
Appeal Decisions

Site visit made on 3 January 2018

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 23rd January 2018

Appeal A: APP/G2815/W/17/3181267

8 Honeybee Cottage, The Green, Ashton PE8 5LD

- 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 M York against the decision of East Northants District Council.
 - The application Ref: 16/02205/FUL, dated 14 November 2016, was refused by notice dated 23 June 2017.
 - The development proposed is the erection of a private car garage and the formation of a vehicular access.
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Appeal B: APP/G2815/Y/17/3181277

8 Honeybee Cottage, The Green, Ashton PE8 5LD

- 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 M York against the decision of East Northants District Council.
 - The application Ref: 16/02206/LBC, dated 14 November 2016, was refused by notice dated 23 June 2017.
 - The works proposed is associated with the erection of a private car garage and the formation of a vehicular access.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for the erection of a private car garage and the formation of a vehicular access.

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. As the wall is part of the curtilage and has a principal and accessory relationship to the main building, it is also consequently listed. This is the basis upon which these appeals have been determined.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, 'Honeybee Willow', its setting and any of the features of special architectural or historic interest it possesses and the extent to which it would preserve or enhance the character or appearance of the Ashton Conservation Area.

Reasons

6. The appeal property is semi-detached, occupies a prominent corner plot location and faces a public open space at the centre of the small model village of Ashton. The proposal comprises the erection of a timber garage with an attached store near the northern, rear garden boundary and the formation of a vehicular access point on the western garden boundary.
7. The Ashton Conservation Area (CA) encompasses a relatively small area which includes Ashton itself as well as a number of fields and buildings to the west. The village is a remarkably intact, early 20th century model village constructed by the architect William Huckvale for the first Lord Rothschild, Charles. The design and layout of the buildings provides a strong sense of uniformity throughout. A series of thatched cottages are arranged around a central village green with a thatched public house situated at one end, The Chequered Skipper. The boundary walls of the gardens have a high degree of consistency and their low height enables clear views of the host properties. They enclose large gardens which provide an important semi-natural setting to the buildings.
8. The size and largely uncluttered nature of the gardens, with their picturesque, thatched bath houses, emphasises the importance of the natural environment and human wellbeing. The rurality and bucolic character of Ashton is of particular importance as it is linked to a design concept that was directly associated with Charles Rothschild who was an important, early pioneer of nature conservation in Britain who founded what was to become The Wildlife Trusts. As such, the layout and conceptual basis of the village is of considerable historic importance, as noted by Historic England (HE) in its objection to the proposal. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, to be primarily associated with its semi-natural character and the historic, open layout of the village.
9. The building (Ref: 1245643) was listed in 1998 and was constructed between 1900 and 1901. It is one of a pair of cottages constructed from coursed rubble with a hipped, thatched roof with a central dormer. It is in the vernacular revival style with stone mullioned windows and ashlar dressings. It comprises two stories with end stacks as well as a distinctive, central stack. A stone wall encloses the garden which extends around the front, side and rear elevations of the building with the majority of the garden situated to the rear. It is constructed from coursed stone, of varying size, and is surmounted by a distinctive 'cock and hen' coping. Both the building and wall are of uniform design with the architectural detailing of these structures repeated throughout the village. As such, they have a significant group value. The open, largely uncluttered garden plays a key role in the historical significance of the building due its rural, semi-natural character with the wall providing an important feature that frames both the garden and the house. Given the above, I find that the special interest of the listed building, insofar as it relates to these

appeals, to be primarily associated with the historic legibility of its setting and its enclosure.

10. I observe from the plans and my site visit that the proposal would lead to an over-dominant, visually distracting, highly incongruent structure that would be clearly visible from the village green and the adjacent access road to the west and north of the garden boundary. Whilst I observed similar structures to the north of the appeal site, these are not as closely juxtaposed or within existing gardens. The inappropriate massing of the garage would be further emphasised by the rising ground to the north of the listed building. This negative impact would be further compounded by the disruption of the uniform appearance of the wall and associated loss of original fabric, the introduction of an alien surfacing material to the garden, e.g. gravel-dressed tarmac, and the presence of parked vehicles within its boundary.
11. Notwithstanding the palisade fence, garden shed and a short section of dry stone wall that projects from the rear elevation of the building, these changes would fundamentally undermine the historic significance and setting of the building to the clear detriment of the setting of the building and the CA as a whole. As such, they would lead to an unacceptable, cumulative impact.
12. The appellants are of the opinion that the proposal is acceptable because of the presence of a nearby bin storage area, the limited prominence of the proposed access and the presence of other timber fronted buildings in the village. However, each case must be determined on its individual merits. Neither the bin storage area nor the other development associated with Chapel Farm nor the presence of timber fronted buildings elsewhere in the village alters the conclusions I have reached. Furthermore, the access point would be clearly seen from the public domain from the adjacent access road. Whilst I accept that it would not be as prominent as the garage or any parked vehicles, listed buildings are protected for their inherent architectural and historic interest irrespective of whether or not public views of the building or any of their curtilage structures can be gained. Although the parking of vehicles in the open could be controlled by a condition, this would not mitigate the harm caused by the other elements of the proposal, as previously discussed.
13. Given the above, I find that the proposal would fail to preserve the special interest of the listed building, its setting and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
14. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given location of the proposed changes, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
15. Under these circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellants are of the opinion that the proposal would be beneficial because it would help to alleviate the visual intrusion and physical disruption caused by on-road parking. Although only a snapshot, I observed a number of vehicles parked on

the roads of the village at the time of my visit and acknowledge that this could be detrimental to the appearance of the CA at busier times. I accept that a reduction of this pressure would constitute a public benefit but do not find that it outweighs the harm that would be caused to the listed building or the wider CA through the fundamental change in character that would result from parking within the garden of this dwelling. Furthermore, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.

16. Given the above and in the absence of any public benefit that would outweigh the harm that would be caused, I conclude that, on balance, the proposal would fail to preserve the special historic interest and setting of the Grade II listed building and the character and appearance of the Ashton Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 and 131 of the Framework and conflict with policies 2 and 8 of the *North Northamptonshire Joint Core Strategy 2011-2031* (2016) that seek, among other things, to ensure that proposals conserve the heritage significance and setting of assets in a manner commensurate to their significance and respond to local character. As a result the proposal would not be in accordance with the development plan.

Other Matters

17. I acknowledge the recommendations and issues in the recently adopted CA review¹, including the proposed 'back lane' and suggested garden land take. However, planning law² requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The management plan is not part of the development plan and whilst a material consideration, it does not carry same weight. Given the conflict with development plan policies and the Act, I am satisfied that a robust principle has not been established concerning the acceptability of off-road parking in this particular instance. The harm that would be caused clearly outweighs the recommendations of the adopted guidance irrespective of any alleged lack of comment from Historic England on the latter.
18. I also acknowledge the local interest shown in the proposal and have had full regard to the representations made at the application and appeal stages. The level of local support is not, in itself, a reasonable ground for allowing the appeal. To carry significant weight, any support should be founded on valid planning reasons and substantiated evidence. Having taken account of all the evidence before me, I am not satisfied that the support outweighs my findings in relation to the main issue or any of the other matters raised.

Conclusion

19. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR

¹ Ashton Conservation Area Appraisal and Management Plan 2017

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)