

Appeal Decision

Site visit made on 23 October 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/R3705/W/24/3347477

141 High Street, Coleshill, Warwickshire B46 3AY

- 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 D Poulton against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0250.
 - The development proposed is the construction of 2 new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Refusal reason 1 on the Council's decision notice refers to harm to the setting of a listed building but does not explicitly identify it. Nevertheless, it is reasonably clear from the Officer's Observations report that it concerns the official list entry named 'Public Library, 141, High Street' (Listed Entry Number: 1034663). The property is no longer used as a library and is referred to by both parties as Coleshill House. For consistency and to avoid confusion, I shall do the same.

Main Issue

3. The main issue is the effect on the character and appearance of the area, including having special regard to the significance of Coleshill House, 141 High Street a Grade II listed building (the listed building) and the Coleshill Conservation Area (CA).

Character and appearance and designated heritage assets

4. Coleshill House is a handsome, 3 storey, 5 bay house that presents its principal elevation directly onto the High Street. Dating from about 1800, its most public elevation exhibits the symmetry, balanced proportions and sash window fenestration synonymous with Georgian architecture. It dominates the group of frontage development that lines the eastern side of the High Street at this point. It is adjacent to nos.137-139 (also Grade II listed) a probable former service wing to Coleshill House, and no.143 to the south

(also separately Grade II listed) which includes the former stables/coach house.

5. The information and historic mapping provided show that Coleshill House had generous grounds to the rear that extended to a back lane to the east (accessed off Maxstoke Lane). Today, the rear walled boundary to the grounds and back lane effectively marks the edge of the town. Wide ranging views over the open countryside to the east are possible from the back lane. The 1887 OS map extract¹ shows the garden layout was compartmentalised, with a pleasure garden directly behind the main house, and a more functional kitchen garden space to the south-west, likely to have been used for food production. There are surviving sections of brick walling within and along the boundaries of the grounds broadly consistent with the compartmentalised layout.
6. The significance of the listed building is derived from several components. Firstly, there is a historic association with the Winfield-Digby family, a local notable family in the development of Coleshill. Secondly, the building possesses considerable architectural and aesthetic value as an example of a Georgian residence. This is augmented by its grouping and historic association with the listed buildings that flank it. The hierarchy of the scale and architecture of the house relative to its more modest neighbours, mirrors the likely higher social standing of the historic occupants. The configuration provides insight into the social and economic structure of the time.
7. In addition, the extent of the grounds is a notable part of the setting of the listed building both as legible historic curtilage and an indicator of wealth. The configuration providing aesthetic and productive areas of the garden together with their respective relationship to the main house, allows for a deeper understanding of the likely past living arrangements of a higher status family. The evidence provided indicates that the productive working areas were situated more distant from the house, and deliberately concealed from direct outlook². Hence, some significance arises from the distinct functional elements of the grounds and their interrelationship with each other and the main house.
8. The listed building and grounds lie within the CA. The CA covers the older core of the broadly linear town that sits on a ridge along a historic coaching route between London and Liverpool. Its significance principally comes from the layers of history evident in the buildings, spaces and natural environment which tell a story of how the town evolved over the centuries. This includes the tightly packed vernacular buildings that line the High Street which result in a rich townscape. The listed building makes an important positive contribution in this respect. However, the building and its historic grounds also show how the pattern of development graduated out, from a closely packed urban character via transitional grounds towards the edge of the town with open agricultural countryside beyond.
9. The appeal site is a broadly rectangular parcel of predominantly grassed land that forms part of the outer grounds to the former working garden area of

¹ Fig.1, Page 12, Heritage Appeal Statement prepared by Asset Heritage Consulting

² Paragraph 3.16, Heritage Statement prepared by Asset Heritage Consulting

the listed building. There is a gated access within the rear boundary brick wall onto the back lane. Consequently, by comparison to other parts of the grounds, it has a more removed position relative to the main house. Nevertheless, given the brick walling and physical linkages to other parts of the historic curtilage, it is discernible as part of the wider historic grounds. The general absence of built form combined with the presence of vegetation and established trees gives it a verdant and spacious character and appearance. Although not presently in productive use as a kitchen garden, it is sympathetic to the adjacent area that is being used as such³. These aspects of its character and appearance reinforce its historic function and association with the listed building. Consequently, I find it makes a small but meaningful contribution to the setting of the listed building, and thereby enriches its significance.

