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## Appeal Decisions

Site visit made on 16 November 2016

**by Jacqueline Wilkinson Reg. Architect IHBC**

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

**Decision date: 6 December 2016**

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### **Appeal A Ref: APP/Y3940/W/16/3155880**

#### **2a Pickwick, Corsham, Wiltshire SN13 0HZ**

- 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 James Harper, Minerva Consultancy against the decision of Wiltshire Council.
  - The application Ref 16/00504/FUL, dated 18 January 2016, was refused by notice dated 25 May 2016.
  - The development proposed is the creation of a dwelling through the change of use of 2a Pickwick from A1 to C3. The reconstruction of structure to the rear of the Farmhouse, also known as 2a and 2b Pickwick, Corsham, and works to the Farmhouse itself, including stonework and roof repairs to the building and the alteration of the bay window.
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### **Appeal B Ref: APP/Y3940/Y/16/3155881**

#### **2a Pickwick, Corsham, Wiltshire SN13 0HZ**

- 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 Mr James Harper, Minerva Consultancy against the decision of Wiltshire Council.
  - The application Ref 16/00677/LBC, dated 18 January 2016, was refused by notice dated 31 May 2016.
  - The works proposed are the creation of a dwelling through the change of use of 2a Pickwick from A1 to C3. The reconstruction of structure to the rear of the Farmhouse, also known as 2a and 2b Pickwick, Corsham, and works to the Farmhouse itself, including stonework and roof repairs to the building and the alteration of the bay window.
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### **Procedural matter**

1. Plans 3635 - 021C (sections BB and CC as proposed), 030D (elevations as proposed) and D02A (Bay window) have been submitted for consideration at this appeal. Although these were not before the Council when it made its decision they relate to detailed matters upon which no public comment was made and have been seen by the Council. As no interested parties would have been disadvantaged, I have assessed this appeal on the basis of these plans.

### **Decisions**

2. **Appeal A:** The appeal is allowed and planning permission is granted for the creation of a dwelling through the change of use of 2a Pickwick from A1 to C3. The reconstruction of structure to the rear of the Farmhouse, also known as 2a and 2b Pickwick, Corsham, and works to the Farmhouse itself, including

stonework and roof repairs to the building and the alteration of the bay window at 2a Pickwick, Corsham, Wiltshire SN13 0HZ in accordance with the terms of the application, Ref 16/00504/FUL, dated 18 January 2016, subject to the conditions in the attached schedule.

3. **Appeal B:** The appeal is allowed and listed building consent is granted for the creation of a dwelling through the change of use of 2a Pickwick from A1 to C3. The reconstruction of structure to the rear of the Farmhouse, also known as 2a and 2b Pickwick, Corsham, and works to the Farmhouse itself, including stonework and roof repairs to the building and the alteration of the bay window. at 2a Pickwick, Corsham, Wiltshire SN13 0HZ in accordance with the terms of the application Ref 16/00677/LBC dated 18 January 2016 subject to the conditions in the attached schedule.

## **Main Issues**

4. The main issues are i) whether the proposed works would preserve the listed building or any feature of special architectural or historic interest which it possesses and ii) the effect on the safety of highway users in terms of lack of off street parking.

