



Appeal Decisions

Site visit made on 30 January 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2024

Appeal A Ref: APP/J1860/W/23/3320609

The Old Post Office, Bayton, Kidderminster, Worcestershire DY14 9LJ

- 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 Helena Evans against the decision of Malvern Hills District Council.
 - The application Ref M/23/00051/HP, dated 19 December 2022, was refused by notice dated 13 March 2023.
 - The development proposed is the removal of two modern sash windows to the first floor of the rear elevation, reconfiguration of roof of single storey lean to extension to create balcony with glazed perimeter screen, insertion of glazed doors into extended window openings to access the balcony.
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Appeal B Ref: APP/J1860/Y/23/3320612

The Old Post Office, Bayton, Kidderminster, Worcestershire DY14 9LJ

- 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 Helena Evans against the decision of Malvern Hills District Council.
 - The application Ref M/22/01796/LB, dated 19 December 2022, was refused by notice dated 13 March 2023.
 - The works proposed are the removal of two modern sash windows to the first floor of the rear elevation, reconfiguration of roof of single storey lean to extension to create balcony with glazed perimeter screen, insertion of glazed doors into extended window openings to access the balcony.
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Decisions

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

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.
4. The appeals relate to development and works at The Old Post Office, a Grade II listed building (list entry no. 1301103) (the listed building) located within the Bayton Conservation Area (CA). The description of the proposal is the same for both the planning appeal (Appeal A) and the listed building consent appeal

(Appeal B). To reduce repetition, I have dealt with both appeals together in this decision letter. I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as appropriate.

Main Issues – both appeals

5. The main issues are the effect of the development and works on the Grade II listed building and any of the features of special architectural or historic interest that it possesses, and the extent to which the character or appearance of the CA would be preserved or enhanced.

Reasons

Significance and special interest

6. The listed building is a house dating from the early to mid 19th century, which has in the past been used as a Post Office. The house is constructed in red brick, with a hipped slate roof and presents its principal elevation directly onto the road. Although extended to the side and rear, the square plan of the main body and probable oldest part of the building is clearly discernible, in part owing to the proportions of the two-storey form and the balanced elevational treatment.
7. This is most apparent in the symmetrical two storey frontage which features four sash windows around a central door and pediment. Nevertheless, it is also legible in the upper parts of the remaining rear façade, which has a pair of gables, matching brick stacks to the sides and brick arched window apertures with proportions broadly consistent with window openings on the front elevation.
8. The significance and special interest of the listed building is derived from its plan form and architectural composition which reflects classical aesthetics popular in the early-mid 19th century. An important contributor to the architectural quality of the building is the use of red brick, and the Heritage Impact Assessment¹ refers to the use of locally fired bricks depicting a prosperous period in the history of the settlement. Hence, significance is also derived from the historic fabric of the building, and in particular, the older red brickwork. Additional significance and special interest come from the historical role the building played as a Post Office, which is consistent with its prominent central location in Bayton.
9. The CA covers most of the dispersed built form in Bayton, and consequently also includes notable intervening areas of open space. The distinctive spacious settlement pattern contains a significant proportion of historic vernacular buildings which reflect how building methods and materials have changed within the settlement over time. In combination with the prevalence of hedgerows and trees, and narrowness of the lanes these factors give the CA a strong rural character. The surrounding undulating landscape emphasises the obvious connection of Bayton with the land, whereby agriculture and coal mining have influenced the evolution of the settlement. The significance of the CA is derived principally from this interrelationship of historic buildings and the rural landscape.

¹ Prepared by CJ Richards MBE Conservation Services, Page 5

10. The Old Post Office makes a valuable contribution to the aesthetic significance of the CA, and its former use reveals clues as to how rural society functioned within Bayton. As such, the appeal site forms a notable and positive component of the distinctive character and appearance of the CA.

The appeal proposals

11. The proposals concern the rear elevation of the listed building, where it is proposed to remove two existing first floor windows and install French doors in reformed openings. These would lead out onto an area where the existing lean-to roof would be made flat and enclosed with glazed balustrading, thereby creating a first-floor balcony.

