



Appeal Decision

Site visit made on 24 September 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2019

Appeal Ref: APP/K0235/D/19/3231026

The Pip, Church Hill, Ravensden MK44 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Adam Webster against the decision of Bedford Borough Council.
 - The application Ref 19/00217/S73, dated 25 January 2019, was refused by notice dated 25 March 2019.
 - The application sought planning permission for: *Proposed new swimming pool and enclosure with link to main house, demolition and relocation of double garage, new pitched roof to existing flat roof extension, window modifications*, without complying with a condition attached to planning permission Ref 18/00360/FUL, dated 20 June 2018.
 - The condition in dispute is No 1 which states that: *The development shall be carried out in accordance with the plans and documents listed on this notice.*
 - The reason given for the condition is: *For the avoidance of doubt.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted by the Council for extensions and alterations to a dwelling known as The Pip. Part of the approved development was the construction of a new boundary treatment. Work on this has begun but the development carried out does not reflect the development which was approved.
3. Planning permission has since been sought retrospectively for a different boundary treatment via an amendment to the approved plans specified in the decision notice for the above permission. Condition 1 of that permission requires compliance with the plans specified on the decision notice. But the Council has refused the amendment sought and this has led to this appeal.
4. The main issue is therefore whether the condition is necessary and reasonable having regard to the character and appearance of the area, including the setting of the nearby grade I listed All Saints Church.

Reasons

5. The appeal site is in the countryside within the village of Ravensden. It contains a large detached dwelling, known as The Pip, on a prominent plot on the outside of a bend of Church End, the principal road which runs through the village.
6. Viewed from the street, a dwelling known as Whitegates occupies the plot to the left, between the appeal site and All Saints Church. A dwelling known as Tudor House is sited to the right of the appeal site. The appeal site has a wide frontage and is clearly seen, raised up on a hill, when entering the village from the southwest and when passing by in either direction.
7. The area has a rural character which is in part influenced by soft front boundary treatments seen on this part of the road. These generally consist of hedgerows and/or low picket fences. Tudor House has a tall, solid brick front boundary wall with metal entrance gates but this treatment is not typical of the area and is set far back from the road limiting its effect on the character and appearance of the area.
8. The approved front boundary treatment for The Pip consisted of tall railings between brick piers topped with caps, seated on top of a solid brick retaining wall. The treatment for which approval is now sought is taller overall and includes shorter railings and a greater proportion of solid brick facing the road. The effect of the amendment sought is a significantly taller and more solid boundary treatment. This gives the appeal site a fortress-like appearance which is incongruous in this rural context and harmful to the area's character and appearance.
9. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Significance can be harmed or lost through development within its setting.
10. The significance of All Saints Church as a heritage asset is in part due to the aesthetic value of its tall tower which stands on a high point dominating views around the village. It is a focal point within this an agricultural setting and buildings around it are generally lower and modest in character. At my site visit I saw a key view of the church is revealed and appreciated when entering the village from the southwest on Church End. The boundary treatment for the appeal site is clearly seen within this same view.
11. The church occupies higher ground than the appeal site and has a prominent tower. But the combination of the height and hard materials for the boundary treatment proposed on the appeal site and its proximity to the viewer at this point, means it competes for attention with the church tower. It draws attention away from the church tower to the detriment of its setting and accordingly its significance.
12. In my judgement, the contribution that the appeal site makes to the setting of the church changes from neutral to negative as a result of the development which is before me, even though another dwelling separates the appeal site from the church. Consequently, the appeal development would cause harm to

the setting of the church and harm to its significance as a designated heritage asset.

13. The harm would be less than substantial. Nevertheless, any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 196 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal. In this case I am not satisfied there are any public benefits of the proposal that outweigh the harm to the significance of the heritage asset.
14. At the time of my site visit shrubs had been planted on land in front of part of the wall and these screen the wall to some extent. The appellant does not dispute that land between the wall and the road is not all controlled or owned by them. Whilst there may be no evidence to indicate there is a realistic likelihood of this planting being removed, the overall height of the wall remains apparent and significantly exceeds any other built boundary treatment seen from the road in the area.
15. Moreover, planting can die, be removed or become seriously damaged or diseased and I have not been made aware of any means by which its replacement along the entire length of the wall may be secured as part of any permission for the development which is before me, particularly as at least part of this land is not within the control of the appellant. So I do not consider planting is adequate mitigation for the effect of the development in this case.
16. I conclude condition 1 of the existing permission is necessary and reasonable having regard to the character and appearance of the area, including the setting of All Saints Church. Accordingly condition 1 should not be varied and the variation sought would not comply with Policies CP21 and CP23 of the Bedford Borough Core Strategy and Rural Issues Plan 2008, saved Policies BE21, BE29 and BE30 of the Bedford Borough Local Plan 2002 or the historic environment policies of the Framework. Together these seek that development is designed to the highest standards having regard to visual impact and the relationship with context, and that the setting of listed buildings is preserved.

Other Matters

17. The appellant raises concern about condition 6 imposed on the previous permission but this is not a good enough reason to allow this appeal in light of the harm identified above. It is open to the appellant to apply to have condition 6 removed or altered if they wish, or to seek permission for a revised scheme.

Conclusion

18. For the reasons given above the appeal is dismissed.

L Perkins

INSPECTOR