## **Reasons**

### *Listed building*

5. This Grade 2 listed building comprises three distinct phases, as identified in the appellant's Historic Phasing Analysis. The original Priory Farmhouse can be identified only with certainty on the 1837 Tithe map, but is likely to be earlier (mid to late C18th according to the list description). It was then altered by the addition of an imposing front porch and a side extension in 1872, (now known as 2A), with a collection of later extensions following to the rear. I can find no direct evidence that explains for what purpose 2A was originally built, but the not unreasonable assumption has been made that it was for some other purpose other than residential, based on the unusually large front window. The building is now separated from the former dairy site behind, but the function of 2A may have been linked to this. The unusually wide ground floor window set in a projecting stone surround therefore has significance in telling the story of the previous functions and historic development of the whole building.
6. The design of the replacement window at the front of 2A is at contention. The Council considers that the submitted proposed design, which divides the single pane into two/four light casements with a timber central mullion, is too domesticated. The suggested revision shown on plan D02A (Bay window), with two/two light casements and a flush cill does not reduce this impact. I agree that because of its overtly domestic appearance, this design approach would reduce the historic significance of the window, which would be contrary to the test set out in Section 16 of the Act to preserve features of special architectural or historic interest.
7. However, research, perhaps through local and estate archives, might reveal the original design and if no evidence is found, the Council suggests that there are examples of shop fronts locally which could form the basis for a design approach. This suggestion is reasonable and is in line with the requirement to preserve the significance of the building. Added to this design challenge is the need to take into account the exposure to noise and vibrations from the heavily

trafficked road, an important point made by a number of respondents. I note that the appellant is willing to use secondary glazing, which would be the best way to attenuate the noise from the road.

8. The timely refurbishment of this building is highly desirable. I therefore conclude that as the replacement window is a self-contained design exercise it can be a reserved matter. It would therefore be inappropriate for me to make any "in principle" comment on the proposed use of insulated glass units as this would be a matter for the Council at that later stage, taking into account the detailed design selected, the advice given by Historic England<sup>1</sup> and the impact on the overall significance of the building.
9. The Council is concerned that the possible underpinning of the foundations of the existing building would cause harm to the historic structure through differential settlement. The appellant has explained his approach and submitted further cross sections (Appendices 2-5 of the final comments). He also states that he has sought the advice of a structural engineer. However, the final design is dependent on a full understanding of the extent, type and level of the existing footings and it is not possible for me to draw any firm conclusions at this stage. I also note that it is not yet known what floor lies below modern overlays in the earliest parts of the building. I am satisfied that a condition could be attached to allow this matter to be assessed in the light of an accurate understanding of the existing foundations.
10. I saw at the site visit that there was a reused, rehung historic door in the hallway to unit 2B, that the door to 2C is likely to be an over clad earlier door and that there is a good quality traditional ledged and braced bathroom door at first floor level, all scheduled to be removed. Notwithstanding the submitted plans, a condition requiring the existing doors to be individually evaluated would ensure that doors of historic value would not be removed.
11. I therefore conclude that subject to the conditions I have mentioned above and those discussed in the following section, the proposals would preserve the listed building and features of special architectural and historic interest as required by Sections 16 and 66 of the above Act. They would also comply with the requirements of policies CP57 (iv) and CP58 of the Wiltshire Core Strategy 2015.

#### *Highway safety*

12. The appeal site faces the A4 which is a major county distributor road, with heavy traffic flows. At the appeal site location there is a 30mph speed restriction and street lighting. There are no parking restrictions directly outside the appeal site, although there are white lines marking the edge of the carriageway. The appeal site is an existing building with no space for off-street parking.
13. The Highway Authority does not dispute that the hair dressing salon at 2A Pickwick could have generated more day time vehicle movements than the proposed two bedroom flat. I would add that such a business could also operate into the later evening hours, especially during the evening peak hour. The key concern of the Highway Authority is that there would be more likelihood that vehicles would be parked overnight on the A4. This, it states,

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<sup>1</sup> Traditional Windows – their care, repair and upgrading 2015.

would interrupt the free flow of traffic to the danger of the road users. It points to the presence of a protected right turn lane close to the appeal site and I also saw that there is a protected crossing in the Box direction just beyond the junction with the Woodlands.

14. As would be expected on a road with such high volumes of traffic, there have been accidents, sadly one fatal, but a detailed examination of these as put forward by the appellant in his final comments, does not indicate any direct causal link to parked vehicles in this location or anywhere else along this stretch of 30mph road.
15. The occupiers of the two existing flats (2B and 2C) could park outside the property at any time of day or night and that would recommence once the flats are re-occupied, which could be done without the need for planning permission. The addition of one extra dwelling, with potentially two extra cars, would not therefore materially add to the effect of overnight parking on the free flow of traffic.
16. The Council has suggested that if I were minded to uphold this appeal, a condition should be imposed requiring a scheme of waiting restriction measures to be put in place before the flat is occupied. However, as I have pointed out above, the building contains two existing flats, the vehicles of which could be parked overnight in any event. I therefore consider that such a condition is not reasonable or fairly and reasonably related in scale and kind to the development. It would therefore fail the tests for conditions set out in paragraph 206 of the Framework.
17. I accept that given the high traffic volumes experienced along this road, the future occupiers would, as a precaution, be more likely to park in Priory Street nearby. Concern has been expressed about the use of the Woodlands for parking, but this would be less likely due to the need to cross the road.
18. Whilst some respondents mention the loss of visitor parking spaces for the adjacent Dairy Court development, no such proposal is included in this application. There is unrestricted street parking in Priory Street opposite Dairy Court, except at corner locations. The Dairy Court development is nearing completion and the builders will move on. There would be on-street parking available on this stretch of Priory Street, and I have no evidence before me that persuades me that the proposal would cause serious parking stress to the degree that it would affect the safety of highway users.
19. The Highway Authority makes the case that the appeal site is not in a location which be considered to be appropriate for car-free development. However, I saw that there is good level access within a reasonable walking distance to the services available in the town centre and in other directions and there is a regular bus service to further distant locations in both directions, the stops for which are within an easy walk.
20. Core Strategy policies CP57 *Ensuring high quality design and place shaping* requires that designs meet the requirements of Core Strategy policy CP61 *Transport and new development*. Policy CP61 requires that the proposed new dwelling is served by a safe access to the highway network, which is not the issue in this case. Section 4 *Promoting sustainable transport* of the National Planning Policy Framework sets out similar aims. Paragraph 32 applies to developments which generate a significant amount of movement and is not

relevant to this proposal. Paragraph 35 has a broader aim to create safe and secure layouts, and for the reasons I have set out above, I have concluded that there would be no material additional risks to the safety of highway users from this proposal over and above the existing situation. Wiltshire Local Transport Plan *Car Parking Strategy* 2015 requires a 2 bedroom unit to have 2 parking spaces. The proposal does comply with this standard, but this is an existing building where it is not possible to rigidly apply standard parking requirements. The proposal must therefore be assessed on the basis of the individual merits of the case, which I have done.

21. Section 7 of the Framework *Requiring good design* recognises the importance of several design factors and so requires developments to function well and create safe and accessible environments. For the reasons I have explained, I have concluded that the appeal site is in a reasonably sustainable location and that the proximity of unrestricted parking would be a reasonable alternative to parking on the main road. The proposed new dwelling would therefore function reasonably well given the constraints of the appeal site and its location. The proposal would not therefore be at odds with the broad aims of the Framework.

#### *Other matters*

22. A number of respondents have raised the question of the loss of the commercial use. However, the Council states that the proposed change of use in this premises is acceptable in principle and I conclude that the loss of a small isolated commercial unit would not harm the vitality of the town centre and I have no evidence that it would significantly affect the supply of commercial premises in the area.

#### **Overall conclusions**

23. I have concluded that, subject to conditions, the proposed development would preserve the listed building. I also conclude that the character and appearance of the Pickwick Conservation Area would be preserved.
24. I have concluded that taking into account the existing uses in the building, the proposed change of use to a 2 bedroom flat would not materially affect the safety of highway users.
25. I therefore conclude that the appeals should succeed.

#### **Conditions**

26. I have assessed the conditions proposed by both the Council and the comments from the appellant, against the tests set out in paragraph 206 of the Framework and the guidance set out in the Planning Practice Guidance.
27. I have attached the standard conditions to require the development/work to commence within 3 years as required by the Acts and I have attached the standard conditions to require that the development/work to comply with the submitted plans. This is in order to provide certainty. For the avoidance of doubt I have omitted plan no D02A (bay window), as this would be covered by a condition.
28. I have carefully considered which conditions should be pre-commencement conditions and which can be left until that part of the work commences. This in

order to allow work to start as soon as possible, given the vacant state of the building.

