



Appeal Decisions

Site visit made on 2 August 2022

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal A Ref: APP/W1850/W/21/3278644

Broom Cottage, Bodenham, Hereford HR1 3HR

- 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 Stephen Turner against the decision of Herefordshire Council.
 - The application Ref 202245, dated 14 July 2020, was refused by notice dated 15 April 2021.
 - The development proposed replacement windows to existing cottage, demolish and replace front porch, new roof to existing conservatory, two storey rear extension and associated works.
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Appeal B Ref: APP/W1850/Y/21/3278651

Broom Cottage, Bodenham, Hereford HR1 3HR

- 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 Stephen Turner against the decision of Herefordshire Council.
 - The application Ref P202246, dated 14 July 2020, was refused by notice dated 15 April 2021.
 - The works are proposed replacement windows to existing cottage, demolish and replace front porch, new roof to existing conservatory, two storey rear extension and associated works.
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Decisions

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

Preliminary Matters

3. The Appellant has requested that I consider revised drawings showing a shallow pitched roof and other alterations to the proposed extension to the rear. The Council has not had the opportunity to consult on the revised drawings and having regard to the principles established in the courts by *Wheatcroft*, I find that my consideration of this drawing would prejudice those who should have been given the opportunity to be consulted of the change. Accordingly, I have assessed the proposal on the basis of the drawings considered by the Council in each appeal.
4. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

5. The proposals include various work and development, but it is clear from the Council's decision notices that its concerns relate to the two storey rear extension.
6. The Council's advertisement of the appeal applications refers to the effect on the setting of a listed building. There is also reference to the adjacent property, The Haven in the Officer report, however, this is in relation to the amenity of the occupiers of this property including overlooking and overshadowing. Bearing in mind my statutory duty to have special regard to preserving listed buildings and their settings, the main parties' comments were sought on the effect of the appeal works and development on the setting and significance of the adjoining Grade II listed building known as The Haven. I have taken the comments received into account in these decisions.

Main Issues

7. The main issues in both appeals are whether the proposed works and development would preserve the listed building, or its setting or any features of special architectural or historic interest which it possesses.

Reasons

8. The Grade II listed building known as Broom Cottage (List Entry Number: 1082021) is a semi-detached part two storey, part single storey 17th century timber framed dwelling featuring a rendered and painted brick infill with mid-19th century and mid-20th century additions. It was formerly occupied by a local blacksmith. The attached neighbour to Broom Cottage is the separately Grade II listed building known as The Haven (List Entry Number: 1301783) a timber framed former forge, now dwelling dating from the 17th century with mid-19th and mid-20th century additions.
9. The special interest of Broom Cottage arises in part from the historic and architectural interest as a vernacular cottage built of historic materials using traditional construction techniques, simple historic form which, despite various alterations and additions remains legible and illustrative of its original design. Significance and special interest are also derived from the building's historic use and social and functional connections, including with the former forge at The Haven and the nearby Methodist Chapel, as detailed in the appellant's evidence.
10. The Grade II listed building known as The Haven is attached to Broom Cottage albeit separately listed. According to the statutory list description, The Haven is a former forge of late 17th century origin. Consequently, there is an intrinsic link between the historic associations and functions of Broom Cottage and The Haven. The close historical, physical and visual relationship between the two listed buildings signifies that each is within the setting, and makes a valuable contribution to the significance, of the other.
11. The proposal includes various works and development including replacement windows, removal of the rear dormer windows, insertion of roof lights, a front porch, new roof to the conservatory and a two-storey rear extension.
12. The proposed two-storey extension would add substantial bulk and massing to the rear of the building, despite its largely flat roof design. Not only would the proposed extension obscure a large proportion of the building's historic rear elevation, its design and scale would be significantly at odds with its traditional

modest proportions. Therefore, the proposed extension would introduce an incongruous, dominant feature which would result in a significant departure from the historic form of the original building, thereby undermining its architectural integrity.

13. Furthermore, the proposed access from the existing building into the new extension would result in the loss of parts of the building's historic fabric, particularly at first floor level where original wattle and daub panels would be removed to provide access into the extension. Loss would also occur to parts of the building's original timber framing, including a diagonal brace, rail with identifying craftsman's marks within it and a section of the purlin.
14. In my judgement the replacement windows, removal of the rear dormer windows, insertion of roof lights, a front porch, and new roof to the conservatory would be sensitive to the integrity and authenticity of the listed building and would preserve its special architectural and historic interest.
15. Nevertheless, I conclude that the proposed two-storey rear extension would fail to preserve the special architectural or historic interest of the Grade II listed building and would cause harm to its significance.
16. Given the close physical and visual relationship that the new two-storey extension would have to the rear elevation of The Haven, I find that its scale and design would harmfully erode the legibility of the connection between the two properties. Through development within the setting, the legibility of the link and historic association that contributes to the significance of The Haven would therefore be weakened and its special interest harmed as a consequence.
17. The proposed works and development would therefore run contrary to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Bearing in mind the scale and nature of the proposal on the listed buildings as an entity, the degree of harm to the significance of them as designated heritage assets, would, under the terms of the National Planning Policy Framework (July 2021) (the Framework), be less than substantial. The Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of the proposal, including securing its optimum viable use.

Heritage balance and public benefits

18. The proposal would provide accessible accommodation on the ground floor of the building. It would also involve investment in the fabric and some upgrade of the listed building, including improvements to the appearance of the conservatory, replacement of rotten windows and the front porch. These elements of the proposal would realise economic, aesthetic, thermal and accessibility improvements that are public benefits. However, because of the limited nature of these works, I attribute them only moderate weight as public benefits in favour of the proposal.
19. The benefits associated with increased living and functional space through adding bedrooms and a bathroom on the first floor, would largely accrue to the appellant. There is no compelling evidence before me to indicate the proposal would secure the building's optimal viable use, which is already in use as a family dwelling. While it is clear that the Council do not hold any in-principal

objection to an extension of the appeal building to satisfy the appellant's needs, the harmful scale and nature of the proposals before me are unsupported by clear and convincing justification. This reduces the weight I attribute to these benefits to a modest level.

20. The repairs and investment into the appeal building that have already been undertaken carry no weight in favour of this proposal because they have already taken place.
21. The Framework directs that, even when harm to the significance of a heritage asset would be less than substantial, great weight should be given to the asset's conservation. Even cumulatively, the sum of public benefits the proposal would generate would not be sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the listed buildings as designated heritage assets.
22. I conclude that the proposed works and development would not preserve the listed building, or its setting or any features of special architectural or historic interest which it possesses. It follows that the works and development fail to comply with the heritage protection policies contained within the Framework. Additionally, there would be conflict with Policies SD1 and LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 which seek amongst other matters that distinctive features of existing buildings are safeguarded and where appropriate, restored and that proposals affecting heritage assets protect, conserve, and where possible enhance heritage assets in a manner appropriate to their significance. There would also be conflict with Bodenham Neighbourhood Development Plan 2011-2031 Policy DNDP10 which likewise seek to safeguard heritage assets and their significance.

Other Considerations

23. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home and is engaged in this case. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.

Conclusions

24. For the above reasons, and having regard to all other matters, the proposed works and development would be contrary to the provisions of the Act, the Framework and policies of the development plan. In respect of Appeal A, no material considerations of sufficient weight have been advanced to justify a decision other than in accordance with the development plan. Therefore, I conclude that both Appeal A and Appeal B should be dismissed.

RC Kirby

INSPECTOR