



Appeal Decision

Site visit made on 10 May 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/J3720/W/21/3272714

Moreton House and Wishing Well Cottage, Duffus Hill, Moreton Morrell, Warwick CV35 9AR

- 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 and Mrs Richard Ollis against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02853/FUL, dated 12 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is demolition of existing garage serving Wishing Well Cottage and parts of boundary wall, erection of new garage/parking area for Wishing Well Cottage, erection of one local market dwelling and garage, and all associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a signed Unilateral Undertaking (UU) securing the proposal as a local market unit. I have addressed this in my reasoning below.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Moreton Morrell Conservation Area (CA) and the effect of the proposal upon the setting of nearby listed buildings.

Reasons

4. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. In Section 72 it also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The parties have identified a number of listed buildings near to the site. These comprise Moreton House and Moreton House Cottage, Wishing Well Cottage and a small terrace formed of Glencoe Cottage, Middle Cottage and Roadside Cottage.

6. Moreton House is a Grade II listed dwelling, and despite its set back from the road, occupies a prominent position in the street scene. Its appearance, scale and detailing and associated structures indicate it is a building of some status. This is enhanced by its large well-maintained grounds including a tennis court that have a functional and visual relationship with the dwelling. The grounds extend an appreciable distance around the building giving Moreton House a spacious setting and positively contribute to its understanding and appreciation. The grounds as an open green space also provides the setting to a number of historic buildings contributing to their significance.
7. I note that the proposed dwelling would be smaller than Moreton House and there would be limited visibility between the two. However, it would visually and physically sever the site from the listed building significantly reducing the size of its grounds undermining its status.
8. Whilst the appellants have sought to avoid the introduction of a single large building the proposal would result in the built form being spread over a great area of the site. The introduction of the dwelling, garages and associated infrastructure would lead to an unacceptably dominant urban development in a largely open area of garden. As such, I find that it would fail to preserve the setting of Moreton House, causing less than substantial harm to its significance.
9. Neighbouring the site is Wishing Well Cottage a timber framed, thatched roof cottage. Presently a modern detached garage sits next to the cottage undermining its setting to a degree. The terrace of Glencoe Cottage, Middle Cottage and Roadside Cottage are set perpendicular to the road and comprises an interesting group of modestly sized dwellings. The special and historic interest and significance of these properties, in part, lies in their attractive architectural forms reflecting the development of the village over time.
10. There may well be no clear association between the site and these listed buildings. However, the site as a green space contributes to their setting by providing a sense of openness. The proposed development would be apparent from these buildings and would diminish the sense of openness that exists and its contribution to the collective setting of these buildings.
11. Turning to Grade II listed Moreton House Cottage. It is a painted brick cottage that adjoins Moreton House to the north and its significance lies in its architectural form reflecting the historic development of the area. The appeal site does not make an appreciable contribution to its setting and so the significance of Moreton House Cottage would not be harmed by the scheme.
12. I conclude that the proposed development would fail to preserve the setting of Moreton House, Wishing Well Cottage, Glencoe Cottage, Middle Cottage and Roadside Cottage causing less than substantial harm to the significance of each.
13. The CA comprises a compact linear village with dense built form focused along Duffus Hill. Its special architectural and historic interest, in part, is reflected by buildings in a classical and vernacular architectural style. Further to the listed buildings are a number of attractive properties along the western side of Duffus Hill comprising a former public house and cottages of a similar vernacular that collectively as a group make a positive contribution to the CA and its significance.

14. The green spaces that extend through the village and surround the built form and the open countryside beyond it provide a verdant setting for a number of designated and non-designated assets in the village. Views of the surrounding countryside are afforded through breaks in the built form and there are glimpsed views into the CA from the surrounding countryside.
15. Whilst sited within a domestic setting the site's open nature makes a positive contribution to the character of the CA and creates a gentle transition between the countryside and the built form of the village. The proposed development due to its scale and site coverage would be apparent through breaks in the built form along Duffus Hill. There would also be close range, glimpsed, views from points along the Public Right of Way, notwithstanding the presence of landscaping between them. Whilst I am satisfied that the proposal would not unduly affect the key characteristics of the wider Feldon Parkland Special Landscape Area there would be a localised loss of the sense of openness experienced resulting from the proposed development.
16. Its position, beyond the dwellings along Duffus Hill, would encroach into an open area segregated from the village undermining the appreciation of the built form and would be at odds with the established linear pattern of development in the village. It would also act as a barrier between the built form and countryside beyond.
17. I acknowledge that the proposed development would be of a contemporary design reflecting materials and details found elsewhere in the village. Indeed, there are occasions where old and new can sit comfortably side-by-side. However, the proposed built form would dominate the immediate area and its overall scale and modern form would appear as an incongruous form of development that would jar with traditional buildings in the area failing to integrate with the character and appearance of the CA.
18. Whilst landscaping along the western boundary may well screen views of the proposal, there is no substantive evidence to indicate it would remain for the lifetime of the development such that it would continue to screen it. Nor is there any certainty that it would mitigate the harm identified.
19. Overall, I find that the proposed development on account of its scale, design and site coverage would diminish the sites openness and would not relate well to the prevailing linear character of the CA and village. Therefore, it would cause harm, albeit less than substantial, to the significance of the CA.

Planning Balance

20. In accordance with Paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
21. The proposal would provide a local market dwelling, secured by the UU, meeting an identified local need and contributing towards housing in the district. The demolition of the double garage would result in a more spacious setting for Wishing Well Cottage and would open a vista towards the countryside beyond. These are factors in the schemes favour.

22. I acknowledge that the proposed development would not unduly affect the living conditions of existing nearby occupants or negatively impact upon trees. I also note that the County Ecologist and Archaeologist raised no objection to the application. However, these matters are neutral factors in the balance.
23. The proposed development would contribute towards supporting or improving local facilities and infrastructure through Community Infrastructure Levy, New Homes Bonus and Council Tax. However, these would largely mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence.
24. Whilst the proposal would lead to a new garage and vehicle turning area for the occupiers of Wishing Well Cottage, this would be a personal rather than public benefit. As such, I afford this limited weight.
25. Whilst vehicles would no longer reverse onto the highway, I am not aware that there is a particular highway issue along Duffus Hill, despite the presence of on street parking. I therefore give this aspect of the appellant's argument limited weight.
26. The support of a local Councillor and a number of local residents counts neither for nor against the proposed development and is a neutral factor in the overall balance.
27. I am aware that heritage assets are an irreplaceable resource. Taking into consideration the points above I am not satisfied that the public benefits are sufficient to outweigh the less than substantial harm that would occur to the Moreton Morrell Conservation Area, Moreton House, Wishing Well Cottage, Glencoe Cottage, Middle Cottage and Roadside Cottage.
28. As such, it would fail to preserve or enhance the character and appearance of the CA and the significance of designated heritage assets contrary to Policies CS.5, CS.8, CS.9 and CS.12 of the Stratford-on-Avon District Core Strategy (2016) which, amongst other things, requires developments to have regard to local distinctiveness; to protect and enhance the historic environment; to be well-integrated with the existing built form and to protect and enhance the character of the settlement.

Conclusion

29. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR