



Appeal Decisions

Site visit made on 12 August 2024

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2024

Appeal A Ref: APP/H1840/W/23/3333273

Winnall Cottage, Winnall Lane, Lincomb, Hartlebury, DY13 9RG

- 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 Shannon against the decision of Wychavon District Council.
 - The application Ref is W/23/00294/HP.
 - The development proposed is an extension to form a dining area on the ground floor, new bedroom, en-suite and dressing area on the first floor and alterations to the ground floor.
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Appeal B Ref: APP/H1840/Y/23/3333276

Winnall Cottage, Winnall Lane, Lincomb, Hartlebury, DY13 9RG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Martin Shannon against the decision of Wychavon District Council.
 - The application Ref is W/23/00295/LB.
 - The works proposed are an extension to form a dining area on the ground floor, new bedroom, en-suite and dressing area on the first floor and alterations to the ground floor.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Preliminary Matters

3. The appeals concern works and development at the Grade II listed Winnall Cottage (List Entry Number: 1173469).
4. Section 16(2) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Main Issue

5. The main issue in both appeals is whether the proposed works and development would preserve the Grade II Winnall Cottage listed building or its setting or any features of special architectural or historic interest that it possesses.

Reasons

6. The appeal site is located on the edge of a rural hamlet, close to the River Severn. It has an extensive garden from which the appeal building is readily visible and provides its setting. The list description dates it from the seventeenth century and the Design and Access Statement suggests it is a cottage typical of the original rural buildings in the area.
7. The special interest and significance of the building is derived from its timber frame, which shows its rustic, vernacular origins as well as simple linear form; these characteristics are readily evident in spite of some extensions. The garden and driveway form the setting of the listed building and contribute to its significance by allowing open views.
8. The proposal would adjoin an existing extension and would considerably increase both its width and length. When experienced from the driveway to the north side of the house, the extension would obscure the timber frame from view, thereby diminishing its appreciation. Moreover, the extension would be readily experienced from the garden where its large width and long outward projection would be dominating. This would both divert attention away from the timber frame, thereby reducing its presence, as well as changing the linear form of the house. The proposal would be particularly harmful when seen from the south side, where the timber framing around the gable end is intricate and the linearity is most apparent.
9. I therefore find that the proposal would lead to less than substantial harm to the listed building.
10. Policy SWDP6 of the South Worcestershire Development Plan (February 2016) requires development proposals conserve and enhance heritage assets and similarly Policy SWDP24 requires sympathetic adaption of historic buildings. Policy SWDP21 requires all development to be of a high design quality, reinforce local distinctiveness and conserve and where appropriate enhance heritage assets, to which the proposal would be contrary. The Ombersley and Doverdale Neighbourhood Development Plan October 2021 (NDP) Policy TOAD9 requires development maintains and enhances local distinctiveness, against which the proposal would conflict.
11. The Council suggest the proposal would be contrary to Policy SWDP 25 in their decision notice. This is titled landscape character and requires proposals integrate with their landscape setting. However, based on the submitted evidence and my own observations, I find the extension being within a domestic garden setting, would not be harmful to the landscape and so would not be contrary to SWDP25.

Heritage and Planning Balances

12. Whilst the harm arising would be less than substantial; however, Paragraph 205 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 206 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.

13. The extension would provide an enlarged kitchen, dining space and w.c. which would provide additional space for the occupants contributing to their everyday living conditions, and improving the housing stock.
14. However, taking the public benefits together as a whole I conclude that they would not be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage asset.
15. I have found above that the proposal would be harmful to the listed building so would be contrary to Policies SWDP6, SWDP21 and SWDP24 as well as Policy TOAD9 of the NDP.
16. I consider that the proposed works and development would fail to preserve the setting and special architectural or historic interest of the Grade II listed building. Consequently, the proposal would be contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 11(c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development plan without delay. In respect of Appeal A, the proposal would be contrary to the Development Plan when taken as a whole and material considerations do not indicate the proposals should be approved.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

John Longmuir

INSPECTOR