
Appeal Decisions

Site visit made on 21 November 2017

by R Barrett Bsc (Hons) MSc MRTPI IHBC DipTP MRTPI

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

Decision date: 5th December 2017

Appeal Ref: APP/N1730/W/17/3179714 (Appeal A)
Keepers Cottage, Copes Lane, Bramshill, Hook RG27 0RQ

- 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 and Mrs Everett against the decision of Hart District Council.
 - The application Ref 17/00966/HOU, dated 24 April 2017, was refused by notice dated 22 June 2017.
 - The development is 'proposed barn style ancillary building to replace existing garage with single storey link extension.'
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Appeal Ref: APP/N1730/Y/17/3179718 (Appeal B)
Keepers Cottage, Copes Lane, Bramshill, Hook RG27 0RQ

- 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 and Mrs Everett against the decision of Hart District Council.
 - The application Ref 17/00967/LBC, dated 24 April 2017, was refused by notice dated 22 June 2017.
 - The works proposed are 'proposed barn style ancillary building to replace existing garage with single storey link extension.'
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Decisions

1. The appeals are dismissed.

Procedural Matter

2. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.

Main Issues

3. Whether the appeal development and works would preserve the special architectural or historic interest of Keepers Cottage, a grade II listed building and its setting and their effect on a protected species.

Reasons

4. The appeal site includes a modest detached timber framed cottage set in substantial grounds. It has a generally unaltered plan form, which together with its historic fabric contributes to its significance as a listed building, even though it was partly rebuilt following a fire. It sits within generally open and spacious gardens. That, together with its close relationship to the countryside beyond contributes to its rural and open setting, which in turn contributes to its significance as a listed building.

5. The appeal site includes a garage building which sits to one side. It is of limited architectural or historic interest in itself. However, even though it requires some repair, it is secondary to the listed building in scale and form, has a generally vernacular rural design and is positioned some distance from the main building. For all these reasons, it does not result in harm to the rural and open setting of the listed building.
6. The appeal works and development would result in a very large addition to the listed building. As it would be attached to the host dwelling, it would significantly change its unaltered plan form. As the garage replacement and the link structure would be very large and closer to the listed building than existing built form, overall it would dominate the host dwelling. This would be the case even though the ridge height of the garage replacement would be the same as the existing building and the eaves height would be lower. Resulting in substantial built form within its open garden, it would seriously erode the listed building's rural and open setting.
7. In coming to this conclusion, I have had regard to the fact that some of the link building would be underground and would be built into the landscape using the fall of the land to the west. Further, I note the incorporation of a green roof. However, the appeal structure would still appear as a large addition and the impact of its size and bulk would be seen from all sides; the front, rear and to the west in particular. I noted the mature vegetation on site in the south west corner brought to my attention, and note that additional planting could soften its impact. I am also aware that views into the site are limited and that the proposal would be located at the end of an unmade road. However, these matters do not overcome my concern. The use of oak cladding, handmade tiles and locally distinctive architecture, whilst they would reduce the harm I have identified, would not overcome it.
8. I conclude that the appeals would adversely affect the setting of Keepers Cottage that I have identified and therefore would fail to preserve the special architectural or historic interest of this grade II listed building. For this reason, they would be contrary to Hart District Local Plan (Replacement) 1996-2006 (LP) Policy CON 17. That policy aims to preserve and protect listed buildings and their settings.

Public Benefits

9. In accordance with paragraph 132 of the National Planning Policy Framework (the Framework), I accord great weight to the conservation of designated heritage assets. I consider that the harm to the significance of the listed building would be less than substantial; a matter to which I attach considerable importance and weight. However, in this case, no public benefits, as identified in paragraph 134 of the Framework, are before me, sufficient to outweigh that harm. In coming to this conclusion, I have noted that the appeal development and works would upgrade the existing living accommodation and avoid internal alterations to the listed building, whilst increasing its viability. However, I have limited evidence to suggest that its optimal viable use as a dwelling is under threat. I have also taken into account that a proposal of higher quality with more traditional materials than the existing garage could make a greater contribution to the setting of the listed building. However, I have found that these appeals do not.

Bats

10. The Council raises concern regarding the effect of the appeal proposals on bats. The appellants' Bat Scoping Assessment indicates that the garage has been accessed by bats in the recent past. However, in the absence of further information to clarify matters such as the type of bat and whether it is used as roosting habitat, I am unable to assess whether there is any potential impact on the species' population. In the absence of this information, I am unable to assess whether any harm that may result could be mitigated and whether such mitigation could be controlled through suitably worded planning conditions.
11. All in all, I cannot be assured on the information before me that the appeal development and works would generally preserve protected species. For this reason, the appeals would generally be contrary to LP Policy CON 5. That policy generally aims to safeguard species protected by law. However, as the appeals fail on the other substantive issue, this matter is not determinative in this case.

Other Matters

12. I acknowledge the effort that has gone into the development of the chosen design solution for these proposals. However, I have found that unacceptable harm to the setting of the listed building would be a consequence. I note the appellant's concern regarding the way in which the Council dealt with the appeal applications, particularly its pre-application advice, but this is a matter between the appellant and the Council in the first instance.
13. I have had regard to a Colleague's appeal decision brought to my attention. (APP/Y3615/D/14/2225357). However, that appeal was in a different locality and the Inspector's finding was that only minor harm to the setting of the listed building would result. In this regard, it does not replicate the circumstances of these appeals.

Conclusions

14. For the above reasons, and taking all other matters raised into consideration, I conclude that appeal A and appeal B should be dismissed.

R Barrett

INSPECTOR