion Street, which form part of the setting of the listed building. Moreover, the listed building's positive contribution to the streetscene, including its cluster of black and white timber elevations on the approach towards the north-eastern end of Bear Hill, is important to its significance.
21. The proposal would entail a further, twenty-first century phase of expansion and modern alteration of the building. The modern rear extension would be replaced by one of even larger width and depth. It would also introduce a rear extension wraparound effect through overlapping part of the rear elevation of part D of the building. The proposal would introduce a substantial expanse of glazing to the east wall of the proposed rear extension which would reveal the interior of the envisaged convenience store to the yard space. Furthermore, cedar cladding on the rear extension, including its southern elevation, would add an 'alpine' style element which would draw further attention to incongruent modernity at the heart of the CA.
22. The proposal would also include demolition of the remains of the curtilage listed outbuilding and excavation of the terraced landform which it sits atop.
23. The above together would increasingly obscure the charismatic historic character of the listed building and its yard and distract from appreciation of its historic evolution, including previous use of the outbuilding.
24. The modest reduction in rear extension height, compared to the existing, would not negate the increased modern distracting effect that the proposed extension would have. Nor would the fact that the proposed rear extension would be lower than another scheme for the site that was previously refused and dismissed on appeal².
25. Even if nibs and downstands were retained, the proposal would result in loss of eighteenth century wall fabric from the listed building at ground floor level.
26. The proposed insertion of a modern aluminium-framed shop front with sliding doors into the listed building's northern elevation, facing onto Bear Hill, would distract from the historic character of the listed building at this prominent corner location.
27. Various aspects of the above would be noticeable from various viewpoints at the historic heart of the village, including from the public realm, the appeal property and neighbouring property. Moreover, while some elements of the proposal inside and to the rear of the building would be less widely visible than others, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not prominent public views of a proposal are available.

² Planning Application Ref: 17/00946/FUL, Listed Building Consent Application Ref: 17/00947/LBC, and Appeal Refs: APP/P1805/W/18/3196645 and APP/P1805/Y/18/3196381.

28. Through a combination of massing, design and materials, the above together would result in an intrusive and incongruent amalgam of modern additions and alterations that would distract from the historic form of the building and its yard. Consequently, the proposal would erode the historic fabric and legibility of the listed building.
29. Given the visibility of various aspects of the proposal from various viewpoints and the building's central location at the heart of the CA, the identified adverse impacts of the proposal would also harm the character and appearance of the CA.
30. Therefore, I find that the proposal would fail to preserve the special interest of the listed building and curtilage listed building, and the significance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals.
31. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, and that this should have a clear and convincing justification. Given the extent of the changes, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
32. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
33. I appreciate the appellant's intention to rejuvenate the appeal property. The proposal would provide a contemporary retail offer within the village centre, with scope for possible Post Office facilities, albeit the latter is not guaranteed. This would provide associated socio-economic benefits during and after construction phase, in terms of employment and contribution to retail choice within the village centre. The above is likely to help generate revenue to contribute towards upkeep of the listed building. Ground level changes would also help make the appeal property more accessible to a wider range of people, in terms of mobility needs.
34. The proposal would result in removal of a historically unsympathetic rear extension, albeit this would be tempered by introduction of an even more deep and wide wraparound rear extension of incongruent modern appearance. The proposal would also result in removal of an outbuilding in a state of disrepair, with associated safety benefits, albeit its restoration is not decisively ruled out as an alternative potential remedy.
35. However, the appeal building has undergone some repair, has Class A1 use with a barbershop on the ground floor, and offices in use on the first floor. Together with Post Office interest in the proposal, the above points to the commercial attractiveness of the property's prominent location in the village centre. Moreover, there is not a substantive marketing viability appraisal before me to persuade me that the continued viable commercial use of the appeal property would cease in the absence of the proposal.

36. While the appellant describes the listed building as a 'Building At Risk', there is not substantive evidence of its formal categorisation as such.
37. Drawing the above together, I find that the public benefits of the proposal do not outweigh the great weight given to the conservation of designated heritage assets and the less than substantial harm to their significance which I have identified.
38. Given the above, I conclude that the proposal would fail to preserve the special interest of the Grade II listed building and curtilage listed building, and the character and appearance of the CA. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also conflict with Policies BDP19 and BDP20 of the Bromsgrove District Plan 2011-2030 (2017) and Policy HDNE1 of the Alvechurch Parish Neighbourhood Plan (2019). Together the policies seek to ensure that proposals complement local character and distinctiveness, including through conservation of heritage assets. As a result, the proposal would not be in accordance with the development plan.

Other Matter

39. Residents have expressed concern about the noise effect of condenser units to the rear of the proposed extension. While Worcester Regulatory Services seem to have had no objection in this respect, it is uncertain whether this position is based on precise details of the model of units proposed. Furthermore, a substantive noise assessment of the units in their proposed location is not presented. In this instance, I have not further considered this or residents' concerns about privacy, outlook and light, which also go beyond the scope of the reasons for refusal, as I am dismissing the appeals on other grounds.

Conclusion

40. For the reasons given above I conclude that the appeals should be dismissed.

William Cooper

INSPECTOR