



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: 13 December 2022

Appeal A Ref: APP/H1840/W/21/3282068

St Saviour And Passionist Residence, 26 Leamington Road, Broadway, WR12 7DZ

- 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 Mrs Sonali Zachariah against the decision of Wychavon District Council.
The application Ref 21/00969/HP, dated 31 March 2021, was refused by notice dated 2 August 2021.
 - The development is proposed gateway access in boundary wall.
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Appeal B Ref: APP/H1840/Y/21/3282077

St Saviour And Passionist Residence, 26 Leamington Road, Broadway, WR12 7DZ

- 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 Mrs Sonali Zachariah against the decision of Wychavon District Council.
 - The application Ref 21/00970/LB, dated 31 March 2021, was refused by notice dated 2 August 2021.
 - The works are proposed gateway access in boundary wall.
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Decisions

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

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and for the same scheme. The remit of both regimes is different, and the main issues identified below relate to either the planning appeal (Appeal A), the listed building appeal (Appeal B), or to both. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

Main Issues

4. The main issues in both appeals are whether the proposed development and works would:
 - preserve the Grade II listed building known as Passionist Residence, 26 Leamington Road, its setting or any features of special architectural or historic which it possesses,

- preserve the setting of the Grade II listed building known as Roman Catholic Church of St Saviour, and
- preserve or enhance the character or appearance of the Broadway Conservation Area (CA).

Reasons

5. The Grade II listed building known as Passionist Residence, 26 Leamington Road is a mid-19th century detached two-storey house constructed of squared limestone featuring mullion windows, tall stone stacks and a central doorway (List Entry Number: 1215528). The 'L-shaped' property is set within a wider plot that is demarked by stone walls to the front and side.
6. The appeal building is set back from Leamington Road by a wide grass verge, pavement and coursed limestone wall featuring a pedestrian entrance gateway. The wall returns to the south and marks the boundary with the neighbouring St Mary's Catholic Primary School. A higher, unbroken section of frontage boundary walling continues along Leamington Road up to the piers driveway entrance to the neighbouring property, The Retreat.
7. Beyond this, the wall steps down and marks the frontage to The Catholic Church of the Most Holy Saviour, a Grade II listed building (List Entry Number: 1432378) known as Roman Catholic Church of St Saviour (the Church). The statutory list description identifies that the Church was built as a Benedictine monastery chapel in 1828-1829 and altered circa 1850 for a Passionist community, to a design by Charles Hansom, a prolific and accomplished Catholic ecclesiastical architect. It was then converted to a Parish Church in 2000. Its boundary wall, gate piers and overthrow are listed as subsidiary features in the list description.
8. The special interest and significance of Passionist Residence lies in part in its historical and architectural interest, its age, surviving historic fabric, traditional features and materials. Also of interest is legibility of the plot and enclosed space around it. There is a clear historic and physical link between the appeal site and neighbouring school, Church and buildings which were all once under the same religious order. While a functional connection has now ceased, the stone boundary walls around each building provide an obvious demarcation of plots and legibility of their historic association. Consequently, the material treatment, scale and authenticity of the stone boundaries around the appeal building are of value to its special interest and significance. I also consider that the appeal building and associated walls are within the setting of the Church and contribute to the legibility of the group of interrelated ecclesiastical buildings, which is of value to its significance and special interest.
9. The Broadway CA covers much of the town and its special interest includes the number and quality of historic buildings, the prevalence of Cotswold stone as a building material for walls, roofs and boundaries of buildings and the contribution trees, gardens, open spaces and views make to its character and appearance. The Broadway Conservation Area Appraisal (March 2006) (the CAA) identifies that the differentiation in material and height of boundary walls relative to location and status of buildings in different parts of the CA is a distinctive and important element of its character and appearance. Grass verges are also identified as making an important contribution to the rural character of the CA as well as providing a green setting to the buildings.

