



Appeal Decision

Site visit made on 24 May 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2022

Appeal Ref: APP/J3720/W/21/3286813

Burnside Hotel, Church Lane, Shotton CV37 9HQ

- 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 Rakesh Singh against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/02606/FUL, dated 11 August 2021, was refused by notice dated 15 October 2021.
 - The development proposed is described as "Erection of hotel guest suite (lounge and two hotel bedrooms)."
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Decision

1. The appeal is dismissed.

Background

2. The principle of erecting two single-storey blocks of guest accommodation has already been established with the grant of planning permission on appeal¹. The buildings were intended to be timber-clad and provide a total of 5 ensuite bedrooms for the then adjacent Bed and Breakfast 'Burnside' (now the Burnside Hotel) replacing two outbuildings used for storage. A subsequent application was later approved to vary a condition and amend the external appearance of the two approved buildings so as to construct them of bricks and tiles, and adding solar panels and a plant room.
3. At the time of my visit one of the approved brick block of guest accommodation has been built closest to the road. It comprises 3 guest rooms and a room for 'staff' use only. An existing timber outbuilding remains in situ behind the newly built accommodation block.
4. The appeal proposal would involve the erection of a two-storey brick block of guest accommodation in lieu of the approved single-storey guest block. It would provide 2 ensuite bedrooms on the first floor and 2 hotel lounges on the ground floor with a communal entrance, hallway and staircase.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with regard to the location of the site within the Shotton Conservation Area (the 'CA') and the effect on the setting of 22 Church Lane (No.22), a Grade II listed building, both designated heritage assets.

¹ Appeal ref: APP/J3720/W/19/3230950 dated 30 October 2019

Reasons

6. The site comprises grassed land to the north west of the Burnside Hotel and its driveway. The hotel is a predominantly two-storey painted brick building with pitched and multi-gabled roofs, that occupies a prominent roadside location on Church Lane within the CA. The Council's CA Report of 1992 (the 'CA Report') describes how Church Lane is characterised by scattered linear development along the tree-lined road with open stretches of land separating buildings, and how the open land is crucial to the openness and semi-rural character of the area. The site is also within an Area of Restraint, where land is designated where it makes an important contribution to the character of the settlement.
7. On my visit I saw the pattern of scattered linear development, open stretches of land and mature trees were still prevalent. Indeed, the character and appearance of Church Lane remains little changed when compared to the photograph of it in the CA Report, taken almost 30 years ago. Whilst the site is not identified in the CA Report as an 'important view' or a 'terminal feature' the appeal property, now a hotel, is nonetheless described as a 'significant' building.
8. The appeal site is a sizeable area of open space laid to grass and includes most of the hotel's tarmac car park. The rest of the land within the hotel curtilage is occupied by the approved single storey block of guest accommodation and the existing timber storage building. Adjacent to the appeal site is No.22, a Grade II listed timber-framed thatched cottage and its garden. Behind the hotel, the appeal site and No.22 is a backdrop of mature trees. As the guest block and storage building are single storey they are largely obscured from view behind the roadside boundary wall and hence maintain the sizeable open stretch of land between the hotel building and No.22. Therefore the appeal site positively contributes to the open, spacious and semi-rural character and appearance of the area.
9. The CA Report also describes how Church Lane is one of the main approaches into the CA from Alcester and the north west and forms part of one the sub-areas within the CA. Church Lane is also an established tourist route into Shotton and Stratford as part of the town's association with William Shakespeare and sites associated with him. This was evidenced by the brown tourist road sign on the Alcester Road signposting visitors to drive along Church Lane past the appeal site to Anne Hathaway's cottage nearby. Policy CS8 of the Stratford-on-Avon District Core Strategy (the 'Core Strategy') and Policy E3 of the Stratford-upon-Avon Neighbourhood Development Plan (the 'Neighbourhood Plan') in particular seek to promote and enhance historic, cultural and tourist associations with the town.
10. The proposed two-storey, hipped-roof, 'L' shaped building would be sizeable and would extend back into the site along the edge of the hotel's car park. It would be larger than the approved guest block that has not been built. The building would be set back some 16 metres from the road behind the intervening approved single-storey accommodation block and boundary wall along the pavement edge. I saw that the building would also be set at a lower level to the road as the grassed site slopes down towards Shotton Brook, such that its roof ridge would be lower than the adjacent hotel and No.22. Nonetheless, by reason of its height, size, design and siting, the building would appear unduly prominent and dominate the open space between the hotel and

No.22, unlike the approved accommodation blocks. From within the hotel grounds the proposed building would also dwarf the approved accommodation block, as illustrated in the submitted site sections, and hence would not be subservient to it or the hotel building.

11. Consequently, the proposed two-storey building would materially reduce the open stretch of land separating buildings along Church Lane, physically and visually, and in turn would reduce the openness of the area. Being two-storeys in height, the building would also partially obscure the mature wooded backdrop, which would further reduce the openness and semi-rural feel of Church Lane and the CA. As these integral and characteristic features of the CA would be lost, the proposal would fail to preserve or enhance the character and appearance of the CA.
12. In terms of architectural detailing, the long unbroken extent of hipped roof would be at odds with the predominantly pitched roofs of the hotel and those of other properties on Church Lane. The proposed window and door arrangement would be irregular, lacking rhythm and legibility. The result would be a visually incongruous and discordant building in relation to both the hotel and neighbouring properties. The use of traditional materials, dentil brick course, arched window heads and stone cills, and painting the building white to complement the hotel and No.22, would not be sufficient mitigation.
13. Overall, the design, scale, bulk and massing of the building and its siting in an important open stretch between buildings, would represent an inappropriate, unsympathetic and overly dominant form of development along this important cultural and historic route into Shottery, despite there being buildings of varying styles, design and ages. Consequently, the proposal would not preserve or enhance the character or appearance of the conservation area, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'LBCA Act').
14. Under Section 66(1) of the LBCA Act I also have a duty to have special regard to the desirability of preserving the setting of listed buildings. No.22 is a Grade II listed 17th century timber-framed, thatched roof cottage, which sits in its own garden grounds that are adjacent to the side boundary wall with the appeal site. It presents an example of local vernacular with historic and architectural significance, and sits adjacent to another (non-listed) timber framed cottage. Being outside the curtilage of the appeal site does not limit how the setting of a heritage asset is experienced, or the extent of that setting. Its setting is experienced from within the grounds of the cottage itself, from Church Lane and from the gap that exists between the hotel and No.22. There would be seasonal variations to the setting, making the cottage more visible when the leaves fall.
15. Although the main hotel building is large and is an imposing building in the street scene, the intervening open space of the appeal site provides sufficient separation distance from No.22 so as to not to interfere with its setting. As already described, the physical and visual presence of a two-storey building in close proximity to the plot boundary with No.22 would reduce the separation between the buildings. This would detract from the quiet, residential and landscaped setting of the diminutive, listed cottage and reduce its setting and hence significance.

16. The harm caused to the significance of the designated heritage assets of both the CA and setting of the listed building would be less than substantial. In such cases paragraph 202 of the National Planning Policy Framework (the 'Framework') states that the harm should be weighed against the public benefits. In accordance with the statutory duties described above and paragraph 199 of the Framework I attach great weight to the conservation of the heritage assets and to the harm that would be caused to them.
17. On the other side of the balance, the proposed guest accommodation would continue to provide some economic benefits to support a local business and improvements to a tourist based service that supports the town's cultural assets and worldwide association with William Shakespeare. Indeed, the Council has no objection in principle to additional facilities and separate guest accommodation blocks, as already demonstrated by the previous approval of the single-storey accommodation blocks. I saw on my visit that the hotel has a lobby area with limited seating, a narrow bar area with seating and a restaurant, but does not have a guest lounge. The proposal would therefore provide enhanced guest accommodation with two lounges giving guests somewhere to sit. However, I find it unlikely that guests in the main hotel or adjacent accommodation block would go outside and cross the hotel site to a separate building and use either of the two proposed hotel lounges, that would appear linked to the bedrooms above. Therefore, I am not satisfied that this would provide a genuine improvement to guest accommodation overall at the hotel.
18. I understand the site is previously developed land, development of which is encouraged by the Framework and which the previously approved scheme acknowledged. However, development of such land does not necessarily trump other harms.
19. Taking the above matters into account, my overall conclusion is that the public benefits of the proposal, alone or in combination, do not outweigh the harm that would be caused to the character and appearance of the CA and the setting of the adjacent Grade II listed building. The proposal would therefore fail the statutory tests and be contrary to the Framework guidance.
20. Accordingly, the proposal would also be contrary to Policies CS.5, CS.8, CS.9 and CS.13 of the Core Strategy and Policies H4, E3, BE2, BE3 and BE8 of the Neighbourhood Development Plan. Collectively these policies seek, amongst other things, to avoid detrimental effects or damage to features that make significant contributions to the character and setting of the area; that development does not threaten the open nature of such areas and protects and enhances historic assets including those with cultural associations. Development must also be of high quality architectural design and be sensitive to its setting.

Conclusion

21. For the reasons given above, I conclude that the proposal would be contrary to the development plan considered as a whole and that the public benefits of the scheme are insufficient to outweigh the harm that would be caused to the designated heritage assets. As a result, the appeal should be dismissed.

K. Stephens INSPECTOR