



Appeal Decisions

Site visit made on 30 March 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal A: APP/L3245/W/22/3300863

Big House, Station Road, Whittington SY11 4DB

- 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 Mrs C Sheehan against the decision of Shropshire Council.
 - The application Ref 21/05534/FUL, dated 15 November 2021, was refused by notice dated 29 April 2022.
 - The development proposed was originally described as 'the demolition of existing modern rear 'garden rooms' and side extension 'utility roof' and erection of a replacement 'garden room' extension to incorporate a new roof over part of the 'utility section'. Removal of modern brick chimney stack and replacement with a stainless steel flue'.
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Appeal B: APP/L3245/Y/22/3300865

Big House, Station Road, Whittington SY11 4DB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs C Sheehan against the decision of Shropshire Council.
 - The application Ref 21/05535/LBC, dated 15 November 2021, was refused by notice dated 29 April 2022.
 - The works proposed were originally described as 'the demolition of existing modern rear 'garden rooms' and side extension 'utility roof' and erection of a replacement 'garden room' extension to incorporate a new roof over part of the 'utility section'. Removal of modern brick chimney stack and replacement with a stainless steel flue'.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As confirmed on my site visit, some of the elements proposed for demolition have already been removed. Furthermore, an extension has been built in place of the conservatory which is smaller and differs in its design to that detailed on the submitted plans. However, I have based my decision on the submitted plans rather than what has taken place on the ground.

4. The appellant submitted amended plans with the appeal¹, which mainly reduces the overall footprint of the extension proposed in comparison with the scheme considered by the Council when they made their decision on the applications². The Council have confirmed that the amendments do not overcome their objections to the proposal. Given that the amendments do not substantially alter the scheme originally considered by the Council, I have accepted the amended plans and decided the appeals based on them.
5. In relation to appeal A, the appellant submitted a Bat Survey Report³ with the appeal. This report does not alter the nature of the proposal considered by the Council at planning application stage, and as the Council have had an opportunity to comment on this document as part of the appeal. I have accepted this document and I refer to it later in my decision.
6. As the proposal lies in the Whittington Conservation Area and relates to a Grade II listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

7. The main issues are:
 - Whether the proposal would preserve a Grade II listed building, 'The Big House' (Ref: 1054195), and any of the features of special architectural or historic interest that it possesses and whether it would preserve or enhance the character or appearance of the Whittington Conservation Area.
 - The effects of the proposal on protected species, having regard to bats (Appeal A only).

Reasons

Heritage

8. According to the list description, the Big House comprises a detached former farmhouse which dates from the 17th century. It consists of two distinct historic elements. The original hall range has a more delicate style with modest proportions with front and rear facing dormers of traditional materials and style. This is in comparison with the later, more expansive full height gabled element constructed in the early 19th century, designed to reflect the building's original timber framed style.
9. Despite several later modern rear extensions which obscure part of the building's rear elevation, the building's historic form remains legible. In particular, an elegant timber framed dormer and chimney stacks which project from an expansive traditional sloping roof contribute to the building's historic character. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the legibility of its historic form, traditional materials and architectural interest.

¹ Plan refs – KI 5716 2C and KI 5716 2D

² Plan ref – KI 5716 2B

³ Bat Survey Report Version 2 dated 16th May 2022

10. In terms of the Whittington Conservation Area (CA), I have not been provided with a relevant CA appraisal. Therefore, I have taken into account the evidence before me as well as the observations I made on my site visit. Insofar as this appeal is concerned, the CA is composed of buildings which vary in terms of their age, style and layout relative to the street. Nevertheless, historic buildings and green spaces still dominate visually, and it is the presence of these buildings with a traditional style, and the spacious verdant surroundings within which they sit, which define the significance of the CA.
11. Despite the presence of modern housing and car parking within close proximity, the large, detached appeal building retains an emphatic traditional style and is a prominent building within the CA, making an important contribution to it.
12. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of the extent of public views of the building. In this case, there would be limited visibility of the proposal from public vantage points. Be that as it may, it would appear as an overly prominent addition to the rear of the building. Specifically, the extension would occupy a significant proportion of the building's width, whilst projecting to the rear of it to create a large, bulky appendage. The sizable flat roof would emphasise the extension's overall blocky form and large scale, creating an incongruous feature.
13. The submitted Heritage Impact Assessment⁴ (HIA) provides photographic evidence of modern rear extensions and features which would be, or have recently been, removed. I recognise that they represent a modern phase of the building and do not form part of its historic fabric, and the Council raises no objection to their removal. Be that as it may, and despite the presence of a previous taller conservatory extension which obscured views of the building's roof, their combined footprint was significantly less, and they had a subservient appearance relative to the appeal building.
14. In contrast, the proposal would overwhelm the relatively modest proportions of the rear elevation. Despite its single-storey height and position below the main roof, it would be an unduly dominant addition which would detract from the appearance of the traditional roof and its features, including the original dormer, diminishing the building's historic architectural form and historic interest. Therefore, the existence of other rear extensions is not a justification for the appeal scheme as, overall, the impact of the proposal, having regard to the extent of demolition proposed, would be harmful.
15. Turning to the effect of the proposal on the significance of the CA, case law⁵ has established that proposals should be judged according to their effect on the CA as a whole and, unlike listed buildings, the significance of the CA is dependent upon how it is experienced. In this regard, the proposed extension would not affect the appreciation of this listed building from within the wider CA. Moreover, the proposal would not be significantly visible from public vantage points. Given this, and the extent and nature of the works proposed, there would only be limited prominence from the private domain. Therefore, despite the harm to the listed building, the proposal would not be detrimental to the CA, thus would preserve its significance.

⁴ Submitted by appellant - dated November 2021

⁵ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

16. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset and that any such harm should have a clear and convincing justification. Given my findings above relating to the harmful effect of the proposed extension, I find that the proposal would fail to preserve the special interest of the listed building. I consider the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
17. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of designated assets. In this regard, the proposed extension would provide additional internal living space for occupants of the dwelling and improve internal connectivity, as well as replacing existing structures which suffer from water ingress and poor thermal efficiency. I note that the appellant considered a range of other potential options and considers the proposal to be the most suitable taking into account practicality, building regulations and heritage. However, these benefits would be private and not public benefits, and the continued viable use of the building as a dwelling is not reliant on the proposal.
18. The proposal would also result in the removal of later, inappropriate additions to the listed building which harms its significance. However, having considered these as public benefits, I am not satisfied that collectively they would be sufficient to outweigh the harm that I have identified.
19. Given the above and in the absence of sufficient public benefit, I conclude that the proposal would fail, on balance, to preserve the special historic interest of the Grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 199 of the Framework and would conflict with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (Core Strategy) and Policy MD13 of the Shropshire Council Site Allocations and Management of Development Plan 2015 (SADDev). These policies require, amongst other matters, that Shropshire's heritage assets are protected, conserved, sympathetically enhanced and restored, with any adverse effect on a heritage asset only being permitted if the public benefits of the proposal outweigh the adverse effect.
20. The Council's appeal statement also refers to several other policies which were not set out in their decision notices. Policy MD2 is relevant but it merely reflects Policy MD13 which is addressed above. However, Core Strategy Policy CS4 does not relate to the historic environment, and Core Strategy Policy CS17 relates to biodiversity. Therefore, I have not taken these policies into account in relation to this main issue.

Protected species (Appeal A only)

21. The Council's concern relates to the potential for the proposal to impact on bats which are a legally protected species. The submitted bat survey report considers the potential of the demolition and proposed extension to impact on bats and includes a preliminary roost assessment. The report found no evidence of bat roost features with negligible habitat features on site likely to be used by roosting bats. The survey was carried out by a suitably qualified

ecologist and the methodology and overall findings are not disputed by the Council, despite them having the opportunity to comment as part of this appeal. I am therefore satisfied that potential ecological constraints have been sufficiently assessed, and no further mitigation or survey work would be required.

22. Therefore, the proposal would be unlikely to result in harm to bats in compliance with Policy CS17 of the Core Strategy, Policy MD12 of the SADDev and paragraph 180 of the Framework which requires, amongst other things, that development does not adversely affect the ecological value of the environment and its natural assets and that significant harm to biodiversity should primarily be avoided.

Other Matter

23. The Council refer to an existing link corridor building which is located within the rear garden space connecting the house to an outbuilding. I am told this may not have the benefit of consent. Nevertheless, this link corridor does not form part of this proposal and its existence and planning status has had no bearing on my decision to dismiss this appeal.
24. I appreciate that the principle of residential development in this location is acceptable and accords with several development plan policies. However, this does not alter my overall findings which result in conflict with the development plan taken as a whole.

Conclusion

25. Whilst the proposal would not result in harm to bats, it would fail to preserve the special historic interest of the Grade II Listed building. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be dismissed.

M Woodward

INSPECTOR