
Appeal Decision

Site visit made on 14 August 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/N0410/W/17/3169674

**The Old Stables, Langley Park, Uxbridge Road, George Green, Wexham
SL3 6DW**

- 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 Dave Kanis-Buck against the decision of South Bucks District Council.
 - The application Ref 16/01794/FUL, dated 14 September 2016, was refused by notice dated 24 November 2016.
 - The development is a 4mx8m summer house located 1m away from the existing property and the existing boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that is the subject of this appeal was made retrospectively; the application form states that work was started on the summer house in July 2016. The Council made their decision based upon the current location of the summer house, in the rear garden of the host property, set some 1m away from its rear elevation and the eastern plot boundary.
3. The appeal statement proposes that the structure is moved to the northern edge of the garden, to increase the separation distance between the outbuilding and the main dwelling. The appellant considers that such a change would not deprive those who should have been consulted on the changed development of such consultation, and notes that the scale and massing of the building will remain the same, with its appearance only altered slightly by the painting of the building to a darker shade of brown.
4. The Procedural Guide to Planning Appeals advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. The Council have referred to the new proposed location for the summer house, as have some neighbours and in this respect some consultation of the new proposed location has occurred. However, the new location would place the building at the top corner of the garden, and very close to an adjacent footpath running near to the western boundary of the site. At my visit it was clear that this footpath through Langley Park is very well used. The acceptance of the new location would deprive the users of this path the opportunity of

consultation on the proposals. The significant difference in the location and siting of the summer house is also not insubstantial. Thus in the interests of fairness, I have considered the appeal on the basis of the current location of the structure and the plans against which the Council determined the application.

Main Issue

6. The appeal site lies within the Green Belt. The National Planning Policy Framework (the Framework) states that new buildings should be considered to be inappropriate in the Green Belt, subject to a range of exceptions, none of which the proposal would superficially meet.
7. In their decision the Council have considered case law and have concluded that the summer house, by virtue of its proximity to the property, its scale, and the domestic use of the building is capable of being considered as an extension to the dwelling house and is not inappropriate development in the Green Belt. I note that policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context, but on this occasion agree with the Council that the existing building, for the reasons given above, could be considered as an extension of the main building, and does not result in disproportionate additions over and above the size of the original building.
8. The sole main issue in this case therefore is the effect of the summer house on the setting of the North range of stables at Langley Park, a Grade II listed building.

Reasons

9. The appeal property forms part of the Grade II listed North range of stables at Langley Park. This building dates from the 18th century and is constructed in red brick with a high hipped slate roof. The southern façade of the 2 storey building has 11 bays, with the centre 3 projecting and pedimented. The northern elevation of the building is plainer, with large windows with soldier arches at ground floor level and smaller windows with curved brick arches above.
10. The site lies in the heart of Langley Park, a Grade II listed Historic Park and Garden. The north range of stables forms 1 side of a 3 sided courtyard, which lies to the north east of Langley House. To the north of the stables lies an arboretum, and a public footpath runs close to much of the western boundary providing access to the country park to the north and a lake to the south.
11. The summer house is a fairly significant structure, with a flat felted roof and timber boarding to all elevations. The building is sited perpendicular to the main linear form of the host property, and has 6 bi-fold timber doors on its western elevation providing access to and from a raised patio area at the rear of the house. At the time of my visit the timber boarding had been stained dark brown/black to its garden elevations. The garden boundaries are largely made up of deciduous hedges.
12. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.

13. Policies EP3 and H11 of the South Bucks District Local Plan (1999) together state that development will only be permitted where its scale, layout, siting, height, design and external materials are compatible with the character and amenities of the site itself, adjoining development and the locality in general.
14. Paragraph 132 of the Framework says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. The rear garden of the property forms part of the setting of the heritage asset. Although the garden is clearly domestic in scale, form and use, with various small scale structures, grassed garden and the aforementioned patio area, the summer house is considerably larger than any of the existing structures and forms a dominant structure in views from within the garden towards the rear of the property.
15. The painting of the structure at the time of my visit from its appearance on submitted photographs has reduced its visual effect somewhat but, nevertheless the design and scale of the building in terms of its height and length detracts from the simple largely symmetrical rear elevation of the stables, appearing incongruous in its location and adversely affecting the setting and therefore the significance of the listed building. Due to the nature of the deciduous hedges surrounding the site, the structure, and its effect on the setting of the stables, would also likely be partially visible from the Park during winter months.
16. With regards to paragraphs 133-134 of the Framework, I consider that such harm is less than substantial. Paragraph 134 indicates that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. No public benefits of the summer house have been outlined, and the host property appears superficially to be in good condition.

Conclusion

17. To summarise, I conclude that the summer house fails to preserve the setting, and therefore the significance of the Grade II listed stables. Such harm is less than substantial but no public benefits of the scheme have been identified to outweigh the clear harm caused. As such the proposal would conflict with the Framework and the Local Plan policies EP3 and H11.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR