



Appeal Decision

Site visit made on 3 April 2019

by E. Brownless, BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 17th July 2019

Appeal Ref: APP/K0235/W/18/3218957

Old Chapel, Park Road, Stevington, MK43 7QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Red Eagle Securities Ltd. against Bedford Borough Council.
 - The application Ref: 18/02025/FUL is dated 1 August 2018.
 - The development proposed is described as 'change of use from building to residential (C3)'.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Red Eagle Securities Ltd against Bedford Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal results from the Council's failure to reach a decision on the information submitted by the appellant. There is no formal decision, as jurisdiction over that was taken away when the appeal was lodged. However, I note the assessment and conclusions submitted in the statement of the Council, which sets out its concerns regarding the effect of the submitted details and plans on the appeal building. To this effect, the Council has suggested the wording it would have used had it made a formal decision.
4. The draft Local Plan 2030 has been submitted for examination. However, as it has yet to be examined and found to be sound, it could still be subject to change. Therefore, I attach limited weight to the emerging Local Plan as a material consideration.

Main Issue

5. The main issue is the effect of the proposal on a non-designated heritage asset.

Reasons

6. The appeal building is a former Methodist Chapel that was built circa 1860 of brick with slate roof. It appears largely unaltered with side elevations that consist of four arched windows with alternating buff and red brick above. Similar detailing exists over the windows and a doorway within the front gable elevation together with further detailing to the eaves and verges. The Bedford Borough Historic Environment Record (HER) acknowledges the building for its

local heritage significance. In addition to its high-quality design and the use of local building materials, the building is recognised for its religious and social history in the village.

7. Paragraph 197 of the National Planning Policy Framework (the Framework) requires the effect of an application on the significance of a non-designated heritage asset (NDHA) should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I am cognisant of the appellant's comments that the appeal building is not locally listed. However, whilst the Framework recognises that heritage assets can be identified through the local list, this is not an exclusive requirement and inevitably some NDHAs will only be identified through the planning application process. Accordingly, I am satisfied that paragraph 197 of the Framework is engaged in this instance.
8. The Council's concerns, in part, involve the insertion of a new first floor cutting across the arch of the existing windows. The appellant has sought to address the Council's concerns by providing an amended plan which includes shallower floor joists with an area of raised ceiling to avoid any obstruction of the existing windows. At the time of my site visit I observed there were a number of wooden supports to the side wall. Whilst the appellant makes reference to a structural report, none has been provided in support of the appellant's case. Given the absence of any substantive evidence to support that the appeal building is structurally sound, particularly given that the plans supporting the application have changed during the planning process, I find that there is no certainty that the proposal would not affect the significance of the heritage asset.
9. Albeit the exterior of the appeal building would be largely unaltered, the proposal would include the insertion of a number of roof lights within each elevation of the roof slope. Given that the appeal building occupies a prominent location at the side of an open area of grass at the junction of Foxbrook and Park Road, the side profile of the appeal building is readily visible. The roof slope is presently unbroken and therefore the eye would be naturally drawn to the roof lights which would appear overtly domestic and a discordant addition to the roof slope.
10. Whilst the view of the roof from the opposite side would appear less prominent due to the presence of neighbouring dwellings and their frontage vegetation, notwithstanding that a number of rooflights have been reduced in height, given the totality of rooflights proposed they would nevertheless appear as an unduly dominant and incongruous feature that would erode the intrinsic character and appearance of the appeal building. The proposal would harm the significance of this NDHA.
11. I have considered whether a suitably worded condition could be imposed upon the planning permission to require further detail of the construction of the new floor and a reduction in a number of rooflights. However, I do not consider this to be acceptable given that there is no guarantee that the appeal building is structurally sound and capable of accommodating the proposed works.
12. Reference has been made by the appellant to their being a number of other roof lights within the vicinity. However, there is little information before me relating to the particular circumstances of those developments and whether the

circumstances are therefore comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I find that the availability of roof lights elsewhere does not provide justification for the proposal.

13. Overall, notwithstanding that the Council has no specific design guide concerning rooflights, I consider that the proposal would fail to complement the form and style of the appeal building and would have a significant adverse effect on the character and appearance of the NDHA. Therefore, the proposal would conflict with Policy BE30 of the Bedford Borough Local Plan (2002) and Policy CP23 of the Bedford Borough Council Core Strategy & Rural Issues Plan Development Plan Document (2008) insofar as these policies seek to protect the character of built heritage.

Other Matters

14. I have had regard to the statutory duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 given the effect of the proposal on the setting of the Grade II listed buildings, Barringer Almshouses (LB). Whilst the LB and the appeal building were historically set in open land and demonstrate the historic development of the village, by reason of nearby modern developments the rural setting has been eroded and as such, I find that the proposal would not result in any greater harm to the significance of the designated heritage assets. The Council's heritage officer states that the appeal building makes a minor positive contribution to the setting of the LB and has raised no objection to the proposal affecting its setting. Based on the evidence before me, I see no reason to take a different view.
15. I recognise that the proposal would provide an additional dwelling and secure the future use of a vacant building, however, the weight that I attach to these benefits is modest and insufficient to outweigh the significant harm I have identified above.
16. I note the appellant's view that there is no objection to the principal of residential use by reason of the appeal building being located within the settlement policy area and with access to a number of services and facilities. In addition, I accept that the design protects the living conditions of neighbouring occupiers, it is not located within a conservation area, it has not been in recent community use nor does the level of employment use justify protection in policy terms. However, the absence of harm is a neutral factor that weighs neither for nor against the proposal.
17. I note the appellants frustrations that the Council's Heritage Officer (CHO) was not re-consulted regarding the amended plan. However, the original comments covered the position relating to the original plans and also provided advice in the eventuality that the proposal was amended in a manner to avoid the new floor interrupting the window arches.
18. I note the appellant's comments that the roof lights may be capable of being permitted development in accordance with the General Permitted Development Order once a residential use is established. However, as no such residential use exists, I attach negligible weight to this argument in support of the proposal.

19. The appellant comments that the HER is a private record undertaken without consultation and unavailable to the public. However, there is no substantive evidence before me to substantiate this claim and moreover based upon my observations at my site visit I concur with the description provided by the HER.

Conclusion

20. For the reasons given above, and having taken all relevant matters into account, the appeal is dismissed.

E Brownless

INSPECTOR