



Appeal Decision

Site visit made on 31 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/T3725/W/23/3321838

Land at Sherbourne Priors, Vicarage Lane, Sherbourne, Warwickshire CV35 8AB

- 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 OISE Holdings Ltd against the decision of Warwick District Council.
 - The application Ref W/22/1508, dated 13 September 2022, was refused by notice dated 28 February 2023.
 - The development proposed is described as "Construction of two dwellings, associated garages and new access to Vicarage Lane".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and replaces the previous version published in July 2021. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. A copy of the official listing description was requested and submitted.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with regard to the location of the site within the Sherbourne Conservation Area (the 'CA') and the effect on the setting of Sherbourne Priors, a Grade II listed building.

Reasons

Character and appearance and CA

5. The CA Appraisal (the CAA) describes Sherbourne as an old settlement dating from pre-Saxon times and as being an 'estate village' in association with Sherbourne Park. Many of the houses were rebuilt in a pseudo Elizabethan style in the mid-nineteenth century and some of these were clearly visible, with features such as decorative barge boards, porches and interesting brick detailing. The CA has broadly four areas with Vicarage Road being one, which includes a belt of trees on the appeal site along the east side of Vicarage Lane. I saw there were also a series of open spaces, even if not public or highly visible, which the CAA describes as being an important part of the CA's

character. These gaps around the village and the trees I saw give the CA a verdant and spacious character and appearance.

6. From the evidence before me and what I saw on site, the heritage significance of the CA, insofar as it relates to this appeal, is primarily associated with its architectural and historic interest reflecting the evolution of Sherbourne as an estate village incorporating the relationship between the built form and open space.
7. Whilst the tree belt along Vicarage Lane limits views into the site, the presence of mature trees around the appeal site, the site's open nature and lack of built form positively contributes to the spacious and verdant character and appearance of the CA and its significance as an estate village.
8. The proposal would involve building 2 detached dwellings and 2 detached garage buildings on the site. They would be sited mostly to the northern part of the site, leaving the remaining land as garden for the dwellings, thus retaining most of the trees on the site. Whilst most of the roadside trees would also be retained, a number would be removed to facilitate the creation of a new shared vehicular access for the proposed dwellings.
9. The proposed buildings have been designed to replicate the estate-village-look and create the impression of an entrance lodge with related walling and outbuildings to the main house, and incorporate decorative detailing. The Council raises no issue with the design and detailing of the dwellings and garages themselves and I have no reason to take a different view.
10. Nonetheless, building four relatively large, detached structures on the appeal site would materially erode its openness resulting in harm to the character of the area. While a number of trees would remain to provide screening, the houses would still be visible through gaps and particularly at the new entrance drive where some trees would be felled. Hence, as a result of the proposed development, the contribution the appeal site makes to the heritage significance of the CA would be significantly diminished. It therefore follows that the proposal would neither preserve nor enhance the character or appearance of the CA as a whole.

Setting of the listed building

11. Sherbourne Priors was listed during determination of the application. It is a large, red brick, detached Victorian dwelling that was built as a vicarage for Miss Louisa Ann Ryland. It was designed by Birmingham architect Yeoville Thomason and was completed in 1863. The CAA reports that under her patronage many of the estate houses were re-built in the pseudo Elizabethan style. She also had the current village church built in 1862 and dedicated to her parents. Hence, the listed building has direct association with past residents who helped shape the evolution and design of the estate village. Insofar as it relates to this appeal, the building's heritage significance is derived principally from its age and special architectural and historic interest as part of Sherbourne's development as an estate village and its connections with local architects and residents.
12. I saw on my visit, when standing in the appeal site, that the dwelling is clearly visible and presents itself as part of an attractive vista. The listing describes the architectural details of the west elevation, that directly faces towards the

appeal site, to include a pair of gables with carved bargeboards and corbels, a ground floor projecting bay window with further stone dressed windows above and a further large ground floor canted bay window. Part of the southern elevation, described in the listing as the principal façade with a number of architectural details, is also visible.

13. The extensive lawned grounds run from these attractive elevations towards the appeal site and abut its boundary. The appellant's photographs clearly show how the (striped) lawn of the house merges with the appeal site, almost as a single entity, such that the appeal site is clearly visible from the house and its windows, particularly on the western elevation, and consequently extends the landscape setting of the former vicarage.
14. Whilst there is some remnant of a short section of estate railing there is no physical boundary between the lawned garden area of Sherbourne Priors and the rougher grass of the appeal site, apart from the difference in mowed lawn and unmown rough grass. Indeed the Council describes the appeal site as being the former garden land to Sherbourne Priors. This is easy to imagine when seeing the site and its contiguous relationship with the adjacent landscaped garden and mowed lawn.
15. Consequently, the open nature of the appeal site forms an integral part of the setting of the dwelling and allows an appreciation of the house, its attractive elevations and its landscaped setting, and contributes to the understanding as to its original prominence and importance in the village as a vicarage within the estate village. Hence the appeal site positively contributes to the wider setting of the listed building and its significance.
16. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset can arise from its alteration or destruction, or from development within its setting. The erection of two dwellings and two detached garages on the appeal site would put substantial built form on the open land and erode the former garden land of the listed building. The effect would be to materially diminish the ability to appreciate the building's significance within the landscape and an understanding of its contribution to the estate village.
17. Whilst the proposed dwellings would be sited more towards the northern end of the site, to ensure the southern-most treed part of the site would remain, this would still place the dwellings in direct line of sight from the house, even if they are some distance from the shared boundary itself. The reinstatement of estate railings and the planting of a native hedge along the boundary with the mowed lawn and rough grass would do little to negate the presence of built form on this open site, nor would the quality of the build and attention to design detailing sufficiently mitigate against the harm that would be caused.
18. Hence the proposed development would diminish the setting of the listed building and in turn have an adverse effect on its significance. As such, the proposal would harm the setting of the Grade II listed Sherbourne Priors and fail to preserve its particular significance.

Weighing up the harm to the heritage assets against the public benefits

19. The harm caused by the proposed development to the significance of the CA as a whole and the significance of the setting of the adjacent Grade II listed

building would be less than substantial. In such cases paragraph 202 of the Framework states that the harm should be weighed against the public benefits. In accordance with the statutory duties under Section 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990 and paragraph 199 of the Framework I attach great weight to the conservation of these heritage assets and to the harm that would be caused to them.

20. Balanced against this there would be a number of public benefits. The provision of 2 dwellings in a village identified for small-scale development would help contribute to the housing mix, including ground floor accommodation accessible for those with impaired mobility. However, there is not a shortfall in housing delivery as the Council is able to demonstrate a 5-year supply of housing. There would also be some modest socio-economic benefits arising from the construction of the dwellings and additional spend of future residents for the local area and patronage of local services and facilities. There would also be some biodiversity gain from the planting of a native hedge along the site boundary and other planting.
21. Drawing all the above points together, I conclude that the public benefits of the proposal, alone or in combination, do not outweigh the harm that would be caused to the significance of the heritage assets. The proposal would not preserve the setting of the Grade II listed Sherbourne Priors, nor would it preserve or enhance the character or appearance of the Sherbourne Conservation Area. Hence it fails the statutory tests and would be contrary to the Framework guidance.
22. Accordingly, the proposal would be contrary to Policies BE1, HE1 and HE2 of the Warwick District Local Plan. Collectively these seek high quality development that positively contributes to the character and quality of the environment mindful that new buildings can affect the setting of listed buildings and other heritage assets.

Conclusion

23. The proposed development would not accord with the development plan as a whole and the considerations I outline above do not outweigh this finding. Accordingly, for the reasons given, the appeal should be dismissed.

K Stephens
INSPECTOR