29. I have not attached conditions relating to the proposed roof lights, as the submitted plans adequately cover this matter.

Specific conditions Appeal A:

30. I have excluded conditions suggested by the Council where they relate to internal works or works of repair, as these are matters to be covered by the listed building consent only. The foundation design is also matter for the listed building consent, as is the repair/repointing of the external stonework.

*Matters to be submitted and approved before any development starts:*

31. As there is no proposal to demolish the chimney stacks (suggested condition 5), I have not attached a condition relating to this but should this become necessary, the work would be covered by conditions attached to the listed building consent.

*Matters to be approved before the work starts on that part of the proposed development:*

32. I have required full details of all new external doors, fences, gates, ducts, vents, flues, grilles and meter boxes, as well as details and samples of the proposed renders and natural slates, and the new front window

Specific conditions Appeal B:

*Matters to be submitted and approved before any work starts:*

33. I have required full details of the works to repair the roof structure, including chimney stacks, and as the stone slates, which are valuable items, are to be temporarily removed, a secure storage for the removed stone roofing slates. As there is no proposal to demolish the chimneys I have not attached a condition relating to this (suggested condition 5). This is so that the Council can be satisfied that the listed building is preserved (as required by Section 16 of the Act).

34. I have required the foundation design of the new extensions to be submitted and approved before work commences, as this is fundamental to the stability of the existing buildings. The Council's concerns about potential differential movement are reasonable, but without an understanding the exact nature of the existing foundations I cannot make a judgement on the correct approach. Opening up will be necessary and if underpinning cannot be avoided through foundation design, I have required that an engineer's report be submitted so that the Council can reach a fully informed decision.

35. As the submitted plans already include the details of the proposed new staircase in unit 2C it is unnecessary to require further details.

36. I have not required details of the new and replacement roofs (suggested condition 4) as these are adequately detailed on the submitted plans.

*Matters to be approved before the work starts on that part of the proposal:*

37. I have imposed a general “catch all” condition, not suggested by the Council, but recommended by the Institute of Historic Buildings Conservation<sup>2</sup>, to require that all new external and internal works and finishes and works of making good to the retained fabric shall match the existing original work. This in order to ensure that the listed building is preserved. I have not therefore required sample panels of the pointing as it is the responsibility of the appellant to ensure compliance with this condition.
38. The Council has suggested a number of conditions relating to details, which I have re-worded in the interests of clarity. I have omitted some items where they are covered by the submitted plans or other conditions.
39. I have required details of all existing ceilings in order that the Council may be satisfied that no historic ceilings are removed without justification. I note that asbestos has been identified, but that would not normally justify the wholesale removal of historic ceilings.
40. As I have discussed above, the design of the replacement ground floor window is unresolved. I have therefore required that full details of this window are submitted to and approved before that part of the work commences.
41. I have attached a condition requiring a sample of the through coloured render proposed for the rear extensions and details and a sample of the proposed natural slates. This latter is because the colour of slates can vary significantly.
42. I have required full details of the existing doors to be submitted because it was apparent at the site visit that some of the doors scheduled to be removed are likely to be either over clad or reused historic doors (as evidenced by the strap hinges) or just simply good traditional doors.
43. These conditions are necessary in order to preserve features of special interest which the building may contain, but are not yet fully understood.

*Jacqueline Wilkinson*

INSPECTOR

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<sup>2</sup> IHBC Toolkit Guidance Note 16/2 LBC 23.

**Appeal A Ref: APP/Y3940/W/16/3155880**  
**2a Pickwick, Corsham, Wiltshire SN13 0HZ**

**Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 1) The development hereby permitted shall be carried out in accordance with the following approved plans 3635-:
  - 003A (existing ground floor plan and elevations),
  - 010B (location plan),
  - 012D (ground floor as proposed),
  - 013 (rafter layout as proposed),
  - 020B (section AA as proposed),
  - 021C (sections BB and CC as proposed),
  - 022A (section DD as proposed),
  - 030D (elevations as proposed),
  - D01 (extension dpc),
  - D03 (new eaves),
  - D04 (new ridge),
  - D05 (plot 2 external kitchen door)
  - D06 (plot 1 external kitchen door),
  - D07a (plot 1 bedroom external doors),
  - D08 (conservation roof light),
  - 014b (first floor as proposed),
  - D09 (plot 2C staircase),
  - D10 (new internal doors),
  - D11 (plot 2A bedroom 2 window).
- 2) Notwithstanding the details shown on the plans hereby approved, no work shall commence on the relevant part of the development until full details have been submitted to and approved in writing by the local planning authority of:
  - i) the colour of the proposed render, in the form of details and a sample,
  - ii) the proposed natural slate, in the form of the details of the origin and a sample,
  - iii) all new external doors, fences, gates, ducts, vents, flues, grilles and meter boxes,
  - iv) the proposed replacement ground floor front window, at scales of 1:10, 1:5 and 1:2.

The work shall be carried in accordance with approved details.

**End of schedule**

**Appeal B Ref: APP/Y3940/Y/16/3155881**  
**2a Pickwick, Corsham, Wiltshire SN13 0HZ**

**Schedule of conditions**

- 3) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 4) The work hereby authorised shall be carried out in accordance with the following approved plans 3635-:
  - 003A (existing ground floor plan and elevations),
  - 010B (location plan),
  - 012D (ground floor as proposed),
  - 013 (rafter layout as proposed),
  - 020B (section AA as proposed),
  - 021C (sections BB and CC as proposed),
  - 022A (section DD as proposed),
  - 030D (elevations as proposed),
  - D01 (extension dpc),
  - D03 (new eaves),
  - D04 (new ridge),
  - D05 (plot 2 external kitchen door)
  - D06 (plot 1 external kitchen door),
  - D07a (plot 1 bedroom external doors),
  - D08 (conservation roof light),
  - 014b (first floor as proposed),
  - D09 (plot 2C staircase),
  - D10 (new internal doors),
  - D11 (plot 2A bedroom 2 window).
- 5) Notwithstanding the details shown on the plans hereby approved, no work shall commence on site (including demolition, but excluding opening up where necessary to inspect the existing foundations and floor structures in the existing building) until full details of following items are submitted to and approved in writing by the local planning authority:
  - i) Works to repair the roof structure, including chimney stacks and provision of secure storage for the removed stone slates,
  - ii) The proposed foundation design in relation to the existing foundations, and if underpinning is unavoidable, a suitably qualified structural engineers report on the effects of the underpinning on the existing building.The work shall be carried out in accordance with the approved details.
- 6) Notwithstanding the details and notes shown on the plans hereby approved, no work shall commence on the relevant part of the work until

full details have been submitted to and approved in writing by the local planning authority of:

- i) existing and proposed floors, to include the treatment of any historic construction which may be found on the ground floor and the method for lifting and replacing historic floorboards where they exist,
- ii) notwithstanding the specific reference on plan 014B, all existing ceilings, to include full details of their replacement construction
- iii) the treatment of existing internal walls
- iv) existing doors, with an assessment of their historic significance and proposed new doors (where they are not already covered by the submitted plans).
- v) opening up of fireplaces and any new or replacement surrounds, hearths and cowls,
- vi) areas of external pointing and stonework replacement/repair marked up on elevations and a specification, taking into account the techniques set out in Appendix B of the Appellants statement (*Stonemasons report*).
- vii) the colour of the proposed render, in the form of details and a sample,
- viii) the proposed natural slate, in the form of the details of the origin and a sample,
- ix) fences, gates, ducts, vents, flues, grilles and meter boxes.

The work shall be carried in accordance with approved details.

- 7) All new external and internal works and finishes and works of making good to the retained fabric shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved under the above conditions.

## **End of schedule**