10. The attractive boundary brick wall adjacent to the informal back lane gives some enclosure to the site but does not override the sense of spaciousness deriving from the limited extent of built form and the proximity of open countryside. My observations of the CA were that adjacent to the appeal site, it had a peripheral, semi-rural character, and the appeal site positively contributes to those open, spacious and verdant qualities.
11. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) contain statutory duties to have special regard to the desirability of preserving listed buildings and their settings, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
12. The proposal would introduce two sizeable detached houses onto the land. Inevitably their physical presence would markedly reduce the extent of spaciousness. Moreover, the increase in built volume between 15 Maxstoke Lane and the car park to Chantry House would result in a noticeably harder urban edge to the settlement along the back lane. Whilst no.15 and the car park are referred to in the submitted Design and Character Assessment, it is not asserted that either are positive components of the CA. My observations were that neither enhance its valuable qualities, rather the contrary. Hence, the proposal would erode positive qualities of the appeal site and augment negative aspects of the context. This would run counter to advice in the National Design Guide⁴ for well-designed new development.
13. Additionally, the creation of two separate dwelling units would further subdivide the historic grounds of Coleshill House, thereby further diluting a longstanding relationship between the house, garden and wider grounds. This would make it harder to understand the curtilage and appreciate the historic interest of the listed building.
14. It is explained that the design concept for the two dwellings is to be evocative of workers estate cottages⁵. The dwellings would incorporate elements of traditional vernacular architecture in this respect. Nevertheless,

³ Plates 24-25, Heritage Statement prepared by Asset Heritage Consulting

⁴ Paragraph 40

⁵ Paragraph 4.2, Heritage Statement prepared by Asset Heritage Consulting

I cannot agree that the design concept would be successfully executed for the following reasons.

15. Firstly, the dwellings would be large. Each four-bedroom dwelling would have a deep footprint necessitating two pitched gables to the side elevations broadly appearing as two ranges. There would be a single storey rear extension beyond that. The appellant confirms⁶ that the plot size for each dwelling represents a larger than average plot size in comparison to other similar detached 4 bedroom dwellings in the area. Hence, the scale of the dwellings would not be commensurate with more modest accommodation typically provided for estate workers, and so would fail to convincingly pass as estate cottages.
16. In addition, the dwellings would be detached with an incongruous nominal gap between the two. This would appear discordant, as it is unlikely that the expense involved in such a configuration, in comparison to a pair of dwellings, would have been used historically for such accommodation. The set back from the lane with a vehicular driveway to the front would also be generally uncharacteristic for historic estate cottages. Neither are these aspects in keeping with the more modest terrace arrangement and narrower footprint of 1-7 Maxstoke Lane that is brought to my attention⁷.
17. Instead, the factors highlighted hold more in common with sub-urban development, which undermines the design concept. My finding is reinforced by the Design and Character Assessment⁸, which explains that the siting of the plots continues linear development seen in suburban dwellings at no.15 and along The Drive to the south. These factors would result in an inconsistent and confused design concept that would be detrimental to the verdant and spacious character and appearance of the appeal site.
18. Consequently, there would be little in the proposed location, scale or appearance of the dwellings that would better reveal or reinforce the historic significance of Coleshill House, nor would they preserve or enhance the important qualities of the CA.
19. The appellant contends that the dwellings would be concealed from public view by the boundary wall and a hedgerow along the frontage to the back lane. However, the height of the hedgerow cannot be guaranteed, and given that the gated opening would serve both dwellings, it is more likely that it would be left open for convenient vehicular access thereby allowing views into the site.
20. My attention is also drawn to the lack of intervisibility between the listed building and the proposed location of the dwellings. Nevertheless, as already outlined, it is probable that there was never intended to be visibility to the working garden. This separation and compartmentalisation of the grounds was likely deliberate. Thus, whilst this factor would limit the degree of harm to the overall heritage value of the listed building, it would not negate it altogether.

⁶ Page 22, Design and Character Assessment

⁷ Paragraph 4.6, Heritage Statement prepared by Asset Heritage Consulting

⁸ Page 23

21. Taking these factors together, the dwellings would read as an incongruous incursion that would harmfully erode the relationship of Coleshill House with its grounds. Consequently, it would undermine the significance of the listed building. It would further impinge harmfully on positive attributes of the CA, and thereby would fail to preserve or enhance its character and appearance. Therefore, conflict would arise with sections 66 and 72 of the Act respectively.
22. In the parlance of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm to the setting of the listed building, and therefore its significance as a designated heritage asset. For similar reasons, there would be less than substantial harm to the CA as a whole.
23. Paragraph 208 of the Framework states that in these circumstances, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the designated heritage asset.

Heritage balance

24. The principal benefit would be the provision of additional dwellings to the overall housing mix and supply in an accessible location. Associated with that are social and economic benefits arising from its construction and the likely expenditure of future occupants. Nevertheless, the extent of such benefits accruing from two dwellings would be modest.
25. In addition, the proposal would make more efficient use of the land. However, paragraph 128d) of the Framework states that the desirability of maintaining an area's prevailing character and setting should be taken into account. Given the harm identified above, this tempers the positive weight given to this factor.
26. It is indicated that proceeds arising from the sale of the proposed dwellings would secure funding towards ongoing work to restore Coleshill House. I accept that the sympathetic restoration of listed buildings amounts to a public benefit, but in the absence of any mechanism to secure the proceeds of the proposed development to be used in this manner, this is a matter that attracts little weight.
27. Taken cumulatively, I find there are public benefits of moderate weight that weigh in favour of the proposal. Paragraph 205 of the Framework stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Hence, the less than substantial harm found to the listed building and CA each attract great weight. On that basis, the sum of public benefits is insufficient to outweigh the identified harm. Accordingly, the proposal would conflict with national policies contained in the Framework that seek to protect the historic environment.
28. For the reasons outlined above, I find that the proposal would be harmful to the character and appearance of the area and would result in unjustified harm to designated heritage assets. Therefore, the development would be contrary to policies LP1, LP15 and LP30 of the North Warwickshire Local

Plan, September 2021 and policy ENP1 of the Coleshill Neighbourhood Plan 2015-2030, made 2017. Amongst other things, these policies require development to integrate appropriately with the historic environment, conserve or enhance the significance of heritage assets and be compatible with local character.

Other Matters

29. It is highlighted that the Council did not object to the proposal having regard to highway matters or the living conditions of neighbours. It is also outlined that the proposal would not harm the setting of the listed church which lies some distance to the north. Be that as it may, the absence of harm in these respects does not amount to a positive benefit, rather they are neutral factors in the overall planning balance.
30. I have taken account of the representations received, including those made in support, but ultimately, they do not lead me to find otherwise on the merits of the proposal. I have also had regard to the Written Ministerial Statement dated 30 July 2024 entitled 'Building The Homes We Need' which sets out the Government's intended policy direction and strategy in relation to boosting housing. Whilst contextually material, I do not consider the general statements of policy direction were intended to be directly applied to individual cases. Hence, I have attributed it limited weight in favour of the proposal.

Planning balance and conclusion

31. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found the proposal would cause unjustified harm to designated heritage assets which are an irreplaceable resource and would fail to be sympathetic to local character and history. Consequently, the appeal scheme would conflict with heritage and design policies in the development plan, relevant national policy and the expectations of the Act.
32. The public benefits arising from the scheme detailed in the heritage balance above are also relevant to the overall planning balance. However, those material considerations as well as the other matters raised would not justify deciding other than in accordance with the development plan taken as a whole.
33. Therefore, for the reasons given above the appeal should be dismissed.

Helen O'Connor

INSPECTOR