The effect on the listed building and CA

12. The proposed French doors would result in the proportions of the window apertures being altered and would appear obviously taller. Consequently, they would differ from the proportions of sash window openings in the front elevation. Hence, the proposals would weaken the architectural consistency of the building overall, thereby undermining an important component of the special interest of the listed building.
13. In addition, increasing the size of the openings would involve the loss of probable historic brickwork from the rear façade of the house. Although the loss would be small scale, it would nevertheless represent the erosion of an element that holds historic significance.
14. Moreover, the introduction of a sizeable balcony possessing a balustrade with an overt modern appearance, spanning the width of the main two-storey section of the rear elevation, would further interfere with the remaining 19th century architectural composition of the building. Introducing such an alien horizontal feature with its associated activity at first floor level would make the 19th century origins of the building harder to discern.
15. Therefore, taken together, rather than revealing the significance of the building, the proposals would act to blur aspects that I have identified as significant. Given that the side and rear of the building has already undergone considerable extension and alteration, to my mind it becomes more important to preserve the remaining characteristics of the rear elevation that presently contribute to that significance.
16. Both parties agree that the two upper windows to be removed are crude facsimiles of sash windows and are in poor condition such that they detract from the quality of the listed building. For similar reasons, I concur that their removal would not be injurious to the listed building. Nevertheless, it does not follow that alterations to the apertures and loss of historic brickwork as proposed should be inevitable consequences of their replacement, and I have found that those aspects would exacerbate harm to the listed building.
17. Consequently, the proposals would fail to preserve the special architectural and historic interest of the Grade II listed building, leading to conflict with sections 16(2) and 66(1) of the Act.
18. The appellant asserts that the rear elevation is not open to public view in part owing to the position of the neighbouring property (Pump Cottage, also a Grade II listed building). However, in general consistency with the reasoning of

other Inspectors brought to my attention², listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. Moreover, I am not aware that the statutory duties in the Act are confined to the consideration of only those aspects that might affect the public realm.

19. In any event, I was able to glimpse upper parts of the rear elevation from along Clows Top Road and from the public footpath to the east, which is shown on the Bayton CA map provided. This is reinforced by the observations of Bayton Parish Council in its consultation response. As such, the proposals would affect views from, and into, the CA, whereby the contrasting rear elevations of a series of listed buildings with differing architecture and age can be appreciated.
20. At my site visit I observed glazed balustrading along the rear of a nearby property, Charlbury House. However, this is a relatively modern building with an obviously different form to the appeal property and is not listed. It is not shown that it would be appropriate to take design cues from this building for the designated heritage asset.
21. Consequently, the proposals would have a disjointed visual effect on the rear of The Old Post Office and would have activity associated with the balcony that would unduly draw the eye. This would adversely contrast and distract from the earlier timber framed building adjacent at Pump Cottage. As such, the proposals would fail to preserve or enhance the character and appearance of the CA as a whole, and conflict would also arise with section 72(1) of the Act.
22. It follows that the proposals would cause harm to the significance of both the listed building and the CA as designated heritage assets. Given the relatively modest nature of the proposals, in the terms of the Framework, this would result in less than substantial harm in both instances.
23. Paragraph 205 of the Framework stipulates that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 further states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Whilst paragraph 208 indicates that harm should be weighed against the public benefits of the proposal.

Heritage balance

24. The removal of the existing poor quality windows would not of itself be harmful, and there would be some public benefit derived from general investment into the fabric of the listed building. However, there is little evidence to show that the appeal schemes would be the only way of securing such public benefits, and consequently, less harmful ways of achieving similar public benefits cannot be ruled out.
25. The appellant seeks to maximise solar gain and enjoy views of the landscape. In the absence of evidence to show that the listed building is deficient in terms of natural light or reasonable outlook, these essentially constitute private benefits for the occupants. Therefore, it is not shown that they would be of a

² Appendices 1 and 2, Council's Statement of Case

nature or scale to be of benefit to the public at large as described in the Planning Practice Guidance³.

26. In this case, the public benefits attract a minor amount of weight, which is insufficient to outweigh the great weight given to the harm identified. Hence, conflict arises with the historic protection policies in the Framework.
27. Furthermore, the proposals would be contrary to policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan, February 2016. These policies, when read together, amongst other things, seek to conserve and enhance designated heritage assets in accordance with the Framework, and require schemes to integrate effectively with their surroundings and reinforce local distinctiveness.

Conclusions

28. I find that the proposals would conflict with the statutory provisions of the Act, the historic environment policies of the Framework, as well as heritage and design policies in the development plan.
29. In relation to Appeal A, planning law requires that 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 taking a decision other than in accordance with the development plan.
30. Therefore, for the reasons given above I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

INSPECTOR

³ Paragraph 020 Reference ID: 18a-020-20190723