



Appeal Decision

Site visit made on 26 November 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/J3720/Y/24/3347589

50 Sheep Street, Shipston-on-Stour, Warwickshire CV36 4AE

- 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 Lamble against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02558/LBC.
 - The works proposed are two and single storey rear extension and general repair and decoration to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description above is taken from the Council's decision notice as it more accurately describes the proposed works than the appellant's description on the application form. Moreover, on the appeal form the appellant indicates the description of the proposal has not changed yet proceeds to replicate the Council's description and goes on to use an abridged version of it when describing the proposal in their appeal statement. Thus the appellant has effectively agreed to the Council's description.
3. An associated application seeking planning permission for the proposal was also refused by the Council. No appeal to this decision has been made. For the avoidance of doubt, my considerations and conclusions relate solely to the application and appeal for listed building consent to which the statutory duty set out in Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act) applies.
4. The appeal property is also located within a conservation area to which the statutory duty set out in Section 72(1) of the Act applies. The proposal's effects on the character and appearance of the conservation area did not form part of the Council's reasons for refusal with the Council concluding no harm. Nonetheless, as decision-maker, I have a statutory duty under Section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. As both parties have assessed the matter in their evidence, albeit briefly, I am satisfied that neither party would be prejudiced by my considering it in determination of the appeal.

Main Issues

5. In light of the above and my statutory obligations the main issues in this appeal are whether the proposal would i) preserve the Grade II listed building known as 50 Sheep Street¹ or its setting, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Shipston-on-Stour Conservation Area (the SoSCA).

Reasons

Special interest and significance of the heritage assets

6. The host property is a Grade II listed terraced dwelling dating from around the mid-18th century. It has a 2-unit plan and is 2 storeys plus attic, but the front dormers are 20th century additions. Probably of squared coursed lias stone, it is now rendered. At the rear there is a long catslide roof, which I saw was a striking and dominant feature of the rear of the property. The listing, made in 1952, refers to the property having a slate roof but I saw there were plain tiles on the rear roof slope, which the appellant suggests are from the 1970s. The listing states that the interior was not inspected but 'likely to be of interest'. From the plans and my site visit it is evident that the property retains its historic internal floor plan including its 2-unit plan with one room either side of the central entrance door and hall with a staircase up through the building, and being one room deep. The building also retains some other historic features such as exposed timber framing, large inglenook fireplaces and flagstone flooring. The Council's Conservation Officer considers the single storey extension running along the rear elevation beneath the catslide roof to most likely be Victorian.
7. From the evidence before me, and my observations on site the special interest and significance of the listed building, insofar as it relates to this appeal, are largely derived from its architectural and historic interests in illustrating a mid-18th century domestic terraced town property. The building's age, use of traditional materials and construction and surviving historic internal layout, fabric and features make important contributions in these regards. The building also has group value as part of the street scene and wider townscape.
8. The special interest and significance of the asset are also drawn in part from its immediate setting. The adjacent highway at the front and the enclosed garden, together with Townsend Hall and its yard at the rear are the main spaces that allow the appeal property, particularly its striking rear roofscape, to be experienced and its significance appreciated. Hence, the building's immediate setting positively contributes to its special interest and significance.
9. The building is also located within the SoSCA, which is centred on the historic core of the town. Sheep Street is one of the main historic routes into the town that culminates in the market place and High Street. The properties along it are generally terraced along the back edge of the pavement. Whilst most are of a similar scale to the appeal property, there are a number of grander and larger properties in the street, such as The Manor House, The Old Rectory and

¹ National Heritage List for England: list entry number 1355621

the Police Station, which are indications of the importance and status of the road in the town's history.

10. From the evidence before me and what I saw during my site visit, I consider the character and appearance of the SoSCA, and thus its special interest and significance, are in part derived from the architectural richness and variety of its surviving historic buildings and street pattern that reflect the economic and social development and growth of Shipston-on-Stour. The listed building is a part of the street scene of Sheep Street and hence an important component of the townscape within the SoSCA. Its heritage merit as well as its aesthetic charm means that the listed building positively contributes to the character and appearance of the SoSCA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

