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## Appeal Decisions

Site visit made on 19 April 2023

**by Paul Griffiths BSc(Hons) BArch IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 June 2023**

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### **Appeal A: APP/W1850/W/22/3297604**

#### **The Tank House, Primeswell Close, Colwall WR13 6RP**

- 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 Dr Christopher Allen against the decision of Herefordshire Council.
  - The application Ref.212685, dated 29 June 2021, was refused by notice dated 1 February 2022.
  - The development proposed is described as 'the conversion of the former Tank House building into a two-bedroomed, private residential dwelling'.
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### **Appeal B: APP/W1850/Y/22/3297605**

#### **The Tank House, Primeswell Close, Colwall WR13 6RP**

- 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 Dr Christopher Allen against the decision of Herefordshire Council.
  - The application Ref.212686, dated 29 June 2021, was refused by notice dated 1 February 2022.
  - The works proposed are described as 'the conversion of the former Tank House building into a two-bedroomed, private residential dwelling'.
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### **Preliminary Matter**

1. The Council changed the description of development and works to what is set out, with some minor adjustments, in the headers above. Given that it provides a more succinct description, I have proceeded on that basis.

### **Decisions**

#### **Appeal A**

2. The appeal is allowed and planning permission is granted for the conversion of the former Tank House building into a two-bedroomed, private, residential dwelling at The Tank House, Primeswell Close, Colwall WR13 6RP in accordance with the terms of the application, Ref.212685, dated 29 June 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ALIN.2 001 Rev.A; ALIN.2 002 Rev.A; ALIN.2 100 Rev.D; ALIN.2 101 Rev.C; ALIN.2 200 Rev.D; ALIN.2 201 Rev.D; and ALIN.2 210.

- 3) No alterations to external joinery shall take place until details of all new windows, external doors, louvres, and any other new external joinery have been submitted to, and approved in writing by, the local planning authority. These details shall include full size or 1:2 scale details and sections, and 1:20 scale elevations of each joinery item cross referenced to the details and approved elevations; details of the method and type of any glazing; and the colour scheme and/or surface finish. Development shall be carried out in accordance with the approved details.
- 4) The development approved herein shall not be occupied until a scheme for the provision of cycle parking has been submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details before the dwelling is first occupied and retained in its approved form thereafter.
- 5) Before any site preparation or construction works commence, all required optimal period bat surveys shall be completed and the resulting report submitted to, and approved by, the local planning authority. This report shall include survey methodology and results, details of any proposed mitigation and compensation, including timings, and recommendations for any protected species licences required. The approved report shall be implemented in accordance with the approved details.

## **Appeal B**

3. The appeal is allowed and listed building consent is granted for the conversion of the former Tank House building into a two-bedroomed, private, residential dwelling at The Tank House, Primeswell Close, Colwall WR13 6RP in accordance with the terms of the application, Ref.212686, dated 29 June 2021, and the plans submitted therewith, subject to the following conditions:
  - 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
  - 2) No alterations to external joinery shall take place until details of all new windows, external doors, louvres, and any other new external joinery have been submitted to, and approved in writing by, the local planning authority. These details shall include full size or 1:2 scale details and sections, and 1:20 scale elevations of each joinery item cross referenced to the details and approved elevations; details of the method and type of any glazing; and the colour scheme and/or surface finish. Works shall be carried out in accordance with the approved details.

## **Main Issue**

4. This is the effect of the proposed conversion on the special architectural and historic interest of the Tank House, a Grade II listed building.

## **Reasons**

5. According to the helpfully detailed list description, the Tank House is an accomplished imitation of the Holy Well at Malvern Springs, designed to suit the purpose and needs of a tank house, by the noted architectural practice of Truefitt and Truefitt. The building was intended to advertise Schweppes' association with the town, and the history of Malvern Springs. The building has lost the tank(s) and internal pipework, but the external treatment is largely complete.

6. It is relevant to record too, that little apart from the Tank House remains of Schweppes' (later Coca Cola Enterprises Ltd) operations on and around the site. The Tank House now sits adjacent to a large building that is occupied by a shop, and within a complex of new housing.
7. The appellant wishes to convert the Tank House into a dwelling. On the face of it, finding a viable new use for a listed building, that currently appears redundant, would be a heritage and thereby a public, benefit. The central question is whether the benefit of that conversion can be facilitated without any unduly harmful impact on the significance of the designated heritage asset.
8. The Council's concerns in heritage terms are, in summary, twofold. First, there is a concern about the insertion of a new first floor structure. I accept that this would be a relatively significant intervention. However, it seems to me that the while there is no first floor in the building at present, so the lofty internal volume can be readily appreciated, when in use, most of the upper parts of the interior of the building would have been occupied by tanks, which would have needed a substantial supporting structure. The existing volume is, therefore, a product of the removal of those tanks, itself a consequence of redundancy. In that context, the harm to the significance of the building that would be caused by the new first floor structure would be very limited indeed.
9. The second area of concern relates to glazing and louvres. In short, the Council suggests that there would be some harm caused to the significance of the designated heritage asset if the etched glass in the existing windows, and the louvres that form part of the existing first floor openings, were lost as part of the scheme of conversion. I understand that concern because there is some evidential value in the etched glass, and the existing louvres are, as the appellant accepts, an important characteristic of the building.
10. On the other hand, I can appreciate the technical issues relating to the louvres in terms of allowing the provision of natural light and ventilation, and the need to allow egress in an emergency. In any event, the appellant has, very fairly, accepted the principle of a condition requiring details of new windows and louvres, amongst other things, to be submitted for approval before development or works commence. In that way, with careful design, a good part of the harmful impact suggested might be avoided.
11. Bearing all that in mind, it appears to me that the Council's concerns are all matters that are a predictable consequence of a residential conversion. Even if I were to take these harmful impacts at their absolute highest, they would, be easily outweighed by the benefit of bringing the otherwise redundant building back into a viable use. On that basis, considered in the round, I am of the firm view that the proposal would have an overall positive effect on the special architectural and historic interest of the Tank House, and thereby its significance. There is accord with Policy LD4 of the Herefordshire Local Plan Core Strategy, which seeks to protect the historic environment, and the National Planning Policy Framework, which has similar aims. For the same reasons, the proposal does not offend the requirements of Sections 16(2) or 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. The Council has also raised issues about parking for vehicles, and cycles. In relation to the latter, notwithstanding what is shown on the plans, I see no reason why it could not be provided in an acceptable way. As a consequence, it is a matter that can be dealt with by an appropriately worded condition.

13. As far as car parking is concerned, the conversion of the building into a dwelling, whether it is used for long- or short-term occupation, will lead to some demand for car parking. I accept that the spaces in the 'loading bay' adjacent to the building might not be available for any occupiers of the dwelling and as a result, that demand might be pushed on to Walwyn Road, or further afield. However, while it is suggested that this might lead to increased parking pressure, at the time of my site visit there appeared to be lots of parking space available in the area.
14. More importantly, it seems to me that the limited nature of the site means that dedicated on-site parking cannot be provided. If the Council's position is accepted as a reason to reject the proposal, the result would be the continued redundancy of the building. In my view, finding a new use for the building that is likely to endure far outweighs any detrimental impact that might result from any increased parking pressure.
15. I have referred to the need for some conditions in my reasons above. Conditions are also required to deal with commencement, the approved plans, and the need for a bat survey.
16. On that overall basis, I intend to allow the appeals, subject to all those conditions.

**Paul Griffiths**

**INSPECTOR**