



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: 27 January 2025

Appeal A Ref: APP/J1860/W/24/3339978

Worfield House, 50 Worcester Road, Malvern, WR14 4AB

- 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 and Mrs P Byrne against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01007/HP.
 - The development proposed is a lift shaft.
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Appeal B Ref: APP/J1860/Y/24/3339982

Worfield House, 50 Worcester Road, Malvern, WR14 4AB

- 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 and Mrs P Byrne against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01008/LB.
 - The works proposed are a lift shaft.
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Decision

1. Appeal A: The appeal is allowed and planning permission is granted for a lift shaft subject to conditions in the annexe below.
2. Appeal B: The appeal is allowed and listed building consent is granted for a lift shaft subject to conditions in the annexe below.

Preliminary Matters

3. The appeals concern works and development at the Grade II listed 50 Worcester Road (List Entry Number: 1266877), situated within the Great Malvern Conservation Area.
4. Sections 16(2) and 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. Section 72(1) of the Act relates to Conservation Areas and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings.

Main Issues

5. The main issues in both appeals are whether the proposed works and development would preserve the Grade II, 50 Worcester Road listed building or its setting or any features of special architectural or historic interest that it possesses, and whether the character or appearance of the Great Malvern Conservation Area (CA) would be preserved or enhanced.

Reasons

6. The appeal site is on the edge of the town, on a through road where the Malvern Hills are to one side and the other is fronted by large detached Georgian houses. The house is split level, whereby there are two storeys to the front which become four to the rear. The list description dates the building as early-mid nineteenth century.
7. The significance and special interest of the listed building is partly derived from the front elevation which shows a symmetrical arrangement of tall sash windows and a particularly grand porch featuring pillars. The eye is drawn to the front wall by a parapet and absence of a visible roofline.
8. The significance and special interest is continued at the rear with semi-circular bays at both sides of the elevation throughout the four storeys. Indeed, sash windows, notably concentrated on the upper floors, capitalise on the extensive views. Relatedly the interest inside is notable for the staircase which serves the 4 storeys, lit by the sash windows.
9. The side wall subject to this appeal proposal, barely contributes to the listed building being blank and the associated chimney stack does not feature having been largely removed to mere stubs.
10. The setting of the building is derived from its garden. The open and descending rear garden contributes to the asset by allowing open visibility. However, the non-descript side garden area contributes little to the setting.
11. The Conservation Area Appraisal and Management Strategy comments on the town's origins as a spa and its subsequent development in the Victorian era. It notes the earlier Regency character of Worcester Road, and I find that these large buildings here are a notable component of the CA. The appeal building contributes by its formal architecture, emulating the style of many fronting this road.
12. The proposed extension to the side, sited at mid-point, would enclose the lift. Due to its small size and set back¹ position, the extension would not appear prominent or attract attention away from the frontage thereby maintaining the building's symmetry and grandeur. From the side it would be small against this very wide wall, and lacking any fenestration it would not stand out, particularly being finished in matching render.
13. At the lower ground level, the extension would cut into a flat roof sun room, however based upon the evidence before me this is a non-original addition², and would not interfere with its windows. Relatedly this siting would not lead to the loss of any garden setting which contributes to the significance of this

¹ Design, Access and Heritage Statement suggests 2.5m back from the front elevation

²² Not evident on 1885 OS map in appendix to Appellant Heritage Statement

asset. From the rear, the extension would not detract from the bays being small and recessed back.

14. In terms of the CA, the extension would blend with the building, and not detract from the continuity of the buildings on Worcester Road and their hillside setting.
15. The proposal internally would not involve new walls so the internal proportions and form of the rooms would be maintained. Similarly, as I saw on my site visit there would not be a loss of any noteworthy skirting board or other internal features. The proposal would involve the creation of three new doorways, which would involve the removal of a small amount of walling. The Historic Environment Record indicates the building was re-rendered in the last decade. The Appellant's evidence suggests the walling is 1830s common brick covered with lime render. The brick fabric was intended to be rendered, and I saw no evidence on my site visit that this walling is particularly significant. Nonetheless the loss of any fabric would be harmful.
16. I therefore find that the proposal would harm the listed building, albeit marginally and would not harm the character or appearance of the CA.
17. Policy SWDP 6 of the South Worcestershire Development Plan 2016 requires development proposals conserve and enhance heritage assets. The proposal would be contrary as I have found above. Policy SWDP 6 cross references to SWDP 24, titled Management of the Historic Environment, which supports the sympathetic adaption of historic buildings and refers to the Framework. Whilst the proposal involves adaption, the loss of walling would mean the proposal would be contrary to SWDP 24.
18. Policy SWDP 21 requires development integrates effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. In these respects, I find that taken as a whole the proposal would be in accordance. Similarly, the proposal would accord with Policy MD2 of the Malvern Town Neighbourhood Plan which requires development proposals achieve high quality inclusive design which fully integrates with the area, and the South Worcestershire Design Guide SPD which requires extensions are subordinate in scale and do not detract from the character of the host property.

Other Matters

19. A very similar extension for a lift shaft has had built on the neighbouring, No. 52, also a listed building and similar in its formal classical style. I note that lift is sited close to its formal front elevation, more so than this appeal proposal. Whilst it supports the principle of this appeal proposal, I have not been made aware of all the details of the case, so I can only give it limited weight.
20. In addition, the appeal proposal would not be prominent from the outlook of this neighbouring listed building and grounds and would not harm its setting.

Heritage and Planning Balances

21. As I have found above the proposal would harm the listed building, contrary to sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, but not section 72.

22. Whilst the harm arising would be less than substantial; however, Paragraph 212 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 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraph 215 states where a development will lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits, including securing its optimum viable use.
23. The proposal is intended to allow access and use of the whole building without the challenging use of the various stairs, which would allow it to be wholly accessible by all occupants and visitors regardless of their mobility. Moreover, it would also allow the beneficial use of every floor of the building which would support its upkeep through everyday living leading to ventilation, heating, and maintenance.
24. Taking the public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets.
25. As I have found above the proposal would be contrary to Policies SWDP 6 and SWDP 24 but would comply with SWDP 21 and other policies. I find that the proposal would be contrary to the Development Plan when taken as a whole, but that conflict would be very slight.
26. 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. As the conflict would be very slight and the proposal has benefits, Appeal A should be allowed not in accordance with the Development Plan as material considerations indicate a decision otherwise is appropriate.

Conditions

27. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
28. A conditions on the length of time of the permission and consent would help clarity and is so imposed. A condition on approved plans is not necessary as those have been clearly submitted and also considered.
29. A condition on matching materials is necessary as I have found above.

Conclusion

30. I therefore conclude that the appeals should be allowed, subject to the conditions in the conditions annexe below.

John Longmuir INSPECTOR

Conditions annexe

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The materials to be used in the construction of the external surfaces of the proposed extension hereby permitted shall match in type, colour and texture used in the existing building.

End of conditions

