

Appeal Decisions

Site visit made on 3 November 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 01 December 2016

Appeal A: Ref: APP/F1610/W/3152068

**Burgage House, Sheep Street, Stow on the Wold, Gloucestershire
HL54 1AA**

- 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 Sarah Bennett against the decision of Cotswold District Council.
 - The application Ref 15/05449/FUL, dated 10 December 2015, was refused by notice dated 5 April 2016.
 - The development proposed is described as "demolition of single storey rear extension and outbuilding. New single storey rear extensions and internal and external alterations".
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Appeal B: Ref: APP/F1610/Y/3152069

**Burgage House, Sheep Street, Stow on the Wold, Gloucestershire
HL54 1AA**

- 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 Sarah Bennett against the decision of Cotswold District Council.
 - The application Ref 15/05448/LBC, dated 10 December 2015, was refused by notice dated 5 April 2016.
 - The works proposed are demolition of single storey rear extension and outbuilding. New single storey rear extensions and internal and external alterations.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Main Issues

2. The main issues in respect of both appeals are:
 - (i) whether the proposals would preserve the listed building known as Burgage House and its setting and any features of special architectural or historic interest it possesses; and
 - (ii) whether the proposal would preserve or enhance the character or appearance of the Stow on the Wold Conservation Area.

Reasons

Whether the proposals would preserve the Listed Building

3. Burgage House is a Cotswold stone built mid-terraced house with accommodation over three floors. The listing description dates the property to
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the early 18C. The building has been altered and includes various extensions to the rear of the property.

4. The appellant highlights the importance of the front elevation of the building and the contribution which the building makes to the group of buildings of which it forms part. However the listing description which was drawn up in 1983, whilst it identifies the property does not necessarily reflect all of its special interest and the evidence does not indicate that anything other than the whole property is included within the listing.
5. The existing extensions at the rear of the property include a two storey flat roofed extension which spans the majority of the width of the dwelling. The proposals would retain the two storey extension but add a double pitched roof. As this would obscure the existing south facing window in the top floor of the house, a new dormer window is proposed in a different location from the existing window entailing some loss of historic fabric. The appearance of the existing two storey extension would be improved by the proposed roof and further improvements would arise from the replacement windows proposed in the rear facing wall of the extension and the removal of existing flues. Benefits to the overall appearance of the rear elevation of the building above ground floor level would therefore be achieved.
6. Existing single storey flat roofed extensions project beyond the two storey extension and span between the neighbouring properties to each side. The stone outbuilding, stated to date from the 19C, has a lean-to roof set against the wall of the neighbouring property to the west. The Council describe the outbuilding as retaining its original form. The roof covering is now corrugated sheeting and it is unclear whether any original roof timbers remain. Although the appellant describes the outbuilding as dilapidated no detailed structural assessment of the outbuilding is provided. Demolition of the outbuilding is proposed to facilitate the creation of a larger single storey flat roofed extension. This new extension would be a similar depth to the neighbouring property to the east and span between the both neighbouring properties. The zinc clad roof would be punctuated by two glazed roof lanterns.
7. Whilst the stone outbuilding does not appear to exhibit special architectural interest, it is nonetheless a simple vernacular building which forms part of the history of the property and therefore makes some contribution to the significance of the listed building as a whole. There is little detail in the appellant's evidence to assess the historic purpose of the outbuilding in relation to the house. Despite the unsympathetic roof covering, the monopitch roof form is in keeping with local building style. Although the appellant has no requirement for an outbuilding, the needs of future occupiers of the property may differ and I am therefore not persuaded that the outbuilding is wholly redundant.
8. I acknowledge that the proposed single storey extension would provide a relatively large, flexible living space with improved views of the garden. However, the extension would create an extensive area of flat roof considerably greater than the area of the existing single storey flat roofs. From what I observed in the locality, pitched roofs are a key feature of the Cotswold vernacular. Consequently, although the extension would replace a somewhat disparate arrangement of smaller extensions, the extensive area of flat roof

would be out of character with the predominant architectural and historic characteristics of the existing building.

9. As noted above, there would be improvements to other aspects of the rear of the property. However, the evidence is not sufficient to demonstrate that the outbuilding is incapable of viable use in connection with the dwelling or that it is structurally unsuitable for retention or conversion. Neither is the evidence sufficient to persuade me that the outbuilding is of such minimal significance that it does not contribute positively to the special interest of the listed building. Whilst the outbuilding lies between the rear of the dwelling and the garden, it does not wholly sever the two. I have taken into account that the proposal includes other works to the rear of the property which would include improvements upon the existing building. However, taking the proposal as a whole, I find that the loss of the outbuilding together with the proposed single storey flat roofed extension would harm to the special architectural and historic interest of the listed building.
10. Whilst other buildings in the vicinity have been altered, including by extensions to the rear, I am not provided with the planning history of these works. Nor is it clear from the evidence or from what I observed during my site visit that extensions to other properties incorporate flat roofs or relate to listed buildings.
11. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant listed building consent for any works special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the same Act imposes a similar duty in respect of application for planning permission. The demolition of the outbuilding together with the flat roofed extension proposed would diminish the significance of the listed building and would fail to preserve the listed building.

The effect of the proposals on the conservation area

12. Stow on the Wold Conservation Area covers the historic town centre. Section 72(1) of the Act requires that in making a decision in respect to any building or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
13. Policy 15 of the Cotswold District Local Plan¹ (Local Plan) addresses conservation areas. The Local Plan was adopted in 2006 and therefore pre-dates the National Planning Policy Framework (Framework) by some years. However, given the importance which the Framework places on the conservation of heritage assets, I find that the policy is broadly consistent with the Framework. Whilst some elements of the proposal would comply with Policy 15 of the Local Plan, the loss of the outbuilding would conflict with part 2.(a) of the policy and the form of the proposed single storey extension would be out of keeping with the character of the conservation area.
14. Public views of the rear of the property, particularly at ground floor level, are restricted by the stone wall which bounds the right of way alongside the rear garden. However, there would potentially be views of the ground floor from the land associated with the Stow Baptist Chapel. The works to the rear of the

¹ Cotswold District Local Plan 2001 – 2011 Adopted April 2006

property at first floor level and above would enhance the character and appearance of the conservation area. However, the loss of the outbuilding and the proposed larger flat roofed extension would not preserve and therefore would not enhance the character of the conservation area. Assessing the proposals as a whole, I find that they would not preserve the character of the conservation area.

Other matters

15. I have noted the support for the proposal from the occupier of a neighbouring property. However, this does not alter my findings on the main issues.

Conclusions

16. Any harm to the significance of a heritage asset requires clear and convincing justification. The proposals would cause harm the special historic and architectural interest of the listed building and thereby diminish its significance. There would also be some harm to the character of the conservation area. The harm to designated heritage assets would be less than substantial harm when considered in the context of the Framework. However, the public benefits of the proposal including the improvements to the appearance of the building above ground floor level are not sufficient to outweigh the harm which the proposals would cause.
17. For the reasons given above, and having taken all matters raised into consideration, I conclude that the appeals should be dismissed.

J E Tempest

INSPECTOR