11. The proposed rear contemporary-designed extension would replace the existing conservatory. It would be part two storey and part single storey, contributing to the parties referring to it as being 'stepped'. The single storey flat-roof extension with skylight would occupy about twice the footprint of the existing conservatory, extending up to the boundary wall that runs along the yard at Townsend Hall and projecting further into the rear garden. The eastern elevation would comprise Crittall-style glazing with anthracite thin aluminium door and window frames. This element of the extension would have a shallow mono-pitched roof. There would also be full height glazed doors off the end elevation.
12. Above this a first floor, flat roof extension (making the two storey part) would project out from the rear roof slope. The glazed mono-pitch roof below would attach to the front face of the upper floor extension. There would be a full height glazed window overlooking the flat roof of the single storey extension below. Two 'conservation' roof lights would also be inserted in the roof to serve the two bedrooms in the attic.
13. There are no existing openings in the rear catslide roof slope, which is specifically mentioned in the listing description. Due to its long sweep, the rear elevation wall of the existing single storey extension is somewhat diminutive and unimposing.
14. The proposed extension would puncture the uninterrupted roof slope and introduce stepped flat roof forms, at odds with the long sweep of the roof. The extension would be sizeable and would occupy almost half of the roof slope as it would extend halfway across the width of the property and extend upwards half way up the roof slope and extending beyond the eaves level of the adjacent properties. As a result the extension would loom large, be unduly dominant, and would fragment the distinctive roof slope and overpower the property. Whilst there would be no loss of historic roof covering, the extension would result in the loss of a historic roof form and design on this building.
15. Whilst the appellant justifies that the flat roof design would involve less physical intervention with the roof and less structural engineering, the result would be to almost obliterate the existing form and design of the roof. It may be that the existing roof form is not a rarity in itself, but it is nonetheless a distinctive and characterful feature of this particular property and forms part of its special interest and significance. Whilst the building may not be Grade

II* or Grade I listed, it is still statutorily designated as being of special architectural or historic interest. In considering whether to grant listed building consent for any works requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interests which it possesses.

16. The adjacent Townsend Hall is a large and prominent community building that is visually prominent from the rear of the property and garden. Its large windows were part of the inspiration for the Crittall-style glazing for the proposed extension, as well as the appellant's desire to bring more light into the property. Glazing can often be used to create lighter-weight structures and indicate junctions between older and new building fabric. The existing conservatory does this. The extension's contemporary design, with large areas of glazing, would be legible as a modern phase of intervention and would allow views through to the host building.
17. However, the proposed large vertical expanses of full-height glazing would disrupt the solid-to-void ratio of the host building and appear visually at odds with the notable lack of glazing and door and window openings on the rear elevation, apart from the existing ground floor windows to the kitchen and cloakroom. The use of local stone would reflect the use of the stone in the low level existing rear wall elevation, but its use on the end elevation around the full height glazing and extending upwards beyond ground floor eaves level would disrupt the proportions and scale of the rear elevation. Furthermore, the continuation of stone vertically upwards into the roof slope, effectively creating a 'stone dormer', serves to accentuate the overly massive flat roof and bulky form of the extension projecting out from the sweeping roof. As a result, there would be a jarring between the distinctive sweep of the roof and the mix of part-heavy, part-lightweight sizeable box-like structures of the extension. The form, design and materials would combine to create an addition that would not sit comfortably on the building.
18. Whilst the Council raises no objection to the two rooflights, they nonetheless would see the introduction of openings and further erode the uninterrupted roof slope. I saw that the rooms they would serve are already well lit with natural light from the front dormers.
19. No details or sections have been provided to show how the extension would connect to the rear of the listed building and the effects these works would have on existing fabric of the building. I have considered whether I could impose conditions controlling these details. However, in my view the omitted information is vital to understanding the proposed works and any effects they may have on the special interest and significance of the listed building. Therefore, it would not be acceptable to leave such matters to condition.
20. I find the proposal, by reason of its form, size, scale, design and the way the materials are used, would be a significant visual disruption to the proportions, appearance and form of the rear elevation of the property and its striking long catslide roof. The proposal would reduce the integrity of the listed building and would not preserve the building's special interest and would harm its significance.
21. Furthermore, the proposal would weaken the authenticity of how the asset is experienced and negatively affect the ability to appreciate its significance from the rear vantage points of the garden, Townsend Hall and its yard. This would

lessen the positive contribution the building's setting makes to its special interest and significance.

22. The design of the extension has taken its cues seemingly more from adjacent development than the listed building itself. Reference is made to the flat roof stepped extension at the adjoining property 48 Sheep Street. I saw this was an unfortunate extension that does not necessarily set a design precedent or design to emulate when designing an extension to respond to the needs of the host property, even if it would be a contemporary interpretation.
23. Internally, the existing ground floor door into the conservatory would be widened to be double width with limited intervention. However, on the first floor a much bigger opening would be created off the master bedroom, by punching through the historic main rear wall of the property into the small sitting room and en-suite. There are no plans showing the elevation of this wall and the opening to fully determine its effect such as its height in relation to the ceiling. This main wall remains intact at upper floor level in both bedrooms, with only a small door off the central landing into a narrow storage space under the catslide roof. In the space off the landing I could see the historic wall and roof timbers. The loss of historic fabric in this manner would, of itself, not preserve the special interests of the listed building.
24. Punching through the wall with such a wide opening would disrupt the proportions of the room. It would create another source of light into the room from the back of the property and introduce an uncharacteristic exit door and room off the bedroom. These works would disrupt and erode the intact historic floorplan and the hierarchy of space and rooms within the property. Furthermore, there are no details to indicate how the insertion of the en-suite and the necessary plumbing would be achieved.
25. The proposal would also involve a number of other repair and maintenance matters, which the appellant lists in his appeal statement, but which the application form and Heritage Statement (HS) are silent on. The existing timber casement kitchen window, which is a more recent addition, would be replaced with a similar window and the Council raises no objection. Details could be conditioned requiring joinery details. Insulation would also be installed between the rafters after stripping the roof. Retiling the roof would be a repair and details of the insulation could be conditioned to ensure it is appropriate for use in an historic building.
26. At the front of the property, new stone cills would be inserted to windows. The Council is generally supportive, subject to evidence of their previous existence. However, no information was submitted about them in the HS and no new information has been submitted as part of the appeal. The timber casement front dormer windows would be replaced. The Council welcomes the introduction of horizontal glazing bars to provide a more sympathetic appearance, and again the submission of joinery details could be conditioned. The appellant also refers to changing the colour of the painted building at the front. However, the Council makes no mention of this and there are no details of the colour proposed, but I could impose a condition requiring details of the colour and type of paint.
27. Drawing all the above points together, I find the form, style and scale of the proposed extension and the rooflights would represent an unsympathetic addition to the listed building. Whilst I have no reason to doubt the proposal

would be built to a high quality, it would fail to preserve the listed building, its setting, or any features of special architectural or historic interest which it possesses. In doing so, it would harm the significance of this designated heritage asset.

28. The host property is one of a number of listed buildings within the SoSCA, and an integral and important element of its character and appearance. Given that the extension and its harmful effects would be visible and keenly felt from Townsend Hall and its yard, it follows that the harmful effects I have identified to the heritage interests of the listed building would diminish the contribution it makes to the SoSCA. As a result, the proposal would fail to preserve or enhance the character and appearance of the SoSCA as a whole and would result in some residual harm to its significance.

Public benefits and heritage balance

29. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. With reference to paragraphs 207 and 208, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed.
30. In line with the Framework and taking account of the nature and extent of the proposals, I find the harm to the significance of the listed building and the SoSCA would be individually and cumulatively 'less than substantial'. Nonetheless this harm carries considerable importance and weight. Framework paragraph 208 requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. Public benefits, as described in the national Planning Policy Guidance, can be anything that delivers economic, social or environmental objectives. Benefits do not have to be visible or publicly accessible and can include works to a listed private dwelling, for example, which secure its future as a designated heritage asset.
31. There would be some public benefits. There would be short-term employment during the works, but this would be of limited duration and extent. The maintenance and repairs to the listed building would assist the conservation of the listed building in a manner appropriate to its significance.
32. The proposal would provide improved accommodation, light levels and practicality for the appellant and their family and create a home to meet their requirements. However, these changes would be for the preference of the appellant and hence are a private, not public, benefit.
33. It has not been satisfactorily demonstrated that the proposal is required to secure the building's use or that the heritage asset would be at risk should the appeal fail. In other words, the building is already in use as a dwelling and that use would not cease in the absence of the proposed works. Moreover, there is no substantive evidence before me which shows that in realising the optimum viable use of the building, the identified harm has been minimised. In all of these respects, clear and convincing justification for the harm to the asset's significance has not been provided.

34. Accordingly, I find the proposed works would fail to preserve the listed building, its setting and any features of special architectural or historic interest which it possesses. The proposal would also fail to preserve or enhance the character and appearance of the SoSCA as a whole. The proposal would thus fail to satisfy the requirements of the Act and the relevant provisions of the Framework.
35. A Section 20 appeal does not need to be determined in accordance with the development plan. However, in the decision notice the Council state that the proposal would conflict with Policy CS.8 of the Stratford-on-Avon District Core Strategy 2011-2031. This seeks, amongst other things, to protect and enhance historic assets that contribute to the character and identity of the district.

Other Matters

36. My attention has been drawn to the comments from the Town Council and the email chain between it and the District Council. The Town Council's comments initially simply stated 'Support the improvement of [*sic*] street scene'. From my understanding it appears the Council sought clarification as to the Town Council's views, if any, on the rear extension. The fact the Town Council had specifically stated which part of the proposal it supported, it could not be automatically inferred that it supported the rear extension as well. The Town Council supplied additional comments that expanded on its initial comments to add 'but have no rep[*sic*] for the rear extension.'
37. I acknowledge the appellant's concerns but that is a matter between the appellant and the Council, as in reaching my decision I have been concerned only with the planning merits of the case.

Conclusion

38. For the reasons given above the appeal should be dismissed.

K Stephens
INSPECTOR