



Appeal Decision

Site visit made on 14 September 2022

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022

Appeal Ref: APP/C3240/D/21/3287954

The Crossing, Church Road, Jackfield, TELFORD, TF8 7ND

- 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 Justin and Sarah Bailey against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2020/0989, dated 19 October 2020, was refused by notice dated 30 September 2021.
 - The development proposed is erection of a replacement conservatory following the demolition of the existing conservatory, installation of a new front door to replace existing door and replacement of an existing window on the southern elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the replacement conservatory. The appeal is allowed insofar as it relates to the installation of a new front door to replace the existing door and replacement of an existing window on the southern elevation and planning permission is granted for the installation of a new front door to replace the existing door and replacement of an existing window on the southern elevation at The Crossing Church Road, TELFORD, TF8 7ND in accordance with the terms of the application, Ref TWC/2020/0989, dated 19 October 2020, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development / works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall take place until details of the design of the front door and replacement window including drawings at a scale of 1:20 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until details of the design of the proposed ironmongery, fixings, fittings, and finishes shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 13/11/2020 Block Plan 13/11/2020, Proposed South Elevation Plan 13/11/2020.

Background and Preliminary Matters

2. The description of development has been amended during the determination of the application. I note that in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. However, reference to the change in description has been made by both the appellants and the Council. Therefore, I have used the revised description of development in both the banner and decision.
3. The conservatory has already been built. I am aware that this replaced a larger conservatory which had been constructed without planning permission, and that the Council had not taken any action to regularise its status. Moreover, all parties are agreed that the visual appearance of the conservatory, which is the subject of the appeal, is smaller, and an improvement on the one which it replaced.
4. Nonetheless, the previous conservatory no longer exists, and I must determine the appeal on the basis of the scheme before me.
5. I am aware that Council raises no objection to the replacement of the existing door and window on the southern elevation. I see no reason to disagree with this conclusion.

Main Issue

6. The main issue is the effect of the conservatory on designated and non-designated heritage assets; namely, the character and appearance of the host property, the setting of nearby listed buildings, the character or appearance of the Severn Gorge Conservation Area, and the protection of the Outstanding Universal Value of the Ironbridge Gorge World Heritage Site.

Reasons

7. The host property is a non-designated heritage asset. It lies within the Severn Gorge Conservation, the setting of the Grade II* listed buildings at Jackfield Tile Museum, and various attached workshops, the Severn Gorge Conservation Area, and the Ironbridge Gorge World Heritage Site.
8. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require me to have special regard to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of a conservation area. Paragraph 189 of the National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

The host property

9. The host property is a former railway building constructed in the late nineteenth century. It is of evidential significance as it was part of the wider infrastructure that supported the transport of goods and raw materials within the Severn Gorge, and, in particular, to the Jackfield Tile Works which lie directly opposite. The property has been extended at either end following its conversion to a dwelling. However, the central element is still recognisable as a railway building. Although, the cumulative impact of the alterations to the property has been to degrade its legibility.

10. The conservatory is attached to the western end of the property. It has been moved from another property and is of a generic design, of thick brown wood effect timbers, sat on a rendered dwarf wall. A brown decorative finial runs the length of the ridge of the hipped roof and the glass panes have a lead effect pattern. It is of a standard, generic suburban design which takes no visual cues from the wider historic environment, and is constructed of materials which are alien to the wider context.
11. Consequently, this not only appears incongruous, elongates the footprint of the building, but further domesticates its design, undermining its legibility as a former railway building and has an adverse effect on the character and appearance of the host property.

Setting of listed buildings

12. The appeal site is particularly prominent within the orbit of the brick Jackfield Tile Works, and its associated buildings, which lie directly opposite. These late nineteenth century brick buildings are both listed as Grade 11* and were built almost contemporaneously with the appeal property. In the context of this appeal, they derive their significance from their historic importance as exemplars of the industrial process by which encaustic tiles were produced, including those which were used in culturally significant national buildings.
13. I took especial note of the topography of the area and the distance between the conservatory and the road, together with the impact of the garden, which I understand would be further landscaped and where new planting is to take place. Nonetheless, the conservatory is, and would remain highly visible in the wider streetscape. Indeed, at the time of my site visit, the sun was glinting off the glass roof, making the conservatory appear very conspicuous when viewed from the road.
14. As such, the conservatory adversely impacts on the setting of the listed buildings by introducing an alien suburban element within what is a primarily a historic industrial context, albeit there are a number of contemporary and more modern residential properties nearby, consistent with the mix of housing and industry. In addition, it negatively affects the historic significance of the Tile works by further diluting the visual and evidential coherence of its wider setting, with particular reference to the functional links to the former railway building, and beyond. This results in less than substantial harm. Such harm, is of considerable importance and weight.
15. In line with paragraph 202 of the Framework, where development leads to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. I must have special regard to the desirability of preserving the setting of the listed buildings. I am aware that the appellants wish to enjoy the conservatory, and to provide a ramped access to the property. However, these benefits are purely private benefits. I have also been referred to the financial costs were the conservatory to be dismantled. This is a private matter. Reference has been made to the benefits accrued from the use of local labour to erect and transport the conservatory, together with the benefits of reusing the fabric. I attribute minimal weight to these benefits in favour of the proposal. Moreover, I do not consider that the use of a material which will not degrade is a public benefit.

