
Appeal Decisions

Site visit made on 22 November 2019

by A L McCooey BA MSc MRTPI

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

Decision date: 10 December 2019

Appeal Ref: APP/F1610/W/19/3230448

Bourton Lodge, Sherborne, Cheltenham, GL54 3DS

- 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 Alistair and Mrs Jane Hett against the decision of Cotswold District Council.
 - The application Ref 19/01335/FUL, dated 9 April 2019, was refused by notice dated 6 June 2019.
 - The development proposed is a single storey infill extension and new window.
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Appeal Ref: APP/F1610/Y/19/3230451

Bourton Lodge, Sherborne, Cheltenham, GL54 3DS

- 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 Alistair and Mrs Jane Hett against the decision of Cotswold District Council.
 - The application Ref 19/01336/LBC, dated 9 April 2019, was refused by notice dated 6 June 2019.
 - The works proposed are a single storey infill extension and new window.
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Decision

1. The appeals are dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve the grade II listed building Bourton Lodge or its settings or any features of special architectural or historic interest which it possesses; and
 - whether the proposal would preserve or enhance the character and appearance of the Sherborne Conservation Area and the Grade II listed Sherborne House Registered Park and Gardens and sustain their significance as designated heritage assets.

Reasons

3. Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The site is within the Sherborne Conservation Area. Section 72 of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The site is also within the registered Sherborne House Park and Gardens (Grade II listed). The cast-iron gates and ashlar stone piers adjoining Bourton Lodge are listed in their own right. The Local Planning Authority raises no specific concern regarding the effect on the setting of the gates and pillars and I have no reason to disagree.
4. I have taken into account the relevant policies of the Cotswold District Local Plan and the policies and guidance within the revised National Planning Policy Framework (NPPF), in particular those that were drawn to my attention. Policy at local and national level requires consideration of the significance of the heritage asset, the effect of the proposal on that significance and its features and setting, and consideration of the public benefits that may outweigh any harm caused to the heritage asset.
5. The single storey Ashlar listed building is a former gate lodge to Sherborne House (one of several gate lodges), dating from around 1840. The building has been extended under planning permissions granted prior to listing. In 2011 planning permission and listed building consent were granted for the demolition of a conservatory and a single storey side extension with cellar.
6. The significance of the listed building derives from its history and design as a small gate lodge. The 20th century extensions were present prior to listing and were judged to not detract from that significance. The proposed extension, whilst relatively modest, would be detrimental to the historic form and design of the gate lodge.
7. The proposed insertion of a window in the front elevation would be detrimental to the appearance and character of the building. The lodge had minimal windows in the front elevation and the previous extensions were designed to replicate that feature. The proposed window would adversely affect the character of the building by altering the ratio of solid wall to window. The benefits of additional light to the small study would not justify the harm caused by the insertion of the window.
8. The Council has supplied existing plans and photographs showing the building as it existed prior to any extensions being constructed. This evidence shows that the existing western wall that would be enclosed by the proposal is an original wall of the building. A window was inserted in the wall in the 1980s, but the remainder of the section of wall is original. This is the only remaining visible section of the side wall of the original building and is therefore of significance.
9. The listing description does focus on the features of the front of the building, but it is the entirety of the building that is listed. The significance of the side elevation is not diminished by the absence of a reference to its features in the listing.

10. In summary, I conclude that the proposal would cause harm to the listed building for the following reasons: it would increase the size of a building that was listed as a modest gate lodge of simple form. The cumulative impact of another extension would be detrimental to historic form of the listed building. The evidence is that the extension approved post-listing replaced an existing conservatory. The extension would enclose the sole remaining section of the original side wall of the building and the proposed insertion of a window in the front elevation would be detrimental to the historic form and architectural design of the gate lodge.
11. The building is an important feature of the Conservation Area near Sherborne House. It is close to the edge of the parkland within the registered park and gardens. The lodge occupies an important position on the approach to Sherborne House and gardens. Whilst public views may be limited, this does not diminish the importance of this listed building in the overall Conservation Area. The harm caused to the building by the proposal (as described above) would neither preserve or enhance the character or appearance of the Conservation Area and would have a detrimental effect on both the Conservation Area and Registered Park and Garden.
12. The harm caused to the heritage assets would be less than substantial. The NPPF and local plan policies require that consideration is given to any public benefits that may outweigh that harm. The appellant has indicated that an area of modillion cornice to the non-original wall is crumbling and there are other areas of stonework which need attention and or replacement. As a stone mason will be employed when the extension is erected these areas of stonework will be replaced or repaired at the same time thereby maintaining the asset for public benefit for the foreseeable future. It is also the intention at the same time to replace the current felt and tack hips to the slated roofs with traditional leadwork with rolls. It is claimed that this will improve the building for public benefit as it will ensure the longevity of the building fabric.
13. I consider that these are basically maintenance works to a listed building, which are the responsibility of the owner. The building is in beneficial use and not at risk. The claimed enhancement works do not therefore constitute sufficient public benefit to outweigh the less than substantial harm to the heritage assets.

Conclusion

14. For the reasons given above and having regard to all matters raised, I conclude that the proposed development does not comply with the statutory tests in Sections 16 (2), 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies EN2, EN10 and EN11 of the Cotswolds Local Plan; and Sections 12 and 16 of the NPPF. I have taken account of the evidence in support of the proposal and the stated benefits. These considerations do not outweigh the harm that has been identified and I therefore dismiss the appeals.

A L McCooey

Inspector