
Appeal Decisions

Site visit made on 23 May 2017

by Neil Pope BA (Hons) MRTPI

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

Decision date: 2 June 2017

Appeal A Ref: APP/Y3940/W/16/3159321

The Chalford House Hotel, 114 Warminster Road, Westbury, Wiltshire, BA13 3PR.

- 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 A Hunt against the decision of Wiltshire Council.
 - The application Ref. 16/03817/FUL, dated 12 April 2016, was refused by notice dated 14 June 2016.
 - The development proposed is a conservatory.
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Appeal B Ref: APP/Y3940/Y/16/3159322

The Chalford House Hotel, 114 Warminster Road, Westbury, Wiltshire, BA13 3PR.

- 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 A Hunt against the decision of Wiltshire Council.
 - The application Ref.16/04176/LBC, dated 12 April 2016, was refused by notice dated 14 June 2016.
 - The works proposed are a conservatory.
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Decisions

1. The appeals are allowed. Planning permission and listed building consent are granted for a conservatory in accordance with the terms of application refs. 16/03817/FUL and 16/04176/LBC, dated 14 June 2016, subject to the conditions set out in the Schedules below.

Preliminary Matter

2. On behalf of the appellant, I have been informed that the terrace at the rear of the building has been in existence for more than four years. In response, the Council has informed me that this work is not immune to enforcement proceedings as the building is listed. There is nothing before me to indicate that enforcement proceedings have been commenced in respect of this work.

Main Issues

3. The two main issues are: firstly, whether the proposal would preserve the grade II listed building known as The Chalford House Hotel (listed as The Cedars Country Club Hotel) or any features of special architectural or historic interest that it possesses (appeals A and B) and; secondly, the effect upon the living conditions (privacy) of occupiers of neighbouring properties in The Tynings (appeal A only).
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Reasons

Listed Building (Appeals A and B)

4. Chalford House Hotel is a late 18th century, three storey brick building with chamfered stone quoins, stone Doric porch, sash windows, slate roof with coped verges and chimneys. It includes 20th century side and rear additions. The significance of this designated heritage asset lies primarily in the architectural qualities and the building fabric of the late 18th century structure.
5. The proposed conservatory would be built over the existing rear terrace. Measuring approximately 5m x 6m, with the roof ridge at about cill height of a first floor window, the proposal would be a modest-sized and subservient addition to the host building. Moreover, the proposed powder coated aluminium frames and glazed walls would comprise a light-weight structure that would not detract from the important architectural qualities of the listed building or involve the loss of any significant historic fabric.
6. Whilst the proposal would extend slightly beyond the south western flank wall of the hotel it would not be unduly prominent or disrupt from an appreciation or understanding of the significance of this designated heritage asset. The location, height, size and scale of the conservatory would not harm the appearance or integrity of the listed building.
7. The conservatory would provide additional dining space for the hotel and would assist in strengthening the success of the appellant's business. It is likely to be beneficial in maintaining a viable economic use for this listed building.
8. I conclude that the proposed works/development would preserve the special architectural and historic interest of the listed building. The proposal would accord with the provisions of the development plan and the National Planning Policy Framework (the Framework) that are aimed at safeguarding heritage assets. Listed building consent should therefore be granted.

Living Conditions (Appeal A only)

9. The proposed development would be set back from the boundary of the gardens to neighbouring bungalows in The Tynings. As I saw during my visit, from the existing raised terrace it is possible to see into some parts of some neighbouring gardens. There are also views towards some facing windows.
10. However, the existing tall cherry tree which is growing between the appeal site and neighbouring gardens would be retained and, for part of the year at least, this would filter views towards The Tynings. The appellant has also planted a row of conifer trees along the common boundary and, in time, these would grow to further filter these views. On behalf of the appellant, it has also been suggested that obscure glazing could be used in the facing elevation of the conservatory. This would further limit the potential for overlooking.
11. Whilst I note the concerns of the Council and some neighbouring residents, the conservatory would be sited and designed to avoid any significant overlooking of adjacent properties. An appropriate level of amenity would be maintained for those living alongside. This would accord with the relevant provisions of the development plan and the Framework. I conclude that the proposal would not have any significant effect upon the living conditions of occupiers of neighbouring properties in The Tynings.

Conditions

12. In addition to the standard conditions relating to the commencement of development/works, in the interests of certainty, conditions would be necessary specifying the approved plans. To safeguard the character and appearance of the listed building conditions would also be necessary regarding the external materials.
13. To safeguard the living conditions of neighbouring residents and to ensure the cherry tree growing alongside is not adversely affected conditions would be necessary on a planning permission requiring the use of obscure glazing and tree protection works.
14. Conditions to the above effect would accord with the provisions of paragraph 206 of the Framework.

Overall Conclusion

15. Given my findings above, I conclude that both appeals should succeed.

Neil Pope

Inspector

SCHEDULE OF CONDITIONS (APPEAL A)

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2,500 scale location plan and 1:100 proposed elevations (Revision A timber posts) and; 1:100 scale proposed ground floor plan (Revision A timber steps).
3. No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and samples.
4. The windows in the south west elevation of the conservatory shall be fitted with obscure glazing. Such glazing shall be retained thereafter.
5. The development shall be undertaken in accordance with the recommendations contained within the Arboricultural Impact Assessment dated 25 May 2016 and the barrier around the cherry tree shall be erected before development commences and shall remain in place until works have been completed.

SCHEDULE OF CONDITIONS (APPEAL B)

1. The works hereby permitted shall begin no later than three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved plans: 1:2,500 scale location plan and 1:100 proposed elevations (Revision A timber posts) and; 1:100 scale proposed ground floor plan (Revision A timber steps).
3. No works shall commence until details and samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and samples.