



Appeal Decision

Site visit made on 28 March 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/J1860/W/23/3330102

School House, Crown East, Rushwick, Worcestershire WR2 5TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Harris against the decision of Malvern Hills District Council.
 - The application Ref is M/23/00202/FUL.
 - The development proposed is the extension of an existing garage to provide covered secure parking for 3 vehicles and solar panels to south facing roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the appellant's appeal form and the Council's decision notice.

Main Issues

3. The main issues are: (i) the effect of the proposed development on the setting of the Church of St. Thomas, a Grade II listed building; and (ii) whether the proposed development would be ancillary to the main dwelling.

Reasons

Listed Building

4. The appeal site is located adjacent to the Grade II listed church. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The significance of the asset arises from its general appearance, having been built from red brick with limestone dressings, a slate roof and a decorative bellcote. In part, the setting of the building is also characterised by the spacious and verdant feel of the immediate surrounds.
5. It is likely that the proposed extension to the existing garage would only be glimpsed from the church building itself. However, an integral part of the setting of the church is the adjoining churchyard. From this location, the extension to the garage, along with the proposed solar panels on the south facing part of the roof, would be highly visible. In terms of appearance, the proposed extension would match that of the existing garage, being of red brick construction and red roof tiles. Nevertheless, the extension would add a reasonably significant amount of additional built form, and in my view, its proximity to the churchyard would appear overbearing and would make the

immediate surrounds feel less spacious. Views of the mature trees beyond the appeal site would also be partially blocked, thereby eroding the existing verdant feel.

6. Furthermore, the proposed solar panels would be a highly conspicuous and modern feature which would clearly be at odds with the more traditional features of the church and the general surrounds. The design of the panels, which would be flush to the roof tiles, would do little to mitigate this harm.
7. Therefore, in combination, the extended garage, and the proposed solar panels, would lead to 'less than substantial harm' to the setting of the listed building and the contribution that this makes to its significance. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
8. In this instance, the benefits of the scheme would be entirely private in nature, by providing additional secure parking and by making the host dwelling more energy efficient. As such, I conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail to preserve the setting of the listed building and would result in harm to its significance. This would fail to satisfy the requirements of the Act and the Framework, and would also conflict with Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan, February 2016 (DP). Taken together, the relevant aspects of these policies seek to preserve the historic environment.

Ancillary Building

9. The South Worcestershire Design Guide Supplementary Planning Document, March 2018 (Design SPD), sets out that buildings such as garages should be subordinate in scale and similar in style to the existing property, while also being sited close to it. Furthermore, it also states that careful consideration should be given to ensuring that such proposals could not effectively be creating a new independent dwelling.
10. In this instance, I accept that the extended garage would be reasonably large and in theory could be served by the second access point into the site. However, the garage would still clearly be subordinate to the main dwelling in terms of size and appearance. It is also situated close to the house. In addition, the description of development explicitly identifies that the proposal is for a garage extension, and so any future plans to use it as an independent dwelling would require separate consent.
11. As a result, I am satisfied that the proposal would not conflict with DP Policies SWDP2 or SWDP21, which in part, seek to ensure that development is well designed and that it accords with the adopted spatial strategy for the area. There would also be no conflict with the Design SPD, the relevant aspects of which seek to ensure that new outbuildings are well sited and designed and would not form independent dwellings.

Other Matters

12. The appellant has suggested that they would be willing to remove the solar panels from the proposed development. However, I have found harm in

relation to both the extended garage and the solar panels, and so this would make no difference to the outcome of the appeal.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR