
Appeal Decisions

Site visit made on 10 October 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2023

Appeal A Ref: APP/J3720/W/22/3313054

1 New Street, Tiddington, Stratford-upon-Avon, Warwickshire CV37 7DA

- 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 J Fleets against the decision of Stratford on Avon District Council.
 - The application Ref 22/01504/FUL, dated 16 May 2022, was refused by notice dated 4 October 2022.
 - The development proposed is a replacement detached double garage with store over.
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Appeal B Ref: APP/J3720/Y/22/3313053

1 New Street, Tiddington, Stratford-upon-Avon, Warwickshire CV37 7DA

- 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 J Fleets against the decision of Stratford on Avon District Council.
 - The application Ref 22/01505/LBC, dated 16 May 2022, was refused by notice dated 4 October 2022.
 - The works proposed are for a replacement detached double garage with store over.
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Decisions

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

Preliminary Matters

3. The site relates to development and works to an existing detached double garage within the curtilage of 1 New Street, which forms part of a Grade II listed building known as 32-42 Main Road & 1 New Street (the listed building). The proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal (Appeal B), although the legal regimes are different. While I have borne in mind my statutory duties in respect of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate, to reduce repetition, I have dealt with both appeals together in this decision letter.
4. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeal. The historic environment and design policies have remained unchanged within the new version of the Framework, which is a material consideration.

Main Issues

5. The main issue for both appeals is the effect of the proposal on the special interest of the Grade II listed building (List Entry Number: 1280518), and additionally in respect of Appeal A, the character and appearance of the wider area.

Reasons

Character and appearance and listed building

6. The listed building comprises a terrace of seven, two storey Georgian style houses, described as a good example of well-preserved early 19th century houses in the statutory list. The group turns the corner from Main Street into New Street. The houses are built in patterned brick with a slate tile roof. They have an attractive balanced composition, featuring paired front entrances with Tuscan doorcases, and multi-paned sliding sash windows with sills and rusticated wedge lintels.
7. The corner location and proximity of the principal elevations presenting to the road gives the group visual prominence in the street scene. Although the terraced housing is relatively modest, the layout nevertheless reflects a clear hierarchy whereby the rear elevations, long narrow rear gardens and associated outbuildings have a secondary appearance and relationship to the more public frontages.
8. The significance and special interest of the listed building is largely derived from its aesthetic and architectural interest as a good example of Georgian style housing. This is reflected in the building's principal elevations, architectural consistency, quality of execution and materials that form part of an attractive wider townscape. Significance and special interest also come from the building's ordered layout and the contrast between the positioning and scale of the higher status main dwellings relative to the rear gardens and ancillary outbuildings. In turn these distinguishing components contribute positively to the pleasant, ordered and legible qualities of the wider street scene.
9. 1 New Street has a prominent position sitting directly on the corner plot at the end of the listed terrace. The built form of the main house displays the architectural features described above and it has two public elevations, the longer of which presents to New Street. The presence of the rear garden and red brick boundary wall to New Street, over which greenery and trees can be glimpsed, separate the listed terrace from other dwellings to the south-east.
10. Owing to the absence of significant built form within this gap, the arrangement conveys a feeling of spaciousness that contrasts agreeably with the greater enclosure evident further into New Street. Looking into New Street from Main Street and north-west along New Street, the views allow for an appreciation of how no.1 turns the corner into Main Street and is connected to the remainder of the terrace. Accordingly, the configuration is important to how the listed terrace is experienced within the surroundings.
11. The relatively modern detached, single storey double garage that is the subject of these appeals is found towards the end of the garden for No.1, and next to The Coach House and 3 New Street. It presents two, metal 'up and over' garage doors and a shallow wide gable onto New Street and from this

perspective has an unremarkable functional appearance. Therefore, architecturally, and historically, the building possesses little heritage significance. However, its relatively modest scale, limited height and positioning further into New Street limit its visual impact on the main listed terrace. Moreover, its subordinate appearance and position generally conforms to the hierarchical ordered layout.

12. The proposals would widen the footprint of the double garage by about a metre, thereby encroaching into the separation space between the present garage and main dwelling at no.1. Furthermore, an additional storey would be added with a consequent increase in roof ridge height from 3.3m to 6.1m¹. This would notably increase the overall volume of the structure, which combined with its direct presentation onto New Street would give it a marked presence in the street scene.
13. This would be exacerbated by the unconventional composition of the elevations. The building would present a gable end on to the road unlike most of the nearest dwellings. Moreover, the roof pitch would be shallower and would appear visually dissonant with the steeper pitch evident on the gable end of no.1.
14. In addition, the front elevation would retain two garage doors but would feature a round window in the upper storey towards the apex of the roof. Hence, tension would result from the incongruous mix of a utilitarian ground floor with the decorative feature in the upper floor. The latter would be unsuccessful given that it is an alien feature at odds with the surroundings and would result in a poor relationship of solid to void elements. This would be compounded by two of the other two storey elevations being entirely solid. The overall effect would be an oddly proportioned structure that would have a jarring impact.
15. Furthermore, although the measurements provided by the appellant indicate that it would be smaller in dimensional form than the main dwelling, it does not automatically follow that this would render the proposed structure an appropriate scale subservient to no.1. In relative terms to no.1, it would nevertheless represent a significant building. When the combination of the volume, position and detailing of the building are also considered, the two-storey structure would not convincingly appear subordinate to no.1.
16. The harmful effect would be exacerbated due to the immediacy the building would have in New Street. Further incongruity would arise from the discrepancy between the ancillary supporting use of the building and its overly prominent size and appearance.
17. Taking these factors together, the development would fail to meet the requirements of paragraph 130 of the Framework which states that planning decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history.
18. Furthermore, it would be an unsympathetic addition that would detract from the aesthetic qualities of the listed building. It would be conspicuous in views into and from New Street, as well as from surrounding dwellings. As such, its presence and appearance would deflect attention from the main listed terrace

¹ Paragraph 3.2-3.3, Appellant's Grounds of Appeal

and undermine the way they are experienced. Moreover, the proposals would adversely erode the quality of spaciousness around the listed building to the detriment of its special architectural and historic interest. This would harmfully dilute the hierarchy and legibility evident in the established pattern of development which is intrinsic to the character of the area and significance of the listed building.

19. I am not persuaded that these harmful impacts could be surmounted by the careful use of materials as my concerns are of a more fundamental nature.
20. The appellant draws attention to The Coach House and no.3 New Street adjacent and suggests that historically there was an ancillary building to the listed building. Little evidence is provided to show what the historical form of this building was and what its relationship to the listed building might have been. In any event, The Coach House and no.3 are now separate dwellings. Even if there was once an ancillary structure, The Coach House and no.3 are further removed from the listed terrace and take a more sympathetic form than the proposal before me. On the evidence presented, I do not consider it amounts to substantive evidence that provides justification for the proposal as a historical precedent.
21. I acknowledge that the existing garage has little heritage value, and that the proposals would be unlikely to affect historic fabric. Nevertheless, this would not address nor outweigh the concerns I have found with the proposals.
22. Accordingly, I find that in relation to appeal A, the proposal would have a discordant and harmful impact on the character and appearance of the area. In relation to both appeals, I find the works and development would have a detrimental impact on the setting of the Grade II listed building, which forms part of its special interest and significance. The latter runs counter to the expectations of sections 16(2) and 66(1) of the Act.
23. It follows that the proposal would harm the significance of the designated heritage asset. However, given the relatively minor nature of the proposals, this would be limited in extent. Consequently, the degree of harm caused to the listed building would be less than substantial. In these circumstances, paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
24. In support of the proposal the appellant states that the function of the existing garage would be improved and would provide additional storage space. This would be beneficial to current and future occupants of no.1 and would support the long-term use of the property as a dwelling house for a modern family. However, little evidence is provided to show that the accommodation at no.1 is notably deficient and therefore, dependent upon the appeal proposal to provide adequate dwelling accommodation.
25. Even if it were the case that additional storage space would assist in securing the long term conservation and domestic use of no.1, it does not follow that the proposals before me are the only means by which to address the matter. It is plausible that there might be other less harmful ways to improve storage. Therefore, little weight is attributed to this matter as a public benefit.
26. Paragraph 199 of the Framework stipulates that when considering the impact of development on the significance of designated heritage assets, great weight

should be given to their conservation. I do not consider the public benefits sufficient to outweigh the great weight that the less than substantial harm caused to the heritage asset carries. Conflict therefore arises with the historic environment protection policies in the Framework.

27. Furthermore, the works and development would conflict with policy CS.8 of the Stratford-on-Avon District Core Strategy 2011-2031, adopted 2016 (CS) which states, amongst other things, that the historic environment will be protected and enhanced for its inherent value and for the enjoyment of present and future residents and visitors.
28. Additionally, in relation to appeal A, I have found the development would be harmful to the character and appearance of the area. Therefore, it would also be contrary to policies CS.9 and CS.20 of the CS. Amongst other things, policy CS.9 seeks to resist development that would damage features which positively contribute to local distinctiveness and policy CS.20 requires alterations and modifications to existing dwellings, including outbuildings to be of an appropriate scale and subservient in relation to the existing building.

Conclusions

29. I find that the works and development conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified.
30. In relation to Appeal A, planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have not found material considerations that would justify making the decision other than in accordance with the development plan.
31. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

Inspector