



Appeal Decisions

Site visit made on 12 November 2019

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 21st November 2019

Appeal A

Appeal Ref: APP/X0415/W/19/3235481

The Meades, 32 Germain Street, Chesham, Buckinghamshire, HP5 1LH

- 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 Crosby against the decision of Chiltern District Council.
 - The application Ref PL/18/3736/FA , dated 8 October 2018, was refused by notice dated 13 June 2019.
 - The development proposed is described as "repair to wall and insertion of garage doors".
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Appeal B

Appeal Ref: APP/X0415/Y/19/3235480

The Meades, 32 Germain Street, Chesham, Buckinghamshire, HP5 1LH

- 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 Crosby against the decision of Chiltern District Council.
 - The application Ref , CH/2017/2364/HB dated 22 December 2017, was refused by notice dated 13 June 2019.
 - The works proposed are described as "rehabilitation of wall and introduction of opening".
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Decisions

1. Appeal A is allowed and planning permission is granted for repair work to existing wall and introduction of opening with wooden access gates at The Meades, 32 Germain Street, Chesham, Buckinghamshire, HP5 1LH in accordance with application ref PL/18/3736/FA, dated 8 October 2018 and the plans submitted with it and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Before any construction work commences, named types and samples of the materials to be used in the construction of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in the approved materials.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - 2706.01, Proposed Site Plan - 2706.04, and Wall Details - 2706.05A.

2. Appeal B is allowed and Listed Building Consent is given for repair work to existing wall and introduction of opening with wooden access gates at The Meades, 32 Germain Street, Chesham, Buckinghamshire, HP5 1LH in accordance with application ref CH/2017/2364/HB dated 22 December 2017, and the plans submitted with it and subject to the following conditions:
 - 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Before any construction work commences, named types and samples of the materials to be used in the construction of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be constructed in the approved materials.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan - 2706.01, Proposed Site Plan - 2706.04, and Wall Details - 2706.05A.

Procedural Matter

3. The Council altered the description of development for both applications to "repair work to existing wall, introduction of opening with wooden access gates". As this more accurately describes the development and works proposed, I have also used this description in the determination of the appeals.

Main Issues

4. The first main issue for both appeals is whether the works and development proposed would preserve the Grade II listed building known as The Meades or any features of special architectural or historic interest that it possesses and whether the proposal would preserve or enhance the character and appearance of the Chesham Conservation Area.

Reasons

5. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. Policies LB1 and LB2 of the Chiltern District Local Plan (Local Plan) seek to ensure that new development, including development within the setting of a Listed Building, does not adversely affect the character of listed buildings. These policies reflect the statutory duties defined in the Act and are consistent with guidance in the National Planning Policy Framework (the Framework).
6. The Meads is a Grade II listed building. It was constructed in the late 19th Century as a residential dwelling and is an attractive example of a building from the period. The balanced proportions of the front façade, and the space around the dwelling contribute to the varied streetscene and the established character of this part of the Chesham Conservation Area. The building sits on an extensive plot that also contains the smaller Little Meads and Barn. The wall is curtilage listed as it forms part of the boundary to The Meads. The section in question forms part of a stretch of brick and flint walling which is

visible from King Street to the south, where it runs to the rear of an off-street parking area, itself separated from the highway by a lower brick wall.

7. As part of a short section of boundary in brick with flint infill panels, which is distinct from the adjacent walling, it makes a small contribution to the wider setting of the main heritage asset of The Meads and contributes to the setting of Little Meads and The Barn and the appearance of the Conservation Area. The contrast with the adjoining brick built boundary suggests that the stretch of wall in question predates The Meads, although there is limited evidence to identify its origin. It therefore may hold some significance due to its antiquity, although I noted on site that the wall appears to have been rebuilt and repaired in places, with the varying age of materials evident from the differing colour of brickwork.
8. The proposal comprises the demolition of a section of the brick and flint wall and the insertion of a pair of double wooden gates within the rebuilt wall. The proposed gates would be larger versions of the existing wooden doorway which already provides access from the parking area. Although not mentioned in the description of development, the plans show an extended area of hardstanding to the rear of the gates to facilitate the use of part of the area adjacent to Little Meads for parking. The proposals also include removal of a short section of the "outer" brick boundary fronting King Street.
9. The application is supported by two structural surveys. One of these¹ identifies the wall as being unstable. I noted on site that the wall was leaning outwards towards the adjoining car park, and that in parts the upper sections of the wall were bowed and starting to twist. I have no way of identifying how long this movement has been in place, and have no compelling evidence that the structure is in immediate danger of collapse. Nevertheless, I see no reason to disagree with the appellant's view that in the interests of public safety some structural work will be required to support the wall.
10. The Council are of the view that the original structure should be retained and propped or supported with buttresses on the car-park side. Setting aside any implications for parking I am not convinced that such works would be visually appropriate in this case. I am therefore of the view that some rebuilding of the wall will be necessary and that this may lead to the loss of some historic fabric.
11. I note that the provision of brick piers to facilitate the gates would enable sections of the wall to be retained in situ. This approach has some merit in facilitating the long term retention of parts of the structure. The height of the boundary wall would be retained and the gates would be set within the wall, with coping above. A solid boundary would be maintained, along with the existing sense of enclosure which is characteristic of this part off the Conservation Area. I noted on site that the existing wooden entrance through the wall was unobtrusive and although the proposed gates would be wider, I am satisfied that once established they would not feature prominently in views into the site. In this regard the visual impact of the changes on the setting of the listed buildings, and upon the wider Conservation Area would therefore be very limited.
12. The Council have raised no concerns regarding the use of the garden for parking, or the removal of a short section of the brick wall to facilitate access

¹ Report by Mark Crosby July 2018

to the existing parking area. Whilst I do not share the views of neighbours, that this would lead to an intensification of use of The Barn, the provision of parking behind the listed wall would have a small erosive effect on the character of the curtilage and with it the wider setting of the heritage assets.

13. The harm identified would amount to "less than substantial harm" which the Framework advises must be weighed against the public benefits of the scheme. The proposal would provide additional parking for the adjoining properties. As on-street parking is tightly controlled along King Street so the proposal would not lead to a reduction in overspill parking in the immediate area. It would nonetheless provide improved parking for 3 private properties and I attribute some limited weight to this benefit.
14. I note that the highways authority are satisfied with the access arrangements and concur that the proposal is unlikely to be detrimental to highway safety. Furthermore, I do not consider it likely that the extent of likely use would cause any loss of amenity for adjoining residential occupiers. These matters are therefore neutral factors and the absence of harm in these regards does not weigh in favour of the proposal.
15. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets great weight should be given to the asset's conservation. The scheme as proposed would enable parts of the original fabric to be retained and repaired and I attribute greater weight to this benefit than to the very limited visual harm that would occur as a result of the scheme. When considered as a whole, the historic interest of the heritage assets would be preserved.

Conclusion

16. I therefore conclude that the proposal would preserve the historic and architectural interest of the Listed Building known as The Meades. I find no conflict with Policies LB1 and LB2 of the Local Plan which both seek to ensure new development does not adversely affect buildings listed as being of architectural or historic interest. Neither would it impact upon the character or appearance of the Chesham Conservation Area, and so I find no conflict with guidance with the Framework. Having regard to these and all other matters raised, the appeals are allowed.

Conditions

17. I have considered the conditions put forward by the Council in the light of the guidance contained with Planning Policy Guidance. In addition to conditions in relation to time and implementation in accordance with the approved plans, for the avoidance of doubt, I also consider it reasonable and necessary to require that details of materials are approved prior to construction. The Council have also suggested that a historic record of the wall is made prior to development. However, having regard to the small proportion of the original wall which is proposed to be lost I do not consider that this condition is necessary to make the scheme acceptable.

A Jordan

INSPECTOR