



Appeal Decision

Site visit made on 29 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 19th May 2025

Appeal Ref: APP/A0665/Y/25/3358311

Overton House, School Lane, Frodsham, Cheshire West and Chester WA6 6AF

- 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 Jason Treweek against the decision of Cheshire West & Chester Council.
 - The application Ref is 24/00945/LBC.
 - The works proposed are single storey orangery style extension to the rear and side of Overton House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building which is within 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.
4. The appellant has asked me to consider some amended drawings which provide more detailed and rendered drawings to demonstrate the exterior materials to be used and other amendments. The 'Procedural Guide: Planning Appeals – England' advises that if an appeal is made, the appeal process should not be used to evolve a scheme. It is therefore for me to decide whether to accept the amended drawings, based on two tests – substantive and procedural – that came out of the case *Holburn Studios*¹ that refined the previous *Wheatcroft*² principles.
5. The first test is whether the proposed amendment(s) involve a “substantial difference” or a “fundamental change” to the application. A central gable feature has been removed from the rear elevation of the proposed extension and the design simplified in the revised drawings. The existing front garden wall is now to be retained, and the proposed extension’s front elevation has been moved backwards and the width reduced. However, the siting of the proposal and the overall scope of the works would not change. Hence, there would be no fundamental change to the application.
6. The procedural test is whether the proposed amendment(s) would cause unlawful procedural unfairness to anyone involved in the appeal and, if so, whether such

¹ *Holborn Studios Ltd v The Council of London Borough of Hackney* (2017)

² *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982)

unfairness could be cured, for example by re-consultation. The Council and interested parties have had the opportunity to comment on the amended drawings as part of the appeal process. As a result, I am satisfied that my consideration of the amended drawings would not cause unlawful procedural unfairness to any party.

7. For the reasons above, the amended drawings pass the two *Holburn Studios* tests. I am therefore prepared to accept the amended drawings.

Main Issues

8. The main issue is whether the proposal would preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

9. The appeal site relates to a Grade II listed³ building known as 'Overton House'. The building is a large, detached dwelling of three-storeys with basement. It dates from the mid-18th century and is constructed from Flemish bond brown brick with stone dressings and a grey slate roof. The architectural detailing of the front elevation includes large sash windows, 6-panel door in eared architrave under an early 20th century green slated lean-to porch, painted sandstone rusticated quoins, cornice, keystone-and-voussoir lintels and plain projecting cills.
10. The listed building is an attractive classically designed property which stands prominently on School Lane, near to the junction with Church Street. The prominence of the appeal property is enhanced by its front elevation's symmetrical fenestration design and sense of proportion.
11. Compared to the architectural embellishment of the frontage, the rear elevation is plainer but nevertheless, the detail and symmetrical arrangement of the sash windows shows an intention to respect the classical principles of the building's architecture. The rear elevation therefore contributes to the building's historic and aesthetic value.
12. From the evidence available to me, I consider that the special interest and significance of the listed building to be largely derived from its historic and architectural interests. Important contributors in these regards which are pertinent to the appeal are the buildings age, form, historic fabric, and its symmetrical design and architectural detailing. These attributes mark it as an important survival of a mid-18th century period building.

Proposal and effects

13. The proposal relates to a single-storey orangery which would wrap around the side and rear of the listed building and extend beyond the rear elevation. As a result, a substantial structure would be formed that protrudes into the garden area and obscures part of the historic rear elevation. It would form a significant bulk and mass to only one side and rear corner of the building, creating an uneven distribution of volume. Consequently, it would disrupt the visual balance and symmetry of the building's rear elevation which contributes to its historic merit.

³ List Entry Number: 1261829

14. Additionally, the flat roof design together with the brick parapet would give the extension a distinctly horizontal emphasis that would detract from the cohesive and intentional character of the listed building's architectural design. Its rectangular box-like shape and extensive footprint would further accentuate its asymmetrical appearance, diminishing the listed building's sense of balance and proportion.
15. The proposal's fenestration design would not resemble features on the existing fenestration across the rear elevation of the building, such as arches above window openings. It would also appear overly busy, with several large windows in its rear elevation. Therefore, the proposal would introduce an incongruous feature that would draw attention away from the historic features of the listed building's rear elevation to the detriment of the designated heritage asset. This would undermine the authenticity and integrity of the asset.
16. Furthermore, the height of the proposal would also sit uncomfortably close to an existing first-floor window. As a result, the proposal would fail to integrate harmoniously with the listed building, causing harm.
17. I acknowledge that the contemporary design of the proposed orangery would make an obvious contrast between old and new, and its setback would result in the front elevation of the historic building being distinguishable. However, owing to its scale, bulk and unsympathetic design, the proposal would result in harm for the reasons explained.
18. Whilst the appellant is willing to retain the existing front garden wall, this would not address the extent of the harm identified to the listed building.
19. Drawing the above together, the proposal would not preserve the Grade II listed building, 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.

Public benefits and balance

20. 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 asset 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.
21. In this case, economic benefits would be delivered through the manufacture and construction phase of the proposal along with the general investment into the property. However, the scale of those benefits is short-term and would be limited by the extent and nature of the scheme. The primary outcome of the proposal to allow for additional accommodation for family use, would be a private benefit to the occupants of the property.
22. I am not persuaded that similar benefits could not be achieved by a proposal which would be less harmful to the significance of this designated heritage asset. Additionally, it has not been demonstrated that the property would not be usable or viable as a dwelling 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 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 asset, 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 preserve the Grade II listed building, or any features of special architectural or historic interest which it possesses. 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 ENV 5 of the Cheshire West and Chester Council Local Plan Part One: Strategic Policies (adopted 2015), and Policy DM 47 of the Cheshire West and Chester Council Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 2019). Amongst other things, these policies seek to ensure developments preserve or enhance designated heritage assets, including their settings.

Other Matters

26. The appeal site is located within the Overton, St Lawrence's Conservation Area (CA). Mindful of the statutory duty under section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing its character or appearance. The CA includes the buildings fronting School Lane and the nearby buildings along Church Road. The character and appearance and thus special interest and significance of the CA is largely derived from the historic planned nature of Frodsham and its relationship with the church, which provides a focal point on Church Road. It is also the way the buildings of varying ages and styles reflect the evolution of the area. The appeal listed building largely retains its overall external historic character and detailing and therefore 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.
27. The external appearance of the appeal building's front elevation would be unchanged. Although the proposal would be located to the side of the building, it would be set back from the front elevation. Given the extent and nature of the proposal and its reasonably concealed location, it would preserve the character and appearance of the CA as a whole and would not harm its significance as a designated heritage asset. I note the Council raised no concerns in this respect either.
28. I acknowledge that the planning history indicates a proposal for a single storey rear extension was approved in 2007. However, in this case, harm has been identified for the reasons explained.
29. I have carefully considered all comments, including the comments received from the Conservation Officer. Nevertheless, I have determined this appeal on its own merit based on the information before me and my own observations on site.

Conclusion

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

H Smith

INSPECTOR