



Appeal Decisions

Site visit made on 13 February 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal A: APP/H1840/W/23/3327533

The Cottages, Broad Lane, Bishampton, Pershore WR10 2LY

- 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 John Dunn against the decision of Wychavon District Council.
 - The application Ref W/22/01901/HP, dated 24 August 2022, was refused by notice dated 12 June 2023.
 - The development proposed is a rear link extension, extensions to existing annex/garaging and construction of new porch.
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Appeal B: APP/H1840/Y/23/3327534

The Cottages, Broad Lane, Bishampton, Pershore WR10 2LY

- 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 John Dunn against the decision of Wychavon District Council.
 - The application Ref W/22/01902/LB, dated 24 August 2022, was refused by notice dated 12 June 2023.
 - The works proposed are a rear link extension, extensions to existing annex/garaging and construction of new porch.
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Decision

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

Preliminary Matters

3. As the appeals relate to a listed building I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, after the appeal was made. However, the revisions are not directly relevant to the main issue in this appeal. I am therefore satisfied that the interests of the main parties will not be prejudiced by this change.
5. The appellant does not dispute the 17th century origins of the building or that it is a listed building. However, he considers that its historic core has been removed, the listed building is a modern replica with little to no original fabric remaining, and as such it has no historic or architectural significance. On this basis, he considers the listing is merely an administrative entry that should not still apply. However, no robust heritage assessment¹ has been provided to

¹ As referred to by Local Plan policy SWDP24 and Framework paragraph 200

demonstrate that the special interest of the listed building has been lost and no application has been made to have it de-listed. Accordingly, while I have taken into account the previous works and extensions to the building, the legislative and policy protection afforded to listed buildings nevertheless applies.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, "The Cottages" (Ref: 1117078) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. The LB was listed in 1972 and it dates from the 17th century. Although now one dwelling, it was originally two cottages described as a timber frame building with whitened brick nogging, casements, plinth, two gabled dormers and a pitched tile roof with gabled ends.
8. Submitted photographs illustrate comprehensive repair and refurbishment of the LB in the 1980s. This appears to be consistent with planning permission Ref: 86/01090². I understand that much of the historic timber framing to external elevations was replaced with modern machine-cut timber and a modern brickwork plinth constructed. However, the photographs appear to illustrate traditional timber-frame construction techniques. Moreover, little substantive evidence has been provided to establish the extent of remaining historic fabric in relation to the timber-frame, infill panels and roof.
9. The existing modern extensions³ to the rear have a far greater footprint and bulk than the LB. In views from the side and the rear, the extensions are disproportionate in scale and they overwhelm the historic building. However, in closer views of the front of the LB, the overly large rear extensions are not readily apparent. While the garage block is similarly disproportionate in scale to the LB, it presents a functional gable end to the road, rather than its more domestic long side elevation. Moreover, the garage is set deep within the plot to the rear of the LB, and it is visually well-separated from the dwelling. Consequently, while the modern extensions and garage building cumulatively far exceed the size of the historic building, nevertheless the LB continues to be read as a modest historic dwelling.
10. Furthermore, notwithstanding the repairs to the LB and the various extensions, some historic fabric survives, as apparently does the historic plan form. Given the above, I find the special interest of the LB, insofar as it relates to these appeals, to be related to its architectural and historic interest as a modest rural dwelling constructed in the local vernacular timber-framing tradition.
11. From the direction of Main Street to the west, the proposed single storey extensions would be largely screened from views by the existing dining room rear extension. However, the garage building would be increasing prominent by virtue of its proposed rear extension and changes to fenestration along its side elevation.

² "Demolition of rear extension repairs to timber frame and infill panels re roofing re build original dormers new extension to the rear detached do", approved September 1986

³ Including single storey extension to form a larger lounge area (Ref: 94/00797), conservatory to rear (Refs: W/95/00920/PP and W/95/0921/LB), erection of a front door lobby enclosure with pitched roof (Refs: W/97/01720/PP and W/97/01721/LB), single storey porch to rear door from kitchen (Refs: W/01/00116/PP and W/01/00117/LB), single storey garden room (Refs: W/07/01231/PP; W/08/02245/PP and W/08/02269/LB)

12. Viewed from the front and the east, the proposal would be visible in closer juxtaposition with the LB. The single storey garage extension would encroach forwards in the plot towards the LB, reducing the visual separation between the historic frontage and modern buildings. The extended front elevation of the garage would be nearly as wide as the LB and the extensively glazed garage gable end would appear domestic and conspicuously contemporary. As a result, the linked garage building would be a prominent and incongruous feature that would detract from the LB.
13. The single storey extensions would be subservient in height and scale to the extended LB. Moreover, the extensions would abut the modern dining room extension and garage rather than the LB directly and there would be no loss of historic fabric. However, the linking of the dwelling and the garage would remove the physical and visual separation between the dwelling and the ancillary outbuilding. The proposal would create a substantially large and complicated modern building, which would overwhelm the LB and erode its legibility as a modest detached rural dwelling in a historically large and undeveloped linear plot.
14. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
15. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. The appellant is of the opinion that the proposal would be beneficial because it would provide additional storage space for his sports car collection and provide office accommodation in the outbuilding. However, these are private benefits, particularly taking into account that the large outbuilding already provides a generous amount of garage space and internal living space. Even accepting that the significance of the LB has been diminished by previous interventions, the benefits do not outweigh the harm that I have identified. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
17. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with policies SWDP6, SWDP21, SWDP24 and SWDP25 of the South Worcestershire Development Plan Adopted February 2016 that seek, among other things, to ensure that proposals conserve and enhance heritage assets,

integrating into their surroundings and reinforcing local distinctiveness. As a result, the proposal would not be in accordance with the development plan.

Other Matters

18. Amended plans (Refs: 004B, 005B and 006B) have been submitted with the appeal. The appellant states that these were submitted to the Council in 2021, but the scheme was subsequently revised. The Council's evidence does refer to both an original scheme and an amended scheme (Refs: 004C, 005C and 006C). However, I cannot be certain that the amended plans with the appeal, which were submitted to the Council before the applications were made in 2022, are the same plans that were originally submitted with the applications. Nevertheless, as I have found that the proposal would result in harm, it follows that the amended plans, which would result in a greater quantum of development, would also result in harm and conflict with the development plan.

Conclusion

19. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Sarah Manchester

INSPECTOR