



Appeal Decision

Site visit made on 17 September 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2024

Appeal Ref: APP/P1805/W/24/3338865

45A Linthurst Road, Barnt Green, Worcestershire B45 8JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Paul Spittle against Bromsgrove District Council.
 - The application Ref is 23/00151/FUL.
 - The development proposed is extensions and alterations to dwellinghouse to include porch, first floor, rear and side extension and a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to dwellinghouse to include porch, first floor, rear and side extension and a single storey rear extension at 45A Linthurst Road, Barnt Green, Worcestershire B45 8JL in accordance with the terms of the application, Ref 23/00151/FUL, and the plans submitted with it, subject to the following condition:
 - 1) Within three months of the date of this permission a Level 1 Historic Building Recording (as defined by Historic England) shall be completed in accordance with the guidelines laid out in the Standards and Guidelines for the Archaeological Projects in Worcestershire and submitted to the local planning authority and the County Historic Environment Record.

Preliminary Matters

2. The description of development given above is taken from the press advert and the appeal form as it is a more accurate portrayal of the appeal proposal. I have, however, omitted the word 'retrospective' as it does not describe an act of development.
3. Development had been carried out at the time of my site visit that did not fully accord with what is shown on the appeal plans. The front door was positioned centrally under the porch and upper floor window rather than being off centre as shown on the plans, and the side window to the front door was deeper. The eaves to the gable above the front door are shown on the plans to be lower than the cill of the upper floor window and in line with the porch ridge, however the eaves I observed were higher than the ridge and the cill. In addition, one of the windows at the ground floor of the north side elevation is shown on the plans as having two glazed panels and being positioned partially within the gable, whereas the window I observed was divided into three glazed panels and located beyond the gable.

4. I also observed a rear balcony, however it has been confirmed that this does not form part of the appeal proposal and I have determined the appeal on that basis.
5. For the avoidance of doubt, whilst I agree with the Council that the differences between the plans and the development as constructed are minor in all respects other than the balcony, my responsibility is to determine the appeal based on the scheme as it appears on the appeal plans, as a proposed scheme.

Main Issue

6. The main issue is the effect of the proposal on the significance of a non-designated heritage asset and whether it would preserve or enhance the character or appearance of the Barnt Green Conservation Area.

Reasons

7. The appeal site is within the Barnt Green Conservation Area (CA). I have therefore had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area as set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
8. From my observations, and the evidence before me, the significance of the CA is derived, in part, from its spacious residential layout within a verdant street scape. The character of the CA varies from a lower density more sporadic pattern of well crafted three storey palatial dwellings on the west side, to a higher density two storey 20th century and more formal housing layout on the eastern flanks.
9. The appeal property is thought to be a service building to the neighbouring Shepley Manor, 41 Linthurst Road, a building that has historic and architectural significance due to its connection with Henry Mitchell of a prominent midlands brewing firm, with the building and later extensions being designed by leading architects of the time. It is deemed by the Council to be a non-designated heritage asset (NDHA). Having carefully considered the evidence before me, I find this to have been a reasonable conclusion to reach.
10. The extensions and alterations forming part of the proposal shown on the appeal plans, which exclude the balcony, reflect the design of the building as it appeared prior to the works being undertaken, set out in the appeal documents. The additions are of a proportionate scale, with the 'original' form remaining legible. As such, the proposal as shown on the appeal plans would not lead to any material loss of significance to this NDHA. In addition, it would not harm the character and appearance of the CA as the form and design of the dwelling would be respected and the verdant street scape would not be eroded.
11. The Council has not raised concerns about the minor differences between the development as constructed and that shown on the appeal plans and based on my observations and the evidence before me, I find no reason to disagree. Nonetheless, as set out above, I must determine the appeal based on the scheme as it appears on the appeal plans.

12. I therefore conclude that the proposal, as shown on the appeal plans, would not harm the significance of a non-designated heritage asset and would preserve the character and appearance of the CA. Consequently, it would accord with Policies BDP19 and BDP20 of the Bromsgrove District Plan which seek high quality design and to preserve or enhance the significance of heritage assets.

Other Matters

13. The Council considers that the proposal is not inappropriate development in the Green Belt within which it lies. There is nothing before me that would indicate that such a conclusion is incorrect.
14. The Council has found that the proposal would not result in unacceptable harm to the living conditions of the occupiers of neighbouring properties and I have been presented with no substantive evidence that would lead me to disagree.
15. I acknowledge that the development that has been carried out is not in accordance with previously approved plans and does not fully accord with the appeal plans. Nevertheless, breaches of planning control are matters that do not relate to the merits of this scheme and are for the Council to address.

Conditions

16. The Council has recommended a condition requiring the carrying out of a Level 1 Historic Building Recording. I have carefully considered the appellant's objection to the condition, nonetheless, given the historic significance of the building, I consider that it is necessary. I have, however, amended its wording to reflect that the dwelling is occupied and included a requirement that the record is submitted to the Council so that it can monitor compliance.

Conclusion

17. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR