



Appeal Decisions

Site visit made on 22 November 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal A Ref: APP/F2415/W/22/3298794

The Old Vicarage, Main Street, Kings Norton LE7 9BF

- 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 & Mrs D Johnson against the decision of Harborough District Council.
 - The application Ref 21/02198/FUL, dated 16 December 2021, was refused by notice dated 20 April 2022.
 - The development proposed is single storey extension to provide accommodation for assisted living.
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Appeal B Ref: APP/F2415/Y/22/3298801

The Old Vicarage, Main Street, Kings Norton LE7 9BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs D Johnson against the decision of Harborough District Council.
 - The application Ref 21/02199/LBC, dated 16 December 2021, was refused by notice dated 20 April 2022.
 - The development proposed is single storey extension to provide accommodation for assisted living.
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Decision

1. Appeals **A** and **B** are both dismissed.

Preliminary Matter

2. The Council's report identifies discrepancies in the proposed drawings including, but not limited to, uncertainty as to whether an existing hipped roof return on the current extension would be replaced by a gable end. In any case, this has not been pivotal to my conclusions and given I am dismissing the appeals, it has therefore not been necessary to seek further clarification on the identified discrepancies.

Background and Main Issues

3. As set out above, there are two appeals on the site. Given the identical nature of the schemes, this decision letter considers applications for both planning permission (Appeal **A**) and listed building consent (Appeal **B**). The main issues for both appeals are therefore:
 - (i) Whether the proposal would preserve the Grade II Listed Building at The Old Vicarage including its setting, and whether it would preserve or enhance the setting of the Kings Norton Conservation Area (CA) and other nearby listed buildings.
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- (ii) if there is any harm identified under main issue (i), whether such harm is outweighed by the personal circumstances put forward by the appellant.

Reasons

Whether the proposal would preserve heritage assets including their setting

4. The significance of the CA primarily derives from its semi-rural setting and the high quality of its mainly traditional built environment which includes several listed buildings.
5. The Old Vicarage is a Grade II listed building comprising of a mid C19 two-storey cottage with C18 origins. Finished in red brickwork with a Welsh slate roof, its front elevation faces a village green and the countryside beyond. This elevation has a strong degree of symmetry and includes a brick dentil course to the eaves, two-light casement windows with cambered brick lintels and stone cills as well as a centrally positioned front door.
6. Previous extensions to the Old Vicarage include a single storey glazed side extension which links into a single storey, hipped roofed projection with brick elevations and slate roofs. This extensive projection turns the corner of Main Street with Norton Lane.
7. The listing description for The Old Vicarage confirms the cottage was formerly the vicarage/curate's house serving the neighbouring Grade I listed St John the Baptist Church. The Church includes a prominent tower with clock face and ornate stonework including to its window and entrance. The architectural splendour of the church dominates the background of the appeal site in views from both Main Street and Norton Lane.
8. With respect to the identified views along Norton Lane, the appeal site's boundaries include a pedestrian gate and a boundary wall topped by climbing foliage. The height and appearance of these boundary features alludes to the generous rear garden space behind them serving The Old Vicarage. Views over these boundary treatments also allow for an appreciation of the close historical relationship of The Old Vicarage and its garden land adjoining the boundary with the Church. This adds to the significance of The Old Vicarage and also makes a positive contribution to the character and appearance of the CA and the setting of the Church.
9. The Grade II listed Corner Cottage sits on the opposing corner to the appeal site at the junction of Main Street with Norton Lane. The defining characteristics of this listed building include its cottage form, red brick and slate facing materials, ornate timber framed open porch canopy, casement windows and brick chimney stacks. It is another fine example of the high quality of the local vernacular.
10. Overall, the Old Vicarage, its associated grounds and the other identified listed buildings form an integral part of the significance of the CA and can be seen together in shared vistas in the street scene.
11. The proposed glazed link and the pitched roofs to the roadside elevations of the extensions would clearly distinguish the development from the boundary treatments it would replace. In combination with the existing single storey projections, the proposal would read as an elongated, contiguous extension to

The Old Vicarage. Their extensive combined footprint would reduce legibility of the listed building's original form and the historical relationship of this listed building with its rear garden in views from the street, from within the appeal site and over the boundary hedge from within the grounds of the Church. In the latter case, the elevated views provided into the site, would also reveal the 'rolled lead roof' to the rear elevation of the extension which would appear at odds with the predominant slate pitched roof forms of the host building and its previous extensions.

