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## Appeal Decisions

Site visit made on 26 October 2021

**by Jonathan Hockley BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> November 2021**

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### **Appeal A: APP/H1840/W/21/3267570**

#### **Elm House, Jarvis Street, Eckington. WR10 3AS**

- 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 Richard Ellis against the decision of Wychavon District Council.
  - The application Ref 20/02338/HP, dated 28 October 2020, was refused by notice dated 23 December 2020.
  - The development proposed is an orangery to the rear of the dwelling.
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### **Appeal B: APP/H1840/Y/21/3267571**

#### **Elm House, Jarvis Street, Eckington. WR10 3AS**

- 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 Richard Ellis against the decision of Wychavon District Council.
  - The application Ref 20/02340/LB, dated 28 October 2020, was refused by notice dated 23 December 2020.
  - The works proposed are an orangery to the rear of the dwelling.
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## **Decisions**

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

## **Main Issue**

3. The main issue in both appeals is whether the proposal would preserve the special architectural and historical interest of the Grade II listed Elm House.

## **Reasons**

4. Elm House is a stone property dating from 1706, set in the heart of Eckington. The property is sited gable on to Jarvis Street to the west of the house, with the south facing façade of the property facing the attractive garden. The two-storey house with attic has a central doorway flanked by 3 sash windows either side at ground and first floor levels and three dormer windows within the tiled roof. A large substantial chimney stack is located on the eastern end of the property.
5. The eastern end of the house is joined to single storey extensions which appear to be former outbuildings, but which now form part of the structure. Such

extensions become lower and more subservient to the main house the further east and the further away from the house that they are sited, with the roof lines dropping down. Such an effect is enhanced by the primarily white painted brickwork of the façade of the core of the property when compared to the red brick of the former outhouses.

6. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. Paragraph 199 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 200).
8. The special interest and significance of Elm House arises from the quality and age of its 18th century core and architecture, its setting within the village, and the evident growth of the property through the years. I note that this growth to the property and the extensions they form have been rebuilt or altered, probably when their use was changed to contain main living accommodation, as surmised by the appellant's Assessment of Significance. However, I am not convinced that such works have necessarily eroded the value of the listed building; their subservient nature reflects the growth and change of the heritage asset through time.
9. Elm House is also within the Eckington Conservation Area (ECA). Eckington is a nucleated settlement with a strong historic core and form based around Church Street, Manor Road, Boon Street, Jarvis Street, and Pass Street. This close layout and a large number of historic buildings contribute to the character and appearance of the ECA.
10. The proposal seeks to construct an orangery on the south eastern side of the property. This area of the house is the lowest part of the home (in roof ridge terms) and according to the plans hosts a living room at present. The adjacent kitchen is in an area of the property with a higher ridge line and has an existing conservatory attached on its southern side. The proposed orangery would be attached to this conservatory and the living room, being accessed by existing doors from both areas of the property. The southern extent of the footprint of the orangery would appear to be slightly further south than that of the conservatory.
11. The conservatory has a lean to hipped roof design attached to the house, whereas the orangery would have a flat roof set at a higher point than the eaves of the conservatory with a large roof lantern, the height of which would be higher than the eaves of the part of the main house that the orangery would be attached to – as well as higher than the eaves of the part of the house that the conservatory is attached to.
12. The overall design of the proposal is fairly elaborate, and the height and bulk of the structure (including the roof lantern) would appear out of place when attached to the lowest, most subsidiary aspect of the listed building. This would

appear more dominant than the existing conservatory and would distract from the façade of the historic core of the heritage asset when viewed from the rear garden. I agree in this respect with the Local Planning Authority's view in the decision notice that the hierarchy of historical use of the building and architectural simplicity is not reflected in the proposal. While the footprint of the proposal may be smaller than the part of the building to which it would be attached, the height and design of the scheme would not be subservient to the single storey wing and the house as a whole.

13. I note that the proposal would not be seen from the ECA and as such the proposal would not harm the character or appearance of the ECA. Nevertheless, this does not alter the harm that the proposal would cause to the significance of the listed building. Such harm would be less than substantial. Paragraph 202 of the Framework states that this should be weighed against the public benefits of the proposal. The benefits of the scheme would be largely private and the property is in viable use. Public benefits of the scheme do not therefore outweigh the less than substantial harm that I have identified.

#### *Other Matters*

14. I note the appellant's concern over conflicting advice stated to have been provided from different officers within the local planning authority. If the appellant has concerns over the Council's conduct during the application these should be considered on the first instance through the Council's complaints service. I have dealt with the appeal on its own merits.
15. The Council's reason for refusal refers to weatherproofing of the proposal in the junction between the scheme and the host property. On this matter I agree with the appellant that the technical solution proposed would be satisfactory. However, this does not overcome my concerns regarding the overall design of the proposal.

#### **Conclusion**

16. I conclude that the proposal would not preserve the special architectural and historical interest of the Grade II listed Elm House. Although I have concluded that the proposed development would cause less than substantial harm to the heritage asset, I do not consider that public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework.
17. The proposal would also conflict with policies 6, 21 and 24 of the South Worcestershire Development Plan (February 2016), as well as with policy H5 of the made Eckington Neighbourhood Plan (February 2020). When taken together these policies state that the development proposals should conserve and enhance listed buildings with the detailing and design of proposed extensions of a high quality appropriate to its context.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

*Jon Hockley*

INSPECTOR