
Appeal Decisions

Site visit made on 10 January 2017

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/Y0435/W/16/3159244

4 Upper Weald, Calverton, Milton Keynes MK19 6EL

- 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 Gordon Howitt against the decision of Milton Keynes Council.
 - The application Ref 16/01631/FUL, dated 15 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is described as *rebuild and enlarge existing polycarbonate roofed conservatory and pitch over existing flat roofed '70s extension with additional bed and bath within the roof space, together with render over existing LBC face brick and other associated works.*
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Appeal Ref: APP/Y0435/Y/16/3159242

4 Upper Weald, Calverton, Milton Keynes MK19 6EL

- 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 Gordon Howitt against the decision of Milton Keynes Council.
 - The application Ref 16/01632/LBC, dated 15 June 2016, was refused by notice dated 5 September 2016.
 - The works proposed are described as *rebuild and enlarge existing polycarbonate roofed conservatory and pitch over existing flat roofed '70s extension with additional bed and bath within the roof space, together with render over existing LBC face brick and other associated works.*
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Decisions

1. The appeals are dismissed and planning permission and listed building consent are refused for the applications to rebuild and enlarge existing polycarbonate roofed conservatory and pitch over existing flat roofed '70s extension with additional bed and bath within the roof space, together with render over existing LBC face brick and other associated works.

Main Issues

2. These are the statutory duty to have special regard to the desirability of preserving the Grade II listed building or its setting or any features of special architectural interest which it possesses, and secondly, the impact of the proposed development on the living conditions of neighbouring occupiers.

Reasons

3. The appeal property (No 4) is a mid-18th century, two-storey, simple stone and thatch cottage with 2 brick chimneys. It contains an attic on the 1st floor
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with 2 dormers with brick sills and casement windows. At the front is a wooden porch with pointed cap on brackets and 2 posts. The expanse of the thatched roof is a particularly noteworthy feature of the listed building which adds considerably to its significance. It can be given additional importance as there are no other thatched roofed properties in Upper Weald. Most neighbouring buildings comprise brickwork with tiled roofs, or stone with slate roofs. No 4 has been altered internally to provide one ground floor room in the original cottage. It has also been extended at the rear to provide a single storey flat roofed extension with a flat roofed conservatory alongside it.

4. The appeal property is one of a group of buildings at the core of Upper Weald. To the east is Templars, a house which is also Grade II listed. To the west are 2 semi-detached cottages, Nos 5 and 6 Upper Weald (Nos 5 and 6). They are separated from the appeal site by an area of hard-standing used for parking.

Character and appearance and effect on listed building

5. The proposed works include erecting a dual pitched slate roof over the rear extension. Within the roof would be an additional bedroom and a bathroom reached from the existing landing. There would be roof lights on the east and west elevations and a Juliet balcony at the rear. The proposed roof would cut into the thatched roof slope and a large area of thatch would be removed. The walls of the extension would be rendered and painted. The appeal proposal also includes the demolition of the flat roofed conservatory to the west of the extension which is in poor condition. In its place would be an enlarged conservatory which would match the depth of the adjacent extension. It would have a single pitch slate roof containing 3 roof lights. This roof would also require the removal of some of the thatch. The walls of the conservatory would be stone to match the existing cottage.
6. The size of the roof over the extension was reduced following discussions with the Council. Nonetheless, the roofs over both elements of the proposal would require the removal of thatch. The thatched roof is an important historic feature of the cottage and the removal of such a significant area of roof would harm the unique character and historic significance of the building. Furthermore, in a wider context the thatched roof is a particular feature of special architectural interest in Upper Weald and special regard must be given to its preservation.
7. The existing extension is deeper than the cottage and more than half its width. The proposed significant increase in the height and overall mass of the extension would result in an addition which would be out of scale with and would dominate the modest size of the original cottage. The scale of the proposed slate roof and its stark contrast with the thatch would amount to a dominant addition which would be visually distracting from, and out of character with, the appearance of the historic cottage. The introduction of the roof lights and Juliet balcony would draw further attention to the roof. The wide spacing between the appeal property and its neighbours means that the proposed extension would be visible in the street scene and as a result the setting of the listed cottage would also be harmed.
8. Subject to details, in itself the proposed painted render finish to the existing walls of the 1970's brick extension would more closely reflect and would enhance the character and appearance of the listed cottage. Furthermore, there are no reasons to disagree with the Council that the demolition of the

conservatory, the larger footprint of the proposed conservatory and the use of matching stone walls would be acceptable and that a pitched roof would better relate to the original historic building than the existing flat roof. However, these factors do not outweigh the harms I have set out.

Conclusion on the first main issue

9. I conclude that the proposed works would harm the character, appearance and significance of the listed building and the character and appearance of the wider area. I further conclude that the proposal would lead to less than substantial harm to the significance of the designated heritage asset. In accordance with the requirement of Paragraph 134 of the National Planning Policy Framework (the Framework), this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
10. The appellant claims that the property is inconvenient as there is no upstairs bathroom and that there are too few bedrooms for the size of the plot. It is stated that No 4 is unsaleable, having been unsuccessfully marketed several times since 2012. Whilst the proposed works could be said to be an attempt to bring the building up to date, they would also severely harm the character and appearance of the listed cottage. There is little convincing evidence that the proposed works are necessary to secure the continuing optimum viable use of the building as a home or to sell the property. There can be many reasons for failing to secure a buyer. The identified public benefits of the proposal are solely benefits to the appellant and I conclude that there are insufficient public benefits to outweigh the harms I have identified.
11. For the reasons set out the proposed development and works would therefore conflict with saved Policy D2 of the Milton Keynes Local Plan 2001-2011 (LP), which sets out a number of criteria relating to the design of new buildings and extensions to ensure that they relate to the host building and the surrounding area and the similar provisions of Policy CS13 of the Milton Keynes Core Strategy 2013 (CS). There would also be conflict with saved LP Policy HE4 which in summary requires works to listed buildings to preserve their character and appearance and to restore or complement their features of special architectural and historic interest. The harm to the setting of the listed building would conflict with saved LP Policy HE5. The works would not protect and enhance the significance of the heritage asset as required by CS Policy CS19 and would be counter to the similar aims of the Framework.

Effect on neighbouring living conditions

12. Turning to the effect of the proposal on neighbouring occupiers, the roof over the extension would have 3 roof lights on the roof slope facing onto Nos 5 and 6 which are set back from the road by around 7m. There would be a separation distance of around 15m between the roof lights and No 5. Having regard to the position and height of the roof lights and the orientation of the buildings it is my judgement that the proposed roof lights would cause some overlooking and a resulting loss of privacy for these neighbouring occupiers. The continuing presence of trees and shrubs on the boundary between the properties cannot be relied on to provide privacy.
13. However, the proposed bedroom would have a pair of glazed doors on the end elevation providing sufficient light and outlook for the occupiers and the remaining 2 roof lights facing No 5 would not serve habitable rooms. Therefore

to overcome these concerns the roof lights could have been conditioned to be obscurely glazed and fixed shut, had the scheme otherwise been acceptable.

14. The other roof lights which would face Templars would serve a family bathroom and a dressing room off the master bedroom. Notwithstanding the difference in levels and that the neighbouring car port close to the shared boundary would prevent some overlooking of part of Templar's garden; these roof lights could also have been subject to the same condition detailed above in order to prevent any harm to neighbouring living conditions.
15. In terms of overshadowing, I have assessed the increased height of the rear extension and the orientation of the application property and its neighbours. I conclude that there would be some loss of direct sunlight in the morning to the habitable rooms and gardens of Nos 5 and 6 and Templars would be affected in the late afternoon and early evening. However, given the distances between the various buildings I agree with the Council that this loss of sunlight would not be harmful to an extent that would justify withholding planning permission.
16. I conclude on the second main issue that whilst there would be some loss of privacy due to overlooking contrary to saved LP Policy D1 (iii), this could have been addressed by conditions if the proposal had been otherwise acceptable such that this does not add weight against the appeal proposals.

Other matters

17. I note a comment from a neighbour that a similar proposal at Templars was scaled down on the advice of the Council. However, each application falls to be determined on its own individual merits.
18. There is insufficient evidence with the appeals to determine the effect of the proposed works on the roots of a tree in the garden of Templars. I note that this is not a matter addressed by the Council. In any event the appeals are dismissed and it is not therefore necessary for me to consider this matter further in this decision.

Overall Conclusion

19. The policies of the development plan that have been brought to my attention in these appeals indicate that the plan is in accordance with the policies in the Framework. The proposals would conflict with the development plan as set out above and would not therefore constitute sustainable development. For the reasons I have set out, planning permission and listed building consent should not be granted. Accordingly, the appeals are dismissed.

Elaine Benson

INSPECTOR