12. Moreover, the lower parts of the boundary treatment serving the appeal site on Norton Lane, namely the pedestrian gate and initial section of wall, currently allow for an appreciation of some of the distinctive architecture towards the lower section of the listed Church. For example, some of the taller windows to the flank elevation of the Church and a circular window towards the bottom of the Church tower are visible to passers-by on Norton Lane. Even accounting for the transparency of the glazed link element, the development would diminish appreciation of these features.
13. In addition, I agree with the Council that the proposed 'weather vane and clock tower' feature would lack historic relevance and this would be harmful to the significance of The Old Vicarage. Given its prominent position close to the junction of Main Street and Norton Lane, this decorative feature would also erode the general quality of the CA's built environment and would distract from the architectural splendour of the identified listed buildings.
14. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. For the above reasons, the proposal would not preserve the significance of The Old Vicarage including its setting. It would also not preserve the settings of the other identified listed buildings and so to would be harmful to the setting of the CA. Taking all the above factors into account, I find this would equate to less than substantial harm to the significance of these heritage assets. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
16. The proposal would result in a private benefit for the appellants through the provision of assisted living accommodation. Having regard to the evidence put forward in this regard, I have found under the second main issue that this attracts some moderate weight in favour of the proposal. Consequently, there would not be public benefits in this instance of sufficient weight to outweigh the less than substantial harm to the identified heritage assets having regard to the great importance and weight I must attach to their conservation.
17. I conclude the proposals under Appeal **A** and Appeal **B** would not preserve the significance of The Old Vicarage including its setting and would also be harmful to the setting of the Kings Norton Conservation Area and the other identified

listed buildings. In that regard, it would conflict with the design and conservation requirements of Policies GD3 (Development in the countryside), GD8 (Good design in development) and HC1 (Built Heritage) of the Harborough Local Plan (2019) (LP) and the Framework.

Personal circumstances

18. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
19. The premise of the proposal is to provide assisted living accommodation. The design and access statement provided indicates that this relates to ancillary accommodation to enable the appellants to continue living at the property with care to be provided by relatives. No detailed evidence has been provided in terms of the specific needs of the appellants. Nevertheless, I accept that the extension has the potential to improve living arrangements in terms of facilitating the provision of assisted living and so to the quality of life of those concerned. In the absence of more detailed information, this is a personal circumstance to which I afford some moderate weight in favour of the appeal.
20. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.
21. However, notwithstanding the absence of any detailed evidence, in weighing the personal circumstances in the balance, this has to be considered against the unacceptable effect that the development would have upon heritage assets. In this regard, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of conserving the historic environment. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. Overall, the personal circumstances put forward in this instance do not outweigh the unacceptable effect on heritage assets.

Other matters

22. I do not find the previous planning permission and listed building consent¹ to rebuild and extend existing outbuildings at The Old Vicarage comparable to the more extensive cumulative extensions that would result from the proposal before me. In any case, the date of that permission also indicates that it would have been considered against a previous development plan.
23. Concerns as to whether that development was implemented in accordance with the previously approved drawings would be a separate matter for the Council to consider and I have considered the proposal on the basis of the drawings before me and the existing situation on site.
24. The historic maps and plans within the Council's officer report do not indicate that there was a former barn in the precise position of the appeal proposal and

¹ LPA Refs 08/01157 and 08/01158/LBC

the appellant has not provided any contrary evidence. I have therefore made my assessment based the existing relationship of the site with the host building and the wider settings of the CA and nearby listed buildings.

Conclusion

25. The proposal would be harmful to the significance of the identified heritage assets and therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
26. Appeal **A** and Appeal **B** are therefore both dismissed.

M Russell

INSPECTOR