
Appeal Decisions

Site visit made on 4 November 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal Ref: APP/X0415/W/19/3229215

Norton House, 46 Whielden Street, Amersham HP7 0HU

- 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 & Mrs I Dunleavy against the decision of Chiltern District Council.
 - The application Ref PL/19/0145/FA, dated 15 January 2019, was refused by notice dated 8 April 2019.
 - The development proposed is a single storey rear extension, small first floor enlargement to existing shower room and internal alterations.
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Appeal Ref: APP/X0415/Y/19/3229224

Norton House, 46 Whielden Street, Amersham HP7 0HU

- 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 & Mrs I Dunleavy against the decision of Chiltern District Council.
 - The application Ref PL/19/0146/HB, dated 15 January 2019, was refused by notice dated 8 April 2019.
 - The works proposed are a single storey rear extension, small first floor enlargement to existing shower room and internal alterations.
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Decisions

Appeal A Ref: APP/X0415/W/19/3229215

1. The appeal is dismissed.

Appeal B Ref: APP/X0415/Y/19/3229224

2. The appeal is dismissed.

Preliminary Matter

3. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Background and Main Issues

4. The Council has given listed building consent and planning permission for internal alterations, a first floor extension, and a 4m deep, ground floor, rear extension of similar appearance to that the subject of these appeals, but which would be 6.1m deep. However, it concludes that this latest proposal would not preserve the listed building.
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5. Therefore, the main issue is whether the proposal would preserve the grade II listed building whose statutory address is given as 44 46, Whielden Street, and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The listing description describes the building, listed for group value, as 1693 but altered in the C18. Its rear elevation is significant for its generally fine architectural texture, in terms of both the scale of the built forms and the elements of townscape which form them. The building displays incremental enlargement to the back since its subdivision into two houses by 1740, first by linking to and incorporating a former detached store, and later by incorporating what is presently the kitchen. I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its origin as an early post-medieval structure with surviving historic forms and fabric alongside the legibility, scale, and character of its phased alterations and development, reflecting the character of the group.
7. The Council raised no objection to the first floor extension or internal alterations, and I have no reason to disagree. The focus of its concern is the proposed ground floor extension. This would fill in most of the back yard between what was once possibly stables, and the boundary wall to the adjoining house. The rear range has a long footprint and is linked back past the former detached store into the developed space between the original building and the former detached store.
8. The rear range would lose most of its long, open aspect, which isolation reduces its impact on the rear of the main section of the building, in terms of its scale as a single mass. The proposed extension would run up to the existing outhouse in the presently open, former yard. The overall effect of the extension would be to overwhelm the finer scale of the back of the building with an extension disproportionately deep in relation to the listed building and its historical, incremental development back from the street.
9. I have taken into account the consented proposal with an extension of 4m. However, this would reduce the open aspect of the rear range proportionately less, and it would retain a separation from the outbuilding, unlike this proposal. I appreciate that the eaves of the extension would be low and that its appearance would make it read as a distinct element, with some transparency through to the fabric behind. This would diminish its impact, but the effect of its footprint, particularly its depth, and its diminishing of the legibility of the existing forms of the building and the more modest scale of the increments of its phased development would remain.
10. I find no harm from the present pair of timber doors which would be removed as part of this proposal sufficient to mitigate the harm identified. I acknowledge that being confined to the ground floor and back of the building, the works would have only limited prominence in views from the open space behind the plot. However, listed buildings are safeguarded for their inherent, special architectural and historic interest, irrespective of whether or not public views of them can be gained.
11. The ground floor extension would not preserve the special architectural and historic interest of the grade II listed building, contrary to the clear expectations of the Act. It would conflict with saved policy LB1 of the Chiltern

District Local Plan 1997 consolidated in 2007 and 2011 (LP) which says that planning permission and listed building consent will not be granted for extensions or alterations to a listed building which would not preserve its character and appearance as a building of special architectural or historic interest.

12. Paragraph 193 of the National Planning Policy Framework 2018 (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. Both the Council, and the appellants in their heritage impact assessment, have found that the harm from the proposal would be less than substantial. While I have had regard to the appellants' position in their appeal statement, I agree with these conclusions. However, this does not equate to a less than substantial planning objection, particularly so where the statutory test is not met.

Other Matters

The setting of neighbouring listed buildings

13. The Council raised no objections in terms of the effect of the proposal on the setting of surrounding listed buildings and the Amersham Old Town Conservation Area. Given the height of the intervening boundary enclosures between the listed buildings fronting Whielden Street and the buildings developed behind them, the proposed extension would have such limited impact on their setting that they would be preserved in accordance with the expectations of the Act, and the requirements of saved LP policy LB2 which protects the settings of listed buildings. Nor would there be any conflict in this regard with the objectives of the Framework which recognises the potential for harm to the significance of a designated heritage asset from development within its setting.

The Amersham Old Town Conservation Area (CA)

14. I have found harm from the proposal to the significance of the listed building, which contributes to the sum of architectural and historic interest of the CA, particularly the appearance of the buildings and the scale of their incremental development behind the street frontages, in which context the extension would be visible from the footpath across the open area behind Whielden Street.
15. Notwithstanding this, and mindful of the special attention which the Act requires is paid to the desirability of preserving or enhancing the character or appearance of the CA, the difference between this proposal and the fallback position of the 4m extension which has already been consented and which appears a realistic prospect is extremely limited. In regard to the CA as a whole, in these circumstances I find the proposal would not be detrimental to the CA and would thus preserve its significance. There would be no conflict with saved LP policy CA1 which says that planning permission will not be granted for extensions to buildings in a conservation area which do not preserve or enhance its character or appearance.

Planning Balance

16. Notwithstanding the lack of harm to the setting of the neighbouring listed buildings and to the CA, the proposal would fail to preserve the special

architectural and historic interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals. Paragraph 196 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.

17. The appellant claims that the works would trigger investment into repairs and modernisation of the house. However, I have no substantive evidence of the condition of the building and the need for repairs or modernisation, or that without this proposal the continued use of the building would be in jeopardy. Similarly, I can identify no problem of integration between the house and the garden which this proposal would overcome, nor is the design of the extension so exceptional that allowing it would be in the public interest. While I understand the factors in favour of the proposal, they do not amount to a public benefit, and they would not, in any event, outweigh the harm to the listed building.
18. In the absence of any defined public benefit, I conclude that the proposal would fail to preserve the special architectural and historic interest of the grade II listed building, as well as the requirements of the Act, paragraph 192 of the Framework, and the requirements and objectives of the development plan.

Conclusion

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

Patrick Whelan

INSPECTOR