16. Consequently, the purported public benefits do not outweigh the less than substantial harm to the setting of the listed buildings which I have determined results from the conservatory at this site. Therefore, the presumption in favour of sustainable development does not apply.

Conservation Area

17. The Crossing lies within the Severn Gorge Conservation Area. This extensive Conservation Area encompasses the important defined character areas of Ironbridge, the Coalbrookdale Valley, Coalport, Madeley and Jackfield. In the context of this appeal, the built environment within the Conservation Area, together with the landform, including the steep gorge and resources, and tree cover, evidences both the historic development of important industrial processes on which the industrial revolution is based, as well as the wealth and cultural offshoots which resulted, and the subsequent decline.
18. The Jackfield Tile Works which lies opposite the appeal site, plays a significant role in the Conservation Area as a whole, as the form of the building demonstrates, and is integral to the important industrial history of the factory and the wider area. So too is the appeal property, whose former use as a railway building, contributes positively to the historic significance of the Conservation Area as a whole, notwithstanding the previous extensions and alterations. Moreover, given the topography of the Conservation Area, the appeal site is highly visible, both on foot and from within vehicles, no doubt including tourists to the area. Consequently, as previously set out, the conservatory the subject of the appeal, results in harm to the host property which in turn impacts adversely on the significance of the Conservation Area.
19. Therefore, the conservatory neither preserves or enhances the character or appearance of the Conservation Area. This harm is less than substantial.
20. In such cases, as set out above where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. As has previously been demonstrated, the public benefits of the scheme are minimal. Therefore, the public benefits do not outweigh the less than substantial harm to the significance of the Conservation Area.

World Heritage Site

21. The appeal site lies within the Ironbridge Gorge World Heritage Site (WHS) which was inscribed into the Unesco World Heritage List in 1986. The Outstanding Universal Value (OUV) derives from its unique role in the development of the Industrial Revolution, whose genesis began in the eighteenth century within the WHS and spread throughout the world. A number of attributes have been identified which are particularly relevant to the appeal. These include infrastructure and transport within the WHS, together with the plethora of industrial buildings which tell a story of industrial innovation and development.
22. The management plan accepts that there is a tension between the WHS, being a modern living environment and the conservation of its historic authenticity, and an overriding need to prevent the cumulative impact of unsympathetic development. Nonetheless, given my conclusions above in relation to the harm

derived from the conservatory, its presence does not protect the Outstanding Universal Value of the WHS.

23. Given the above and the absence of any defined public benefit, I conclude that the conservatory element of the appeal fails to preserve the setting of the Grade II* listed buildings, and the character or appearance of the Severn Gorge Conservation Area, and adversely affects the Outstanding Universal Value of the World Heritage Site, as well as adversely affecting the non-designated heritage asset which is a building of local interest. This fails to satisfy the requirements of the Act, paragraph 197 of the Framework and conflicts with policies BE1 -B6 of the Telford and Wrekin Local Plan 2011- 2031, adopted 2018, and the Severn Gorge Conservation Area Appraisal and Management Plan that seek, amongst other things, to promote good design, protect the WHS, the Conservation Area, and the setting of listed buildings, together with buildings of local interest. Consequently, the conservatory does not accord with the development plan, and therefore is not sustainable development.
24. However, as previously accepted, the replacement door and window would not result in any harm and would therefore not conflict with the development plan or national policy

Conditions

25. In relation to the development which I have permitted, I have imposed the standard commencement conditions and a condition specifying the approved drawings. However, in line with paragraph 56 of the Framework, in the interests of clarity, and to ensure that the condition is both enforceable and precise, I have imposed a pre-commencement condition requiring that details of the design of the front door, and replacement window be submitted and agreed. In addition, submission of details of the proposed window and door furnishings is necessary. Both of which have been agreed by the appellants¹.

Other Matters

26. I am aware that there have been no objections to the scheme from the Gorge Parish Council, neighbours, nor from Shropshire Council's Historic Environment Team.
27. I also took the opportunity to carefully consider the impact of the uPVC conservatory at a nearby property on Church Road. However, I do not have the details of its planning history, or indeed whether it benefits from planning permission. Nonetheless, rather than supporting the appellants' case, it serves to illustrate the corrosive impact of unsympathetic development within such a sensitive location.
28. In any case, I must determine any planning application on the individual merits of the case before me.

Conclusion

29. The element of the proposed development that I have found to be unacceptable is severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation

¹ Email received 20 September 2022.

to the replacement door and window. However, in relation to the conservatory, I conclude that the appeal should be dismissed.

Louise Nurser

INSPECTOR