
Appeal Decision

Site visit made on 3 July 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal Ref: APP/J0405/D/20/3247343

Porte Bonheur, Duck Lane, Maids Moreton, Buckingham MK18 1RF

- 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 Alan Cooper against the decision of Aylesbury Vale District Council.
 - The application Ref 19/04236/APP, dated 27 November 2019, was refused by notice dated 7 February 2020.
 - The development proposed is demolition of garage, erection of two storey extension and remodelling of existing house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While I note the description of development in the decision notice, I have used the description from the application form in the interests of certainty.
3. I note the Vale of Aylesbury Local Plan 2013-2033 Proposed Submission Plan (November 2017) as Proposed to be Modified (October 2019) (showing main and additional modifications). However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and
 - whether the proposal would preserve or enhance the character or appearance of Maids Moreton Conservation Area (MMCA) and the setting of the neighbouring Listed Buildings.

Reasons

Character and appearance

5. The area surrounding the site is generally characterised by modest dwellings in a mix of styles and forms that gives the area an attractive and semi-rural character and appearance.

6. The proposal includes two storey extensions and remodelling of the house that would significantly enlarge the property. The existing building is set back from the road and is orientated perpendicular to the street such that it is not prominent from the highway. The scheme includes an extension to the front elevation that would be parallel to the road. I acknowledge that the ridge height of this portion of the proposal would be lower than the existing building and would be set back from the highway. However, together with the side extension from which it will project, it would nevertheless add considerable mass to the property that would result in a bulky appearance and would appear incongruous in the area characterised by modest dwellings.
7. I note that views of the extension would be primarily from the southern approach and that there are a number of trees in front of the site. However, there is no certainty regarding the permanence of the trees or their coverage. Given the massing of the proposed extensions, the scheme would appear prominent from the street compared with the existing dwelling and would adversely affect the character and appearance of the area.
8. I note the planning permission for a proposal on a nearby site. However, at the time of my site visit, that proposal appeared not to have begun and from the evidence before me there is little indication that that development will be built. Even if that proposal was built, it would not obstruct all views of the proposal. Moreover, given the significant increase in mass of the appeal dwelling it would still appear incongruous compared with the largely modest dwellings nearby and would not alter my conclusion on this main issue.
9. I note that the proposal would alter the hipped roof of the existing building to a gabled roof and the extensions would also have gabled roofs. Along with the removal of the bay windows, these changes would result in the original character and appearance of the existing host dwelling being significantly altered. The proposed extensions, therefore, would not be viewed against the existing host building, but against the proposed remodelled host building.
10. Since the proposed gabled roof, simple form and materials of the proposed host building would be in line with that of the surrounding properties, the character and appearance of the remodelled host property would not appear incongruous. Accordingly, as the proposals include fundamental alterations to the host property, the proposed extensions would be in keeping with it in terms of style and materials. However, given the overall massing of the proposal which would roughly double that of the existing building, the scheme as a whole would appear bulky and incongruous thereby harming the character and appearance of the area.
11. I note the guidance within the Design Guide Residential Extensions (DG), which is concerned to dissuade would be home extenders from particularly large, unsuitable or overly cost-conscious additions which will destroy the composition of existing buildings. In this instance, given the significant mass of the proposed extensions and the harm to the modest character of the surrounding area, the proposal would conflict with the DG in this particular respect.
12. Consequently, the proposed development would harm the character and appearance of the surrounding area. Therefore, it would conflict with Policy GP9 of the Aylesbury Vale District Local Plan Written Statement Part 1 January 2004 (LP) which among other things, seeks extensions to dwellings that respect the setting of the dwelling and other buildings in the locality. It would also conflict

with LP Policy GP35 which seeks, among other things, new developments that respect and complement the surroundings. In addition, the scheme would conflict with the DG and paragraph 127 of the National Planning Policy Framework (Framework).

MMCA and setting of Listed Buildings

13. The significance of the MMCA lies in the evidence of modest historic vernacular architecture. While the existing building has features that are uncommon in the area such as hipped roofs and bay windows, given its traditional style, it provides a neutral contribution to the significance of MMCA.
14. Nos 1 and 2 Old Bakery Cottages (Nos 1 and 2) and Yew Trees are Grade II Listed Buildings, the significance of which lie in the evidence of original detailing of these historic vernacular buildings. Given the close proximity of the appeal site, it lies within the setting of these Listed Buildings, which is characterised by modest dwellings. Since the scale of the existing dwelling is akin to others along Duck Lane, it provides a neutral contribution to the significance of the Listed Buildings.
15. The proposals would significantly increase the massing of the existing dwelling particularly when compared with Nos 1 and 2, which are modest cottages, and would dominate their setting. While Yew Trees is further away from the proposal, given its position close to the road and roughly opposite to the appeal site, since the proposal would result in a much larger house, it would diminish the setting of this Listed Building.
16. While the proposed materials and elements such as gabled roofs would be in keeping with the Listed Buildings, given the bulky massing of the scheme, it would nevertheless diminish the setting of these Listed Buildings and would adversely affect the significance of the MMCA.
17. I note the non-designated heritage assets cited by the Council. However, these buildings are located a greater distance away from the appeal site than the Listed Buildings and the proposal would preserve the setting of these buildings.
18. Consequently, the proposed development would not preserve or enhance the character or appearance of MMCA and the setting of the neighbouring Listed Buildings. Therefore, it would conflict with LP Policy GP53 which requires that, among other things, proposals for development or redevelopment must respect the historic layout, scale and form of buildings. It would also conflict with the Framework in this particular regard.

Planning Balance

19. The identified harm to the setting of the listed buildings would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Bearing in mind the statutory duty¹ 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, along with the statutory duty² that special attention shall be paid to the desirability of

¹ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

preserving or enhancing the character or appearance of that area, the identified harm to both the MMCA and to the setting of the Listed Buildings carries substantial weight against the proposed development.

20. There are no public benefits in the terms claimed by the appellant and any benefit including securing optimum viable use that would outbalance the harm identified above.

Other Matters

21. I acknowledge that the proposal would provide the appellant with the accommodation that his family requires. However, I have assessed the appeal based on its planning merits and this point has not altered my overall decision.
22. I note the comments of the Council's Heritage Officer for a previous proposal and concerns regarding the service provided by the Council. However, given the harm identified above, these points have not altered my overall decision.

Conclusion

23. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR