
Appeal Decisions

Site visit made on 17 July 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 4 August 2017

Appeal A: Appeal Ref: APP/F1610/W/17/3168164

North Barn, Road from junction with A429 to junction with A436, Maugersbury GL54 1HR

- 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 Brian Saunders against the decision of Cotswold District Council.
 - The application Ref 16/03916/FUL, dated 20 September 2016, was refused by notice dated 18 November 2016.
 - The development proposed is the installation of 2 rooflights.
-

Appeal B: Appeal Ref: APP/F1610/Y/17/3168165

North Barn, Road from junction with A429 to junction with A436, Maugersbury GL54 1HR

- 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 Brian Saunders against the decision of Cotswold District Council.
 - The application Ref 16/03917/LBC, dated 20 September 2016, was refused by notice dated 18 November 2016.
 - The works proposed are the installation of 2 rooflights.
-

Decisions

1. **Appeal A:** The appeal is allowed and planning permission is granted for the installation of 2 rooflights at North Barn, Road from junction with A429 to junction with A436, Maugersbury GL54 1HR in accordance with the terms of the application, Ref 16/03916/FUL, dated 20 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Unless modified under the condition below the development hereby permitted shall be carried out in accordance with the following approved plans: 1229/L01, 1229/P02, 1229/P03, 1229/S02 and 530/1.
 - 3) The rooflights hereby approved shall be installed so that, when in the closed position, no part of the rooflight shall project above the roof slope within which they are inserted and shall be retained as such thereafter.
2. **Appeal B:** The appeal is allowed and listed building consent is granted for the installation of 2 rooflights at North Barn, Road from junction with A429 to junction with A436, Maugersbury GL54 1HR in accordance with the terms of the application Ref 16/03917/LBC, dated 20 September 2016 subject to the following conditions:

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Unless modified under the condition below the works shall be carried out in accordance with the following approved plans: 1229/L01, 1229/P02, 1229/P03, 1229/S02 and 530/1.
- 3) The rooflights hereby approved shall be installed so that, when in the closed position, no part of the rooflight shall project above the roof slope within which they are inserted and shall be retained as such thereafter.

Main Issues

3. The appeal building is situated within the Stow-on-the-Wold Conservation Area (SotWCA) and forms part of a complex of historic farm buildings with, amongst other buildings, the adjacent Sycamore House and Sycamore Barn, which are grade II listed buildings. As such, it is not a matter of contention that the appeal building is within the historic curtilage of Sycamore House and, due to its age and relationship to the former farmhouse, should also be considered as listed.
4. Consequently, the main issues in both appeals are whether the proposed works and development would preserve the special architectural and historic interest of North Barn, whether they would preserve the setting of Sycamore House, whether they would preserve or enhance the character or appearance of SotWCA and whether they would preserve the significance of each of these heritage assets.

Reasons

5. The appeal building is located within the village of Maugesbury which is mainly residential, consists of a variety of buildings grouped around Chapel Street and forms part of SotWCA. I consider that the significance of this part of SotWCA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains together with its use of materials, pattern of development and the relationship of buildings to the spaces around them.
6. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The glossary to the Framework states that the setting of a heritage asset comprises the surroundings in which it is experienced and that different elements of that setting may either make a positive, negative or neutral contribution to its significance.
8. Sycamore House is a late 17th Century, 2½-storey stone farmhouse with an associated complex of stone outbuildings and former agricultural buildings which include Sycamore Barn and the appeal barn. From the details available to me, including the listing descriptions, I consider that the significance of these buildings is largely derived from their age, form, fabric and architectural features, as well as their use. The appeal building is a relatively substantial former barn which, due to its siting, closely relates to the farmhouse and is

seen in this context. This siting and the scale and form of the building provide a clear indication of the appeal barn's former functional relationship with Sycamore House.

9. As a result, I consider that the appeal building makes a contribution to the significance and setting of Sycamore House. Nonetheless, the evidence provided indicates that the building has previously been altered and extended as part of its conversion. Even though it retains its scale and form it now has a largely domestic appearance and is clearly no longer in agricultural use. All the surrounding former agricultural buildings including Sycamore Barn also appear to have been converted to residential use. Furthermore, landscaping, parking areas and detached garages reinforce the current predominantly residential character.
10. The proposed works and development would involve the insertion of 2 rooflights similar in design to existing rooflights that are within the opposing roofslope. The proposal would result in changes to the appearance of the roofslope which currently has no openings within it and it would require the removal of a small amount of roof materials. However, I have no evidence to indicate that the small amount of materials that would be removed form part of the historic fabric of the building. Moreover, given the size and design of the rooflights they would not materially erode the significance of North Barn or the ability of the public to interpret its significance which is largely derived from its scale and form.
11. The roofslope is largely screened from public view, when seen from the highway in front of Sycamore House, by adjacent outbuildings and boundary treatments. However, the roofslope does face towards the side elevation and the front garden of the former farmhouse and the rooflights would be visible, albeit at an angle from within the listed building. Nevertheless, there is tall landscaping within the garden of Sycamore House that limits intervisibility between the appeal site and the main listed building.
12. The roofslope is also visible in longer distance public views from the east/north-east and as such it is more prominent than the building's opposing roofslope which contains a number of rooflights and flues. Nonetheless, within these longer distance views they would be seen in relation to the complex of converted buildings, which incorporates a number of visible rooflights, close to Sycamore House and in the context of the current use of the barn. Moreover, the effect of this would be substantially mitigated by the proposed location of the rooflights on the lower part of the roofslope, their size and design.
13. The Council have not stated that the proposal would harm the setting of Sycamore Barn. From my observations I consider that this building is mainly experienced from within its curtilage and the adjacent private access drive and as such its setting is confined to this area. There would be no intervisibility with the proposal and consequently there would be no harm to the setting or significance of this listed building or on the ability of the public to interpret its significance.
14. Within this overall context and for the reasons given above, I consider that the installation of the rooflights as proposed would not be unacceptably intrusive or visually harmful, or materially at odds with the existing character of the appeal building. Consequently, overall, I am satisfied that the works and development would preserve the special architectural and historic interest of North Barn and the setting of Sycamore House and would not harm the significance of these

designated heritage assets. Whilst the rooflights would be seen, I am satisfied that they would not materially affect the ability to understand or appreciate the significance of the listed buildings. Moreover, due to the siting, size and design of the rooflights, they would have a limited impact on the wider area, including on the streetscene and as such the character and appearance of SotWCA would be preserved and its significance unharmed.

15. For the above reasons, I conclude that the proposed works and development would be in accordance with the Act. The appeal proposals would not conflict with saved Policies 15 and 42 of the Cotswold Local Plan that seek, amongst other things, to preserve the character and appearance of conservation areas and development to be designed in a manner that respects the character and appearance and local distinctiveness of Cotswold District. The proposal would also not conflict with sections 7 and 12 of the Framework.

Other matters

16. Third parties object to the proposal on a wider basis, including in respect of, loss of privacy and the impact on the Cotswold Area of Outstanding Natural Beauty (AONB). These did not form part of the Council's reason for refusal.
17. The rooflights would offer limited opportunity for overlooking due to their height above the floor level. As such I concur with the Council that they would not materially affect the level of privacy enjoyed by neighbouring occupiers.
18. The appeal site falls within the AONB but taking into account my findings above in relation to the limited impact of the proposal on the wider area I consider that the proposal would preserve the landscape and scenic beauty of the AONB.
19. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeals.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.
21. Conditions are needed in both appeals to secure compliance with the submitted plans and to provide certainty as to what has been permitted. The PPG advises it is important that the local planning authority limits the use of conditions requiring their approval of further matters after permission has been granted. The submitted drawings specify that the rooflights will match those on the west elevation. As such I do not consider that further details of the design of the rooflights are required. However, it is necessary to impose conditions requiring that the rooflights are installed in a way to ensure that they do not project above the roof slope to safeguard the special architectural and historic interest of the building.

Conclusion

22. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that both appeals should be allowed.

D. Boffin

INSPECTOR