10. The Leamington Road boundary wall is constructed of stone with mortar capping and other than a pedestrian gate within the lower section of the wall, it extends the entire width of the plot and is a prominent feature in the streetscene. Due to its prominence and historic association with nearby buildings, the appeal property, its gardens and boundary wall make a positive contribution to the streetscape and the character and appearance of the CA. So too is the grass verge between the carriageway and pavement along Leamington Road to the front of the appeal property.
11. The proposed works and development would create a vehicular-wide opening within the higher section of frontage boundary wall between the Royal Mail post box and the access driveway to the Retreat. Double gates are also proposed, along with parking area and driveway/turning spaces within the property's existing side garden.
12. There are openings within this stretch of wall along Leamington Road, including accesses for vehicles at the school and serving The Retreat. However, the demolition of part of the wall would disrupt the continuity of the site's enclosure which is an aspect of its historic configuration and disturb the characteristically unbroken enclosing nature of this section of the wall. It would also result in the loss of historic fabric and would open up the currently enclosed garden, which would be markedly at odds with the current inward facing nature of the site's overall layout. The proposal would also erode the relationship of the host property with the Church and other associated buildings.
13. Taken as a whole, the works and development would not preserve the Grade II listed building known as Passionist Residence, 26 Leamington Road, its setting or any features of special architectural or historic which it possesses, or the setting of the Grade II listed building known as Roman Catholic Church of St Saviour. The proposed works and development therefore run contrary to the clear expectations under Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
14. Moreover, the new vehicle crossover would reduce and erode the contribution the grass verge to the front of the property makes to the character and appearance of the CA. Furthermore, although the new opening would be made between existing piers, and which are indicated to have been later additions to stabilise the wall, at a point where the existing wall bows, the long-term structural consequences of the works are unclear.
15. Therefore, the contribution that the traditional historic boundary walls make to the character and appearance of the Broadway CA as a whole would also be eroded by the proposals. Thus, the special interest of the CA would not be preserved, and in a small way, it would be harmed. Nor would the character or appearance of the Broadway CA as a whole be preserved or enhanced, contrary to Section 72 (1) of the Act.
16. Given the scale of the proposals, the degree of harm that would be caused to the listed buildings and the CA as designated heritage assets would be less than substantial, which, according to the National Planning Policy Framework (Framework) should be weighed against the public benefits of the proposal.
17. The proposed works and development are largely predicated on meeting the private needs of the occupiers of the appeal property, following the adjacent

school revoking parking within its grounds. I note that the Highway Authority has raised no concern to the proposal, however limited information has been provided to demonstrate that the proposal would improve highway safety in the locality. Whilst I can appreciate the desire to have car parking close to the dwelling this would not amount to a wider public benefit. Moreover, whilst noting the assertion that the proposal would ensure the building's future viability, limited evidence has been provided to demonstrate that the absence of off street car parking has, or would adversely affect the building's optimum viable use. While there would be some small economic benefit associated with the construction phase of the works, this would be modest and short term so carry moderate weight as a public benefit. As paragraph 196 of the Framework makes clear that where there is evidence of deliberate neglect of a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. The proposed fabric repairs are neutral considerations that do not carry weight as a public benefit.

18. Accordingly, I find that the sum of public benefits associated with the proposal would not be sufficient to outweigh the considerable importance and weight that even less than substantial harm to the significance of designated heritage assets carries.

Conclusions – both Appeals

19. I have found the proposed works and development would fail to accord with the statutory provisions of the Act in respect of listed buildings and conservation areas. Public benefits do not outweigh the harms identified, leading to conflict with the historic environment policies of the Framework. Conflict also arises with South Worcestershire Development Plan Policies SWDP 6, SWDP 21, SWDP 24 and SWDP 25 which collectively require development proposals to conserve and enhance heritage assets and integrate effectively with its surroundings, including its landscape setting. There would also be conflict with the guidance within the CAA. In respect of the planning appeal, material considerations do not indicate that I should make a decision other than in accordance with the development plan.
20. For the reasons given above and having regard to all other matters raised I conclude that both Appeal A and Appeal B should be dismissed.

RC Kirby

INSPECTOR