



Appeal Decision

Site visit made on 2 June 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/J1860/W/20/3265682

Queensberry House, Ham Lane, Powick, Worcester WR2 4RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Michael Jackson against the decision of Malvern Hills District Council.
 - The application Ref 20/00306/HP, dated, was approved on 14 December 2020 and planning permission was granted subject to conditions.
 - The development permitted is erection of single storey detached building to accommodate swimming pool. Permission as was granted in 27 February 2002 planning ref 02/00223/FUL.
 - The condition in dispute is No 6 which states that: Rainwater goods shall be in black painted cast iron or cast aluminium and retained as such for the lifetime of the development.
 - The reason given for the condition is: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policies SWDP 6, SWDP21 and SWDP24 of the South Worcestershire Development Plan.
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Decision

1. The appeal is allowed and the planning permission Ref 20/00306/HP for erection of single storey detached building to accommodate swimming pool. Permission as was granted in 27 February 2002 planning ref 02/00223/FUL at Queensberry House, Ham Lane, Powick, Worcester WR2 4RD granted on 14 December 2020 by Malvern Hills District Council, is varied by deleting condition No 6 and substituting for this the following condition:

6) Rainwater goods shall be in a black finish and retained as such for the lifetime of the development.

Preliminary Matter

2. Since the appeal was lodged a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released, the main parties have been consulted on this and I have taken this into account where relevant to my Decision.

Background and Main Issue

3. Queensberry House is a Grade II listed, C19 country house in the cottage orne style. Its special architectural and historic interest and its significance lie in it being a property of some status from that era, and its large expansive gardens

provide a setting that makes a positive contribution to its significance by adding to its status as a former country house.

4. Approximately 25m to the west of Queensberry House and within its grounds is The Lodge, this is a Grade II listed, two-storey brick building with shallow-pitched slate pyramidal and would have been the former lodge to the country house. This building is therefore of architectural and historic interest in its own right and in terms of group value to the significance of Queensberry House.
5. The single storey detached building approved under planning permission Ref 20/00306/HP is designed to accommodate a swimming pool within the gardens of Queensberry House. As such this building would be within the setting of Queensberry House and The Lodge.
6. The proposal is to vary disputed condition No 6, to allow the installation of black plastic rainwater goods instead of painted cast iron or cast aluminium products on the approved building.
7. As the decision maker, Section 66(1) of the Act, requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
8. Accordingly, and irrespective of the reasons provided by the appellant, the main issue is whether varying the disputed condition No 6 would harm the significance and the special architectural and historic interest of the nearby listed buildings by reason of the impact on their settings.

Reasons

9. The approved building would be located about 68m to the south west of Queensberry House and would be visible in views from along part of its south east access driveway and gardens, and from Queensberry House itself. However, The Lodge is located on lower ground relative to the proposed location of the approved building, and therefore any intervisibility between these buildings would be limited.
10. The approved building is of a modest scale which would appropriately assimilate with the expanse of the lawned garden and its mature landscaping whilst remaining subservient to Queensberry House and its setting.
11. Because of its substantial distance from Queensberry House and The Lodge and intervening lawns, when seen within the setting of the listed buildings, the approved building would be set against the expansive landscaping in the grounds. Based on the approved drawings it would also be of a design, form and materials that would be sympathetic and appropriate to its historic context and function as a remote outbuilding.
12. Furthermore, due to its modest scale, the extent of its rainwater goods irrespective of whether these are plastic or painted cast metal, would not be a dominant or significant feature of the approved building or unacceptably effect its quality, whether seen close to or from more distant points. Consequently, I am not persuaded that the effect on the settings of the listed buildings that would result from using plastic rainwater goods instead of painted cast metal products would cause harm to the significance of either Queensberry House or The Lodge.

13. For the above reasons, the effect of varying disputed condition No 6 in the manner proposed would not cause harm to the settings of nearby listed buildings and so would not harm their significance or their special architectural or historic interest. The wording of the substituted condition No 6 provides flexibility over the materials used for the proposed rainwater goods.
14. In light of the above, varying condition No 6 would accord with Policies SWDP 6 and SWDP 24 of the of the South Worcestershire Development Plan ('SWDP') which amongst other things support proposals that conserve the significance of heritage assets, including their setting in accordance with national and local guidance. It would also not undermine the design aims of Policy SWDP 21 which amongst other things requires that the detailing and materials of development to be of high quality and appropriate to its context. Similarly, I find no conflict with the design aims of the Framework, 2021, including Paragraph 135.

Other matters

15. The Council has referred me to a number of appeal decisions in support of its case. However, none of these relate to a new building within the setting of listed buildings and are therefore not directly comparable to the proposal before me. In any event, I have determined the appeal scheme on its planning merits and site-specific circumstances. Therefore, these examples do not alter my findings on the main issue.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR