



Appeal Decision

Site visit made on 5 August 2019

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2019

Appeal Ref: APP/P0240/D/19/3231406

Marquis House, Marquis Hill, Shillington SG5 3HD

- 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 Mark Devon against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00423/FULL, dated 8 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is a new two car garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Marquis House is a Grade II listed building. Listed Building Consent was refused for the scheme. However, no alterations are proposed to the listed building. I have therefore considered this as a section 78 appeal only.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, and whether it would preserve the setting of the listed building.

Reasons

4. The dwellings on this side of Marquis Hill are typically set well back from the road, with countryside opposite. The areas between the front face of the dwellings and the road generally contain few, if any, structures. Whilst the design and proportions of the houses are varied, their siting behind open gardens, landscaping and parking areas, gives the area a significant sense of cohesion, and contributes to its discrete rural character.
5. Marquis House, which is set well back behind areas of parking, landscaping and a tall hedgerow, reflects this locally distinctive pattern. It is a substantial property, finished in a mix of materials including white painted render, brickwork, timber boarding and clay tiles. Although the building is partially screened from Marquis Hill by a tall boundary hedgerow, public and private views of its front face are uninterrupted by structures; and the uncluttered forecourt and garden contribute to its significance.

6. The National Planning Policy Framework ('Framework') defines listed buildings as designated heritage assets. Its paragraphs 192 to 194 state that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets; and that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Any harm, including from development within its setting, should require clear and convincing justification.
7. This is in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard be had to the desirability of preserving listed buildings or their settings.
8. The proposed garage would be finished in an appropriate timber, brick plinth and clay tile construction, to reflect the materials on the host property and its associated outbuildings. Its scale would be fairly modest and subordinate to the house. However, in this location, set back roughly 3m from the highway boundary, it would be much closer to the road than most other buildings on this side of Marquis Hill. As such it would not respect the prevailing pattern and grain of development.
9. The garage would be largely hidden from public views by the hedgerow, which is shown as being kept behind a railway sleeper retaining wall. However, the appellant sets out that he is not reliant on this to justify the proposal. In any event, I cannot be certain that the hedgerow would be maintained in a suitable condition and at an appropriate height such as to permanently screen it.
10. Paragraphs 7.03.21 and 7.03.25 of the Central Bedfordshire Design Guide 2014 set out that garages should not dominate the house or be intrusive in the streetscene, and that buildings in the front gardens of detached houses will only be considered acceptable where they form part of the existing character of the street. Whilst the scheme may result in less visible parking, the proposed garage here would conflict with that approach.
11. Moreover, the proposal would detract from the largely open and uncluttered space between Marquis House and the road. Despite the scheme's modest scale and its siting some distance from Marquis House's front face, should the boundary hedgerow deteriorate, be significantly lowered or removed, in this forward location, centrally in front of the listed building, the garage would dominate views of it from the road.
12. The detached garages at 27 Marquis Hill are closer to the road than that dwelling. However, they are off set to one side, and are set back significantly further from it than would be the case here. My attention has also been drawn to a car port on High Road near the front of the Grade II listed Crown Public House. However, that site is in another part of Shillington whose character differs from that here, and where there are other buildings close to the highway edge.
13. For the above reasons, the scheme would conflict with Policies CS14, CS15 and DM3 of the Central Bedfordshire Core Strategy and Development Management Policies Plan 2009. Amongst other things, they require development to respect the local context and distinctiveness; and to protect, conserve and enhance listed buildings including their settings.

14. It would also conflict with the Framework's stance at Section 12 that development shall be sympathetic to local character and history, including the surrounding built environment and landscape setting.
15. In the language of the Framework, the harm to the setting of this designated heritage asset, whilst significant, would be less than substantial. In its favour, the scheme would be fitted with electric car charging points, without which ownership of such vehicles would be difficult given the absence of such public facilities nearby. Having regard to the Planning Practice Guidance, this constitutes a modest public benefit. However, I am not persuaded that this is the only way in which that benefit could be achieved, or that fitting charging points elsewhere would necessarily harm the listed building's significance.
16. Applying Framework paragraph 196, the modest public benefits arising from the proposal would not outweigh the harm that it would cause.
17. I note that there were representations in support of the scheme, including from Shillington Parish Council. However, for the above reasons, the scheme would conflict with the development plan, and having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR