



Appeal Decision

Site visit made on 21 August 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th September 2017

Appeal Ref: APP/L3245/W/17/3166592

Lavender Barn, High Street, Clive, Nr Shrewsbury SY4 3JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Hewitt against the decision of Shropshire Council.
 - The application Ref 15/04337/FUL, dated 1 October 2015, was refused by notice dated 3 November 2016.
 - The development proposed is change of use/insertion of new first floor, within existing garage to form ancillary office accommodation for existing house for use by owner(s) as a self-employed business man together with internal alterations and formation of a new timber framed/glazed porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host building, and on the living conditions of the occupiers of Chestnut Barn with particular reference to privacy.

Reasons

Character and appearance

3. Lavender Barn is part of a residential conversion of a group of former agricultural buildings, following planning permission granted in 2001. Located within the village of Clive, these buildings are arranged in a U shape, forming a central yard area to the east. The southern elevation of these traditional stone, brick and slate buildings is a visible feature of the main village High Street, contributing to the character of this rural village. A dominant element of these structures is the roof form, characterised by its expanse and plainness, which, apart from the insertion of roof lights, appears to remain largely unaltered.
4. The Council have referred to the converted barn in this case as a *non-designated heritage asset*. The Planning Practice Guidance¹ states that this type of heritage asset can be identified by the local planning authority as having a degree of significance meriting consideration in planning decisions because of their heritage interest, though they do not have statutory protection. Further, Policy MD13 of the Shropshire Council Site Allocations and

¹ Paragraph: 039 Reference ID: 18a-039-20140306

Management of Development Plan 2015 (SAMDev) refers to the need for proposals to *avoid harm or loss of significance to designated or non-designated heritage assets*. Also Paragraph 135 of the National Planning Policy Framework (the Framework) refers to the need to take into account the significance of non-designated heritage assets in determining planning applications.

5. In the present case the Council have referred to the identification and classification of this building as part of Meadow Farm in the 'Historic Farmsteads Characterisation Project 2008-2010'. Whilst there have clearly been changes as part of the conversion of the barns, they are described in this report as having 'partial loss – less than 50% change'. Overall their U-shaped plan form and their modest utilitarian appearance typical of such barns remain intact, with additional openings kept to a minimum. As such the status of Lavender barn as a non-designated heritage asset is a matter of some weight in this case.
6. The proposed change of use of the garage to home office use and the insertion of an additional floor would be acceptable in principle. However the addition of a significantly sized and extensively glazed porch, extending above eaves level, would introduce a feature which would not reflect the simple and robust design of these buildings, particularly in terms of the additional glazing at roof level.
7. Whilst I accept that the High Street elevation of Lavender Barn includes what appears to be an original projecting canopy at roof level, this is a modest slate and timber structure. In contrast the degree of glazing proposed within the porch would stand out against the plain and non-reflective roof materials, drawing attention to it. I appreciate that the glazing would light the upper floor, and that locally available and sustainable materials would be used, nonetheless this would be a visually domineering and incongruous feature.
8. The appellant argues that this proposal would have been accepted as part of the previous proposals to convert the barn structures. However, whilst additional openings and other elements appear to have been introduced as part of this scheme, it is clear that overall the modest appearance of these buildings has been respected, particularly the roof profile. The current proposal would not accord with this approach.
9. In accordance with SAMDev Policy MD13 and the Framework paragraph 135, in such cases it is necessary to balance the degree of harm to the non-designated heritage asset against the public benefits accruing. I accept that the degree of harm to the heritage asset in this case would be less than significant. The benefits referred to by the appellant in this case would be the conversion of the existing garage space into an office, allowing the appellant to relocate his current office from a room in the house. Whilst SAMDev Policy CS5 supports live-work proposals, this would be a private benefit which would not in itself outweigh the harm to the significance of this non-designated heritage asset.
10. I conclude on this point that the proposal would have a detrimental effect on the character and appearance of the host building. In this respect it would conflict with the Shropshire Core Strategy 2011 (CS) Policies CS5, CS6, CS17 and SAMDev Policies MD13 and MD2 which, taken together, seek to avoid harm to designated and non-designated heritage assets, and ensure that development protects and enhances their character and significance. These policies also require that design should be appropriate, taking into consideration local context and character. The Council also refers to SAMDev

Policy MD7A, though I accept that this policy, as well as some aspects of those policies cited above, are not directly relevant to the main issues in this case.

Living conditions

11. As this is the central unit within this group of three residential properties, the introduction of a substantial glazed element at first floor level would increase visibility across the courtyard garden areas associated with both Chestnut Barn and Meadow Barn. Whilst this addition would be closer to the shared boundary with Meadow Barn, the Council does not raise concerns about the potential for overlooking of this property. In this respect I agree that whilst visibility of the parking area associated with this dwelling would increase, the proposed glazed porch would be some distance from and at an angle to the dwelling itself. Therefore loss of privacy overall would not be a concern.
12. Lavender Barn has an existing first floor window which overlooks the courtyard garden of Chestnut Barn. As the proposed addition would be located further away from the shared boundary with this property it would not provide any additional opportunity for overlooking this area. As this dwelling only contains ground floor windows on its rear facing northern elevation, the combined effect of the distance and restricted angle of vision from the higher level first floor of the appeal proposal towards these windows would mean that opportunities for overlooking would be limited, and any harm in terms of loss of privacy would not be significant.
13. I conclude on this point that the proposal would not have a detrimental effect on the living conditions of the occupiers of Chestnut Barn with particular reference to privacy. It would therefore comply with CS Policy CS6 which requires that development should safeguard residential amenity.

Conclusion

14. Whilst I have found that the proposal would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring property, it would have an unacceptable impact on the character and appearance of the host dwelling, a non-designated heritage asset.
15. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR