



Appeal Decision

Site visit made on 12 March 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/Q4625/Y/24/3351634

Beeches Restaurant, Marsh Lane, Hampton-in-Arden, Solihull B92 0AH

- 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 Westfield Leisure against the decision of Solihull Metropolitan Borough Council.
 - The application Ref is PL/2024/00807/LBC.
 - The works proposed are installation of awnings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building and is in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues are whether the proposal would i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Hampton-in-Arden Conservation Area.

Reasons

Special interest and significance

5. The appeal property is a two-storey Grade II listed¹ building dating from the early 19th century, which is currently in use as a restaurant and bar. The listing description states that it is a Neoclassical building with stucco facing and a Welsh slate roof. Its front elevation has a central 3 panel door with a fret pattern above and set between capitals of Greek Doric fluted half columns supporting entablature. There is a first floor band and a cornice with cyma recta moulding at eaves level. Either side of the front door at ground floor level are two large sash windows. At first floor level there are two sash windows, and one blocked up former window opening, all with eared architraves.

¹ List Entry Number: 1342829

6. The rear elevation of the building comprises stucco facing. At first floor level there are two large sash windows with eared architraves and a central arched doorway with square lattice glazing. At ground floor level is a modern single-storey part glazed extension with a flat roof terrace.
7. Having regard to the above, I find that the special interest and significance of the listed building are derived from its historic and architectural interests. These include its illustration of an early 19th century Neoclassical building, historic fenestration pattern, and its surviving historic fabric.
8. The appeal site is sited within the Hampton-in-Arden Conservation Area (CA). The CA encompasses the buildings and spaces fronting March Lane, which includes the appeal property. The Hampton-in-Arden Neighbourhood Plan 2017 – 2028 (made 2017) states that the village of Hampton-in-Arden derives its special character from its rural setting and its historic roots, central to which is its Parish church, sited on a hill-top and its collection of historical buildings many of which sit in the village's Conservation Area.
9. The special interest and significance of the CA mainly stems from the variety and architectural richness of the buildings that denote its evolution and the distinct form and layout of the village. The appeal listed building is located within a prominent position on high ground with a rural setting. Although modern single storey-extensions have been added to the building's rear and eastern elevations, the building largely retains its external historic character and form from the front elevation, and at first floor level to the rear elevation. Thus, the listed building makes a positive contribution to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

10. Consent is sought for 2 awnings on the listed building's rear elevation. The awnings would be around 5 metres in width and would extend to around 4 metres over the roof terrace when opened.
11. The size and extent of the proposed awnings when opened would obscure much of the listed building's rear elevation at first floor level. This would hide significant architectural details, such as the upper parts of the large sash windows and the eared architraves. The awnings would distort the first floor windows by making them appear smaller. Thus, the proposal would result in a discordant feature that would compete with the historic features of the building's first floor rear elevation to the detriment of the designated heritage asset.
12. When the awnings are not required for use, they would be retracted into a cassette metal frame that would be fixed to the building. Nevertheless, the substantial width of the cassette awning frame and its clunky design would add clutter to the building. This would disturb the symmetrical features of the building's rear elevation, upsetting the visual harmony. Additionally, the metal frame and fixings could corrode over time, staining or damaging the building's exterior.
13. The appellant does not consider the proposal would result in any loss of historic fabric. However, insufficient information has been submitted as to exactly how the proposed awnings would be attached to the wall of the building's rear elevation. It is likely that the awning's fixings would need to penetrate the historic fabric of the

wall. As such, I cannot be certain that the proposal would not result in the loss of or damage to the listed building's historic fabric.

14. The extended awning fabric would have a plain black finish. Although the awning's colour would be appropriate, its modern design would be uncharacteristic of the listed building. The appellant also indicates that the proposed awnings would be temporary in nature and would be wholly reversible. Nonetheless, it is likely that they would become a fixture of some considerable permanence. It would also cause harm when in situ.
15. The appellant refers to the use of commercial parasols as a fall-back option. However, unlike the proposal before me, parasols are free standing and would not be physically attached to the listed building.
16. Whilst the awnings would be located to the rear of the listed building, I observed during my site visit that views would be visible from within the grounds of the listed building and from the public right of way footpath that runs past the site. Taking into account the building's prominence being set on high ground and its close proximity to a public right of way, it follows that the identified negative effects to the listed building would also harm the positive qualities of the CA as a whole. In these regards, the proposal would not preserve or enhance the character and appearance of the CA and thus harm its significance as a designated heritage asset.
17. Drawing the above together, I find that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Hampton-in-Arden Conservation Area. In doing so, it would harm the significance of these designated heritage assets.

Public benefits and balance

18. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and fairly localised nature of the proposal, I find that the harm to the significance of the designated heritage assets assessed above would be 'less than substantial' but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
19. In this case, economic benefits would be delivered through the manufacture and installation phase of the proposal along with the general investment into the property. However, these outcomes would be moderated by the extent of the scheme, but still weigh in favour of the appeal.
20. The appellant suggests that the proposed awnings would facilitate the safe and enjoyable use of the outdoor roof terrace. The awnings would provide shade on the terrace for its users, which would help to protect them from strong sunlight and UV exposure. It would also protect the roof terrace during inclement weather. Accordingly, the awnings would provide for a more pleasant, safe and enjoyable environment for its patrons.

21. The appellant also considers that the improved customer environment achieved through the provision of the awnings would help to enhance the vitality and, consequently, the viability of the public house. An improved customer experience would foster conditions for the building to continue as an important community facility, delivering social benefits.
22. Nevertheless, I am not persuaded that similar benefits could not be achieved by a proposal which would be less harmful to the significance of these designated heritage assets. Additionally, no compelling evidence is before me which confirms that the property would not be usable or viable in its current use as a restaurant and bar, or that its future would be at risk if the appeal was to fail and the works as proposed were not implemented. In these respects, the identified harm to the significance of the listed building and the CA has not been clearly and convincingly justified as required by Paragraph 213 of the Framework.
23. On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this would not be outweighed by the minor public benefits arising from the proposal.
24. I therefore conclude that the proposal would not i) preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses, and ii) preserve or enhance the character or appearance of the Hampton-in-Arden Conservation Area. It would therefore fail to satisfy the requirements of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
25. It would also conflict with Policy 16 of the Solihull Local Plan (adopted 2013), and Policy ENV4 of the Hampton-in-Arden Neighbourhood Plan 2017 – 2028 (made 2017). Collectively, these policies seek to ensure developments preserve or enhance heritage assets and conserve local character and distinctiveness.

Conclusion

26. Given the above and considering all matters raised, the appeal is dismissed.

H Smith